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**TRANSCRIPT OF PUBLIC HEARING BEFORE
THE CITY PLANNING COMMISSION
SEPTEMBER 13, 1960**

in the matter of....

Comprehensive Amendment
of the Zoning Resolution
of The City of New York

Borough of Brooklyn

PUBLIC HEARING

before the

CITY PLANNING COMMISSION

in the matter of a

PROPOSED COMPREHENSIVE AMENDMENT

Pursuant to Section 200 of the New York City Charter

of the

ZONING RESOLUTION OF THE CITY OF NEW YORK

consisting of

TEXT AND MAPS

Held at City Hall, Borough of Manhattan

Beginning on September 12, 1960, and continued on
September 13 and 14, 1960.

CONTINUED HEARING- PROPOSED ZONING MAPS FOR THE
BOROUGH OF BROOKLYN
September 13, 1960

CITY PLANNING COMMISSION

James Felt, Chairman
Francis J. Bloustein,
Vice-Chairman
Abraham M. Lindenbaum
Goodhue Livingston, Jr.
Lawrence M. Orton
Michael A. Provenzano
James G. Sweeney
Commissioners

Pauline J. Malter, Secretary

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10:00 A.M.

PROPOSED ZONING MAPS FOR THE
BOROUGH OF BROOKLYN

CP-15820

CHAIRMAN FELT: The meeting will please come to order.

Will the Secretary please call the roll?

SECRETARY MALTER: Chairman Felt, Vice Chairman Bloustein, Commissioner Lindenbaum, Commissioner Livingston, Commissioner Orton, Commissioner Sweeney, Commissioner Provenzano. Quorum present.

This is a continued public hearing in the matter of a Proposed Comprehensive Amendment, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of The City of New York, consisting of text and maps which are a part thereof and which are amended thereto.

The hearing yesterday was held on the text and maps proposed for the Boroughs of the Bronx and Manhattan.

This morning the hearing will be continued and it will be on the proposed zoning maps for the Boroughs of Brooklyn, Queens and Richmond, in that order, unless otherwise ordered by the Commission.

CHAIRMAN FELT: Thank you, Madam Secretary.

I would like to make a brief statement:

The hearing which we hold today marks the third time that the City Planning Commission has invited the public to offer its views on the proposal for a Comprehensive Amendment to the City's Zoning Resolution.

We have heard many statements on this subject during the past two years, pro and con, and we are singularly impressed with the quality and quantity of support we have received.

However, it is on the basis of constructive recommendations that we have been able to improve our proposal and bring it to a point now where we feel confident that it is as equitable a document as can be prepared in a city of so many varied and often conflicting interests.

I wish to thank you for taking the time and effort to assist this Commission in developing this important Zoning Code and to assure you that after passage we will continue to improve and adjust this Resolution where necessary.

It will be helpful if you cooperate today by keeping your remarks as brief as possible, avoiding repetition if the previous speaker covered your points, and to address your comments, as much as possible, to the changes in the Resolution as compared to the earlier draft which was published last December.

The Planning Commission will hear every speaker who appears at this hearing. We are not scheduling any luncheon break so that more speakers may be heard before us and at an earlier hour.

I will try to give you enough time during the lunch hour to permit you to leave and take lunch without missing your speaking turn, which I do not believe will apply to the Brooklyn hearings this morning, but if it does we will so arrange it.

May I also remind you to fill out speaker's slips available in the corridor before you speak, and hand it to the clerk at the time you appear.

Now, I also want to state that this hearing will be

continued beyond today if it is necessary to provide an opportunity to all persons wishing to be heard.

In this connection, I might say that even though our hearings were scheduled for yesterday and today, we will hold hearings beginning 10:00 a.m. tomorrow morning so that if anyone, because of the storm yesterday, was unable to be present, or anyone for any other reason might not be able to appear before us today, they will have their opportunity tomorrow. Because in the final analysis we want to make sure that everyone who wishes to speak has such an opportunity.

Anything you wish to add, Mr. Vice Chairman?

VICE CHAIRMAN BLOUSTEIN: No, Commissioner.

CHAIRMAN FELT: Mr. Bernard L. Hegeman.

BERNARD L. HEGEMAN, representing Brooklyn Real Estate Board.

MR. HEGEMAN: Good Morning, Gentlemen, my name is Bernard L. Hegeman, I am Vice Chairman of the Re-zoning Committee of the Brooklyn Real Estate Board.

Mr. Chairman, Members of the City Planning Commission, an analysis has been made of the effect of the proposed Zoning Resolution on a group of concerns listed in a directory recently published by the Brooklyn Chamber of Commerce listing industrial plants in Brooklyn which employ thirty or more people.

There are 126 firms listed under the letter "A" whose plants are in Brooklyn. In the proposed zoning, as revised on August 18, 1960, 91 of those concerns are mapped in manufacturing districts;

13 in commercial districts and 22 in residential districts.

The total in residential districts is more than 17 per cent of the number involved.

A check on the present zoning of those 22 concerns gives the following breakdown:

Twelve of them are presently in unrestricted zones.

One is in the manufacturing zone.

Six are in business zones.

Three are in residential zones.

Now, of the three in residential zones, one has been a non-conforming user since 1916 on Prospect Park West.

I hold no brief for those people, but I do hold a brief for people who are presently in unrestricted zones or in manufacturing zones, or even in business zones where the use is a conforming use under the present zoning, and who are being put in non-con -- in residential zones and thus may not -- non-conforming users.

A further analysis ~~as to whether~~ the proposed mapping of the 126 companies is ~~proper~~ gives the following results:

Conforming users, there would be 68 of the 126.

Non-conforming users, 36;

And questionable, 22.

The reason for the large number of concerns where the appropriate mapping is questionable is that the list of group users is so vague as to leave doubt as to what category certain trades require, and is completely void in listing certain other manufacturing

lines such as cork products, lighting fixtures and so forth.

I mentioned that yesterday in my talk on the Text.

Our complete analysis of these firms is given on the attached list and I am -- I have additional copies to leave with the City Planning Commission so that they can study it and see just how accurate and exact it is.

Inasmuch as I prepared it myself, it is to the best of my knowledge and belief 100 per cent accurate.

One of the hardest hit-Brooklyn industries under the proposed plan for re-zoning as revised on August 18th, would be manufacturers of paint and varnish. A list taken from the current edition of the Brooklyn "Yellow Pages" of the New York Telephone Company's Red Book, indicates that there are 55 plants in Brooklyn which manufacture either paint or varnish or, in some cases, both.

At the present time all but one of these are in unrestricted zones, and that one was in an unrestricted area --you build a housing project and re-zone the periphery and put him in a commercial district.

Under the proposed zoning, an M-3 district is required for the manufacture of paint or varnish. The proposed mapping gives the following results:

M3-1 -- 10.

M2-1 -- 2.

M1-1 -- 24.

M1-2 -- 12.

R-6 -- 5.

R-4 -- 1.

C1-3 -- 1.

In other words, ten out of 55 of these manufacturers would be put in a zone where they would be conforming users. The list is attached, you can check it.

I think that this is a terrible thing to do to industry in Brooklyn.

I have also taken the time to take a set of maps, these are not the revised maps --

VICE CHAIRMAN BLOUSTEIN: Mr. Hegeman, these industries may continue for all time. They all have vested rights.

MR. HEGEMAN: They have vested rights, but the minute they are a non-conforming use the salability of the property is terrifically impaired. The mortgage possibility -- the possibility of raising a mortgage on it is nil.

I have spoken to a great many mortgage people, and they will not even listen to an application for a property, industrial plant, in a residential zone. And they just -- they don't want to hear about it. And if the man wants to expand he is behind the eight ball.

What I am trying to do is keep industry in this town, not drive it to Nassau County or to Jersey or to Connecticut or anywhere else in this State -- country.

And I think the Chairman knows that I am trying to do a job

here to keep industry in this town and not try to compel it to vacate.

CHAIRMAN FELT: I think you know we are trying to do a job, too, to keep industry in town, and that has been in the forefront of my efforts during the last four years.

MR. HEGEMAN: I know you are trying to do a job, that is one reason I am here. If I didn't believe in your honesty and integrity, and in the rest of the honesty and integrity of the Commission it would be not worthwhile to bother to come over here.

CHAIRMAN FELT: That is why we always welcome you.

MR. HEGEMAN: Thank you.

I took a set of the maps -- of the original maps -- because I felt at that time large areas in Brooklyn were readily visible which were presently either in manufacturing or unrestricted zones, were being put in commercial or residential zones.

Now, every mark on here indicates an area which has been changed. This just happens to be page 22A and there are not too much in that area.

Now I am not saying, Mr. Chairman, that every single block here should be left in an unrestricted area, but where the use at the present time is predominantly unrestricted, or predominantly manufacturing, and where the potential for the neighborhood -- such as the sections down in Erie Basin, is unquestionably only for industry -- it should be left in an unrestricted district.

Now, some of these are in areas that do not have very much and a good part of them are in Queens, but if you -- here is a page,

this is page 13B, just look at that. That is the areas that are being taken from manufacturing and unrestricted and put into other zonings where the manufacturing would not be permitted.

If you would care to have these --

CHAIRMAN FELT: You still understand, Mr. Hegeman, that manufacturing will be permitted where buildings now exist?

MR. HEGEMAN: That is right, they would be permitted where buildings now exist.

CHAIRMAN FELT: I didn't want any misunderstanding by your statement that it would not be permitted, as reflecting on existing construction.

MR. HEGEMAN: Existing construction can remain, but this town was not built on existing construction. It is built on progress, and that is what we want to have in Brooklyn.

We do not want our progress stymied and 15 per cent of our industrial concerns stymied in their advance because if -- even if they cannot expand to 25 per cent under this code they never would be able to finance the expansion because no institution would lend them any money.

In the specific mapping, I have spoken a number of times about several locations. They were not changed in the re-mapping, and I think it is very vital that they should be. It was noticeable yesterday that Manhattan was ready to approve the proposed mapping. If you take the map of Manhattan you will notice that there are a great many small -- let us go to page 12C.

You see all these small, little areas which are mapped separately?

CHAIRMAN FELT: Yes.

MR. HEGEMAN: You go over to Brooklyn and what do you get? You get a great big area marked R3 or R4, if you take the time and the energy to study those Brooklyn areas more completely and to give them the mapping which their present use requires, then there wouldn't be such vociferous objection from gentlemen like me.

On the Manhattan side of the Manhattan Bridge, floor area ratio is 6. When you come across to Brooklyn, floor area ratio is 1 -- M1-1. It should be M1-5 or M1-6 where you would have an area ratio of 5 or 6, -- 5 or 10.

The floor area ratio for an industrial park is 1, that is fine, it should be. But when you take Manhattan Bridge Plaza -- we have 8, 10, 12 story industrial buildings there. There never will be another one built there with a floor area ratio of one, you never could do it. Go down to Red Hook area -- I am particularly interested there because I happened to sell a piece of property down there to a man. The property was owned by the City of New York and put up at auction. He is trying to make assemblies there and build another industrial building. He owns one in the block. It is the block bounded by Conover, Van Brunt, Coffey and Van Dyke Streets. It isn't easy sometimes to make assemblages, it takes a little time. This has been put in a residential zone.

I cannot understand why property down in Red Hook presently

unrestricted should be changed to residential zones, because it does not make sense.

Another case where a man is trying to assemble property, or has assembled a good part of a block, Willoughby Street, Prince Street, Fair Street and Fleet Place -- there are three zones. How would you like to own a piece of property with three separate zones all in one block, part residential, part CA-2, part C1-3 -- I think it is -- I can't quite read the map, it is so small -- it should be all CA-2.

The City Planning Commission has in every instance where there is a small area of unrestricted property, eliminated that and has given us in Brooklyn only residential zoning in that spot.

There is another spot of that type around Boerum Place between Pacific Street, Dean Street, and Bergen Street. There are a number of comparatively modern industrial buildings there. It is an area which is suitable for improvement.

It is near transportation and it should be encouraged, instead of that it is put in an R6 zone. Then the worst thing of all, in the original Zoning Resolution when it was put through, the area on Kent Avenue between Kent Avenue and White Avenue, between Division Avenue and Keats Street was in an unrestricted zone. It has been unrestricted ever since.

In the mapping which came out last spring it was put in an M1-2 zone and properly so. Now, because someone is talking about a housing project in that area it is made R-6. Well, that is just like

sticking your hand in the owner's pockets there and taking money out. Because the minute a piece of property in a residential zone, used for industrial purposes is condemned, it has far less value, and you, Mr. Chairman and any other member of the Board knows that equally well, that if a property is in a resident --an industrial property is in a residential zone -- the owner will get far less in condemnation than he will if it is properly zoned.

And I see no reason for changing properties now unrestricted, now used for industry to residential zones because somebody is talking about putting a housing project there. And that has been done in several instances.

It is the area . . . which I have mentioned three times in which nothing has been done about. The area on Third Avenue between Baltic Street and Atlantic Avenue, that is where the former New York Times plant was, former Borden plant and many other industrial properties. It is all unrestricted at the present time, and because someone in the distant future is talking about a housing project there, you gentlemen put that in a residential zone.

I think there is no justification for it.

I spoke about small areas which -- I think it is good if you have a small neighborhood area where light industry can be conducted, and yet every instance where we have a setup of that kind in Brooklyn you have eliminated it and made it residential.

You take Union Street between 6th and 7th Avenues, it is now residential. Twelfth Street between 7th and 8th Avenue, same

thing.

The Lindsay Housing Area is another tremendous area in Brooklyn, the city hasn't taken that property yet. The city is talking about a housing project there. But why zone all the property there residential so the cost of taking will be less? I think that is stealing, practically.

I can't understand why these people aren't over here to talk about it. I haven't gone out and stirred them up, possibly I should. But I don't do business that way.

And I feel very strongly, gentlemen, that a great deal of time should be spent on the mapping of Brooklyn before you finally send this plan to the Board of Estimate for its final approval.

Thank you very much.

CHAIRMAN FELT: Thank you.

I received a letter from Maryland from a Mrs. Virginia L. Gladding, who just came into this hearing and is going back.

Is Mrs. Gladding here?

We want to try to accommodate you as soon as we can. Will you step forward, please?

MRS. VIRGINIA GLADDING, owner, 1635-1651 Albany Avenue, Brooklyn.

MRS. GLADDING: My name is Virginia Gladding, and I live at 17 East Eager Street, Baltimore, Maryland. I am the owner of the property known as 1635-1651 Albany Avenue in Brooklyn and have owned the property since 1948.

In zoning this property I believe a mistake has been made. The result is that my building, which is a garage, is zoned half M1-1 and half R4.

I sent the City Planning Commissioner a letter and map last week setting this forth at length.

I made a trip from Baltimore this morning leaving at 5:00 a.m. and I hope that you will rectify this mistake. I did not know of the zoning until recently because of my residence in Maryland.

CHAIRMAN FELT: Thank you very much, we shall be mindful of that and check it.

Joseph H. Goldstein. Is Mr. Goldstein present? Coney Island Chamber of Commerce.

So that others will know, the next two will be Mr. Waxman and after Mr. Waxman, Mr. Kramer.

MR. JOSEPH H. GOLDSTEIN, representing Coney Island Chamber of Commerce.

MR. GOLDSTEIN: My name is Joseph H. Goldstein, I represent the Coney Island Chamber of Commerce. I come before you gentlemen this morning on a parcel that extends -- that is located on the north side of Surf Avenue and extends easterly from West 8th Street to West 9th Street.

You gentlemen will probably recall that all of Surf Avenue that is starting 100 feet north of the north side and running to the proposed bulkhead on the beach was placed in the C7 zone, or what might probably be characterized as the amusement zone.

Now, if any of you gentlemen are familiar with Coney Island at all -- and I dare say most of you are -- our so-called amusement area starts at West 5th Street and extends up to westwardly -- up to about 19th or 20th Street. Now, you gentlemen have taken that line, that northerly line of the proposed amusement area and ran it from West 21st Street down eastwardly down to 8th Street, not to 5th.

CHAIRMAN FELT: That is a three-block district.

MR. GOLDSTEIN: That is right. You suddenly came to a stop and you shot across and said, "Here is where it ends, and from here on down to 5th Street, residential".

Now, in doing that I want to call your attention, if you will gentlemen, to the fact that immediately beyond this area, extending from West 8th to West 5th there has been placed a portion of that block which is bounded by Sheepshead Bay Road and Surf Avenue and West 5th -- the northerly-westerly section, for some reason or other we get a little loop there in that corner, or let us say one-third of this block excluding the frontage of Surf Avenue into a C8, a commercial 8 area. Thus we have this strange situation: The C-7 running all along our amusement area until we get to West 8th Street, then suddenly notwithstanding the fact that in back of that section between 5th Street and 8th Street you have another commercial area, C-8, you throw that section into a residential section.

Now let me say this to you, gentlemen, insofar as the physical improvements of that area is concerned, to show you how unreasonable and how unjust it is, not only to cut this section off and

reduce our amusement area, but to put it into a residential area under these conditions.

Immediately to the rear of this block between Sheephead Bay Road, West 5th, West 8th and Surf Avenue, we have the Brighton structure. That el structure is not only single level, it is a double level structure. The rumbling of those trains twenty-four hours a day over the double section -- tier rather, one the Culver Line and the other the Brighton Line, certainly is not conducive to anybody coming in there to build residential property.

In addition to that, and just beyond the el structure, is a large brick, ugly garage. It was formerly a trolley car barn, now it has been converted by the Transit Commission into a bus enclosure that runs practically from West 5th Street, half the distance, down to West 8th.

There again we -- nobody with an ounce of common sense would dare invest five cents in putting a residential structure there. Moreover, you couldn't go out and finance it, nobody would give you any money to put up a residential property or improvement on that area.

Yet, notwithstanding those conditions, we find that in front of that you suddenly say, "Here the amusement area shall stop and the front of this barn. In front of these el structures you are going to have a residential area".

It does not make sense.

COMMISSIONER LINDENBAUM: May I interrupt you for a minute?

MR. GOLDSTEIN: Yes.

COMMISSIONER LINDENBAUM: Isn't that the section that is part of the Bat'Em Project?

MR. GOLDSTEIN: No, I do not think it is coming down there. The Bat'Em Project only goes down as far as Sea Breeze Avenue.

COMMISSIONER LINDENBAUM: You are talking about both sides, the elevated structure --

MR. GOLDSTEIN: You are not going to take the el structure down. Bat'Em is in back of the el structure.

COMMISSIONER LINDENBAUM: It is coming down to the el structure.

MR. GOLDSTEIN: Yes.

COMMISSIONER LINDENBAUM: But you said about taking the north side of the residential zone, that north side will be for residential purposes and it will be financed. Plans have been made for it. You are talking about the south side.

MR. GOLDSTEIN: No, I am talking about the north side. I am saying the north side, you have taken the north side of Surf Avenue from West 5th and West 8th and put it in a residential section, whereas all of the north side of Surf Avenue running westward --

COMMISSIONER LINDENBAUM: I am talking about the elevated structure. The south side of the el structure is where your amusements are.

MR. GOLDSTEIN: That is right.

COMMISSIONER LINDENBAUM: The north side is where this

so-called trolley garage was. That trolley garage is coming down and will be used.

MR. GOLDSTEIN: Yes.

COMMISSIONER LINDENBAUM : That is the north side.

MR. GOLDSTEIN: What I am trying to say is that to the south of the el structure on Surf Avenue between West 8th and West 5th you will put that in a residential area.

COMMISSIONER LINDENBAUM : What amusements have you on 5th to 8th Streets now? Would you know, Mr. Goldstein?

MR. GOLDSTEIN: Yes. We have the Bat'Em there which is the frontage there of about what -- now I don't know whether you know it -- that is the mechanical pitcher. Then we have a series -- there is an animal show enclosed to the east of that. Beyond that there is a ride of some kind and then we get to 8th Street itself where you have a hotel structure.

COMMISSIONER LINDENBAUM : You know as a matter of law, as our Chairman said, those are going to remain.

MR. GOLDSTEIN: No, they are not, they can't. You put it in a residential area.

You mean until we destroy them?

COMMISSIONER LINDENBAUM : That is right.

MR. GOLDSTEIN: Here is the same argument I will use, the same argument as the gentleman used for Brooklyn Real Estate Board. You are not going to be able to do anything.

COMMISSIONER LINDENBAUM : You are not going to extend it,

you have nowhere to extend.

MR. GOLDSTEIN: We are not talking about that.

COMMISSIONER LINDENBAUM : This is different than the previous speaker spoke, about extending manufacturing areas. You are not extending your amusement area. You have a Bat'Em, or whatever you call it, that is going to stay as it is. You have the other side-shows that aren't going to be extended, they are going to remain.

MR. GOLDSTEIN: But just assume if there is any change -- if the Bat'Em for any reason should quit and we put -- come in and attempt to put something in there, we will be confronted with this -- "Now, you can't do this now, you can't change the character of this thing because it is a residential area." We have no assurance that the Bat'Em-- Bat'Em is only a tenant -- we have no assurance that it is going to stay there from now until the next twenty, thirty, forty, fifty years. They might pull out.

The places down there change from year to year. It isn't fair to do that.

You are actually -- you -- no matter how you look at it -- you have limited our amusement area financially and otherwise because you cannot go out -- if the Bat'Em quit or one of the rides quit -- we change our amusements from time to time, you know, we don't keep them on and on forever. And if we have to come in and find that we cannot get a C.O. for a certain ride because you are now in a residential area, the value of that property has become

practically nil because it cannot be used.

I contend that that property -- nobody could justify putting that property in a residential area, considering the surrounding area. It cannot be done.

You got all that noise, all that clatter from early in the morning until the early following morning. Nobody is going to live there. You know this as well as I do.

Any housing of today must rent for about \$50 a room, at least. Now, anybody who can afford to pay \$50 a room is not going to live in that area with the rattling trains and the noise and clatter of all the people and all the amusements on the area. It just doesn't make sense.

CHAIRMAN FELT: Continue, please? Will you proceed with your statement?

MR. GOLDSTEIN: I practically -- in view of my remarks directed to Mr. Lindenbaum -- is it -- I practically stated my position -- or our position with respect to that.

The important thing is as I say, gentlemen, to say that now there is no reason -- or we don't have to extend -- and that therefore that this should properly remain in a residential section, is losing sight -- it is not fair -- it is not logical to say that you are not being affected now because we ultimately may be and very well will be. Because you have taken something and arbitrarily cut off an asset -- certainly it is tending to destroy a great asset of Coney Island -- the city rather -- Coney Island.

You have taken our area, our amusement area and for no reason or other cut it off notwithstanding the fact that you have a commercial area in back of it and you have a commercial area to the east of it.

Thank you very much.

CHAIRMAN FELT: Thank you very much.

I call on Mr. Waxman.

MR. WAXMAN: Will you do one more speaker while I prepare?

CHAIRMAN FELT: Mr. William J. Kramer.

WILLIAM J. KRAMER, representing Volckening, Inc., block front 3rd Avenue between 67th Street and Senator Street.

MR. KRAMER: Mr. Chairman and Members of the City Planning Commission, my name is William J. Kramer, I represent Volckening, Inc who are the owners of the West Side block front between 67th Street and Senator Street in Brooklyn. They have owned this property for about twenty years and presently have a one-story factory building where they are presently manufacturing brushes for the brewery trade and the soda trade.

We have sent a letter to you, Mr. Chairman, dated September 2nd in which we said that you propose to put this property in an R-3 zone. By error, it should be that you intend putting it into an R6 zone, a residential zone.

This property that we own is irregular. This is 3rd Avenue covering the whole block from 67th to Senator. We presently have a one-story building on a plot approximately 100 by 100. We own

this vacant land of approximately 200 by 100, and we purchased it with the intention of increasing and improving our business in the form of constructing another building.

And I have here to show you a proposed building -- two-story building -- that we intend putting on it.

We did not contemplate when we bought the property, since we do have a factory on it for many years which presently represents an investment of over \$150,000, that the City Planning Commission was going to come and change the area to a residential zone.

I might say that we do employ now approximately 30 people and we will employ when the new building comes in, an additional 40 to 50 people.

Surely if we cannot construct and grow you will be forcing us out of the City of New York, because we cannot get any land comparable. And we bought it for that particular purpose.

Now, I do not believe we will be affecting the area in any way because I would like to call to your attention what the present situation is:

On the west side of 3rd Avenue where we are located, the first -- the very first block to our left there are store properties, it is commercial zoning.

Two blocks away we have the Narrows Bridge and the Belt Parkway approaches, so surely there is nothing of a residential nature nor will there ever be.

First block to our right we have a parking lot. The second

block to our right and all the way up is deemed, and has been listed, as commercial.

Across the street we have the only residential block in the entire area.

On the east side -- that is what I am referring to -- the east side of 3rd Avenue to the left of us, one block away, we have the Belt Parkway and Narrows Bridge approach traffic. The second block we have the same. To the right of us, one block away on the east side across the street, you have designated commercial because there are buildings there -- commercial building stores. So I say to you gentlemen, here we have a business that is a growing business in the City of New York and the Borough of Brooklyn. We have a factory building there. We have been there for many, many years.

We own the adjoining lot. We bought it for that purpose. Surely now when we want to invest another \$300,000 approximately in the Borough of Brooklyn, the City of New York, to bring in more revenue to the City, if you are going to choke us you are going to force us out of the city. I do not think that is your intention.

But the fact remains that we ask for this variance, we respectfully urge you to let us stay in Brooklyn. We are a Brooklyn concern, we serve Brooklyn people, we hire Brooklyn help. We intend to hire another forty to fifty more.

If you let us construct the way we wish and we ask for this variance and we feel that we are justified.

That is not a flash in the pan or a last minute thing. We

have been proposing this for a number of years and we hope to construct within the next two or three years, and that we will not be changing the area because the area is already fixed. It is all constructed, it is all built upon now.

There is commercial all around us. We ask you that this particular block front on 3rd Avenue between 67th Street and Senator Street be made a C2-1 classification so that we can construct and expand our present business venture.

Thank you.

CHAIRMAN FELT: Thank you very much.

Does Mr. Waxman wish to speak now?

MR. HARRY WAXMAN, President, Associated Builders of Greater New York.

MR. WAXMAN: My name is Harry Waxman, I am President of the Associated Builders of Greater New York, an organization mainly composed of very large apartment house builders and several large small-home builders.

I came here prepared today to make a very, very large speech. It is all in this envelope. But since we have had a meeting with the Executive Committee of our organization we sort of changed our minds a bit.

I wish to state for the record that pursuant to a resolution adopted by the Executive Committee of this Association, meaning our Association, that we go on record as being in favor of the Zoning Resolution, with several exceptions for various mapping regarding

area and bulk.

We wish to ask at this time that you and your Commission will give due consideration for certain changes in the Boroughs of Brooklyn and Queens as they are presented to your Commission prior to the final adoption of the mapping before the effective date.

And hope that your Commission will give us the opportunity to present such changes for your consideration. We support the need for changing the zoning, but we also expect you to do something for not only the builders of Brooklyn and Queens, but everybody that has been here before you.

Because I think that there are a lot of individual cases that need special attention, Gentlemen.

CHAIRMAN FELT: Mr. Waxman I have stated for the record on a number of occasions, and I tell you again today, that there are surely going to be many changes that will be made. And after the passage of the Resolution and during the grace period we will give serious consideration and sympathetic consideration to all appropriate and equitable requests in that connection.

MR. WAXMAN: I am sure you gentlemen will. And we are depending on it. Thank you.

CHAIRMAN FELT: Thank you very much.

Mr. Alan C. Rudolph. Is Mr. Rudolph present?

ALAN C. RUDOLPH, representing Dean Grossi and Faculty of School of Architecture of Pratt Institute.

MR. RUDOLPH: Mr. Chairman and Members of the New York City

Planning Commission. My name is Alan Rudolph and I am Assistant to the Dean of the School of Architecture at Pratt Institute in Brooklyn. In their capacity as individuals, I am here to represent Dean Grossi, the chief officer of the School of Architecture, a Director of the New York State Association of Architects, and Vice President of the National Association of Collegiate Schools of Architecture, and the more than fifty distinguished architects and planners who constitute the faculty of Pratt Institute.

We want to reiterate as strongly as possible our wholehearted support of the proposed, forwardlooking Zoning Resolution. We are vitally concerned that sound zoning be enacted so that Brooklyn and the Institute may develop to their fullest potential.

Last spring Dean Grossi stated in great detail the case for this new Resolution. At that time he said that this was the only way to check the spread of blight and deterioration in the city and to enable the city to cope with the tremendous growth which has taken place since the original historical zoning law was introduced in 1916.

Further he stated that if an esthetically pleasing city were to be built, one with a varied architecture and one more in scale with the people who live here, then the proposed resolution must be the guide to the new city.

Now, the City of New York has recently announced that it is undertaking the tremendous task of formulating plans for the reconstruction of its blighted neighborhoods.

It is essential that such reconstruction take place within the framework of the new zoning Resolution. Only by the adoption of this legislation can the city be assured the millions of dollars to be spent will create a superior living and working environment for her people.

We feel that the city is at a crossroads. It will either go backward, become stagnant or outmoded and unlivable, or with this new legislation as a base enter a new era of growth and prosperity.

Thank you.

CHAIRMAN FELT: Thank you, sir.

Is Mr. George Swetnick here?

GEORGE SWETNICK, representing Williamsburg Area.

MR. SWETNICK: My name is George Swetnick. Mr. Chairman and Gentlemen, I asked the previous speaker to remain awhile who spoke for the Brooklyn Chamber of Commerce, or the Real Estate Division of the Brooklyn Chamber of Commerce, and he --

CHAIRMAN FELT: He did not represent the Brooklyn Chamber of Commerce. I think you refer to Mr. Hegeman who spoke for Brooklyn Real Estate Board.

MR. SWETNICK: I am sorry, Mr. Chairman, who spoke specifically against Kent Village or the change in zoning for Kent Village.

I am elected as the State Committeeman out of that district and as most of you ladies and gentlemen know, that the State

Committeeman is also called the District Leader, and that is what I am.

We also had members here today, and we have Mr. Shea, of the Williamsburg Savings Bank here. We had Rabbi Pincus here who had to leave. We had Ben Levitt and Mr. Alpert of the Williamsburg Y who had to leave.

And I want to take this opportunity now before I go further to commend you gentlemen and to commend the Planning Commission for listening to the leaders of a particular area and specifically Williamsburg. What we are trying to attempt/^{is} to bring Williamsburg back to where it used to be previously. At the present time most of you know, if you have been through Williamsburg, it is practically becoming a ghost town. Everybody is leaving Williamsburg.

And I think one of the main reasons, as you all know, is that the Borough President as of now is trying to take a recount. He doesn't agree with the census figures that the Federal Government has just finished. And it shows that Brooklyn has lost about 175,000 in population.

The Borough President does not agree with those figures and maybe he is right and maybe he is wrong. But for the record, I would like to state that if the 1940 census -- I happened to be the Census Director for Brooklyn -- and your loss of population was already commencing at that time way back in 1940. And I think regardless of what the Borough President thinks, Brooklyn will show a loss of population.

And I think that is due to improper planning, that no proper planning was done up to the present time. And the action that the Planning Commission has taken now regarding an area like Williamsburg should be commended and it is very proper.

Kent Avenue, which is now zoned for unrestricted industrial area has not had one new building come into those blocks in the last fifty years, outside of two or three garages.

What we are attempting to do in Williamsburg now is to bring it back as the residential area. And the only way it could be done is what this Planning Commission did, rezone Kent Avenue and giving us the opportunity of going to work, which we want to do, the banks want to do it, the religious organizations want to do it. All the churches want to do it. All the synagogues want to do it, and what you gentlemen did was the proper thing to do.

Now, I only have one request to make: In the New York World Telegram of November 7th there is an article here that the Eastern Can Company is quitting Brooklyn. Now, if the Real Estate Board -- I think here is their opportunity now of keeping a firm like the Eastern Can Company in Brooklyn.

We are now creating facilities in Brooklyn, or creating industrial parks. If the proper salesmanship can be used on firms like Eastern Can and other firms who claim they have not the proper facilities to expand, to go to them now and try to interest them in our industrial areas, which we are creating in Brooklyn.

This is the job that the Real Estate Board should go to

work on and do.

And I think if a good selling job is done on firms like the Eastern Can, they can stay in Brooklyn. And as long as the Eastern Can is moving -- and I have maintained this position previously -- that no new industrial company wants to come into this particular area. All the companies that are there want to get out.

The only thing that is remaining is a couple of junk yards and to further the lines of the R-6, is take this two blocks in right to the Queens-Brooklyn Highway, include this in the new zoning. The reason these two blocks were left out is because the Eastern Can was there and as long as they are showing intentions of moving, include them in the R-6 area.

Again I want to take this opportunity of thanking the Planning Commission for the wonderful job they are doing for Williamsburg. Thank you.

CHAIRMAN FELT: I might say, Mr. Swetnick, that we do not have any intention of extending the area of R-6 at this time to include the Eastern Can plant.

MR. SWETNICK: That is just the suggestion I was offering.

CHAIRMAN FELT: I just want you to know we do not intend to do that.

MR. HEGEMAN: Could I have a bit of rebuttal, Mr. Chairman?

CHAIRMAN FELT: Later on.

Is Mr. Benjamin Levit present?

MR. SWETNICK: He had to leave. We have Mr. Shea of

Williamsburg Savings Bank.

CHAIRMAN BELLS: Is Mr. Shea present?

MR. WILLIAM S. SHEA, representing Kiwanis Club of Williamsburg.

MR. SHEA: Mr. Chairman and Members of the City Planning Commission, my remarks will be brief and Mr. Skutnick covered most of the details.

I wish to thank the City Planning Commission for the proposed changes in our Williamsburg Area, and I guess I should mention the specific area since it has been mentioned before: Kent Avenue, approximately from Brooklyn-Queens Expressway to Division Avenue.

I am president of the Williamsburg Kiwanis Club and I am a member of the Board of Managers of the YMCA, Eastern District Branch which is a branch at Williamsburg.

We feel that this change will bring improved housing into Williamsburg, and we certainly hope that this improved housing will be a middle-income housing. We feel that too many of the people from Williamsburg who have spent their lives there have decided in the last few years to leave. They have seen no improved housing in sight.

They felt there was none coming so they decided to move out.

We feel that this step by the City Planning Commission to change this area to an R-6 -- a residential area -- will bring these people back, or at least will tell the people that are living there now.

So I know my remarks are brief, but it has been covered

by several members before me. But I just wish to thank the City Planning Commission for changing this area to an R-6 residential area.

Thank you.

CHAIRMAN FELT: Thank you.

Is Mr. Alpert present?

Mr. Alpert is not present.

Mrs. Grace Liotta?

MRS. GRACE LIOTTA, President, Affiliated Property Owners of Queens and Kings Counties.

MRS. LIOTTA: Mr. Chairman, after I have listened to so many complaints --

CHAIRMAN FELT: May we have your name for the record, please?

MRS. LIOTTA: My name is Grace Liotta, President of the Affiliated Property Owners of Kings and Queens Counties.

Mr. Chairman, and Honorable Members of the Commission, on behalf of the Affiliated Property Owners of Queens and Kings Counties, Inc., I wish to express our deepest gratitude for this monumental, comprehensive Zoning Resolution, the enactment of which we wholeheartedly endorse.

The Commission, and you Chairman Felt, are to be highly commended for the excellent public service you are rendering. The cooperative spirit in which you have approached and studied all revisions recommended by the public is admirable.

I am referring to the way you have handled the knitting mills in Ridgewood, the way you have zoned Greenpoint, Mr. Chairman, that yourstruly is grateful to you.

I have been twice in court, in one case it took us two years to get the dry cleaning establishment right across the street from our houses.

I have a course in practical law. I learned all about Magistrates Courts in Brooklyn and believe me there is nothing more heartaches than people could not sleep as when we had that annoyance, and that was due to improper zoning.

Greenpoint was hardly zoned. We are deeply grateful to you, except that you have to do a little better job around McCarran Park.

Mr. Chairman, I will come in some day and we will discuss. We need new housing in Greenpoint, ^{with} our neighbors in Williamsburg -- we in Greenpoint are looking forward for new housing in Greenpoint, not public housing but private housing. But we cannot induce anybody unless the zoning is appropriate or is fixed properly.

Now, in Astoria also the people of Astoria, representing various organizations, Mr. Chairman, are grateful to you as our Commissioner Sweeney did a fine job in alleviating the fear of the shoe factories coming into residential areas.

After the passage of this new Zoning Resolution, it will require amendments -- from time to time, as circumstances arise. We know the Commission and its chairman will be cautious and generous

to recommend changes to it which will benefit or protect the majority of the people, in particular the small property owners.

Mr. Chairman, there is one fear inasmuch as your work is so commendable, sir, but we still have the fear that someone will come along with the large/^{scale} improvement, whether it is industrial or residential; that we small fry will get a kick in the pants and out we will go. That is one thing that we are very fearful of, sir.

I know Commissioner Sweeney did the best he could. But after the meeting we all said our prayers under our breath.

We feel that one of these days in a community, for instance, like -- like Greenpoint, or rather Greenpoint is well kept, but in areas where the conditions are on the downtrend, somebody will come into the City Council and start its condemnation -- you know, the usual prosaic language, the health and welfare and well-being and so on, and start a wholesale condemnation procedure and out we go.

We are very fearful of that, sir.

In Greenpoint we have excellent pieces of property in spite of being old. But people have spent thousands, if not millions of dollars in the community. So we have faith in Greenpoint and Greenpoint even is better located than Williamsburg, that we are easily access to all areas of the city.

And it should be encouraged to be more residential than it is.

Well, I thank you for the opportunity to express our strong support for the adoption of this living document. Respectfully

submitted. Thank you.

CHAIRMAN FELT: I want you to realize, and I am sure you do, that zoning is intended to see that the proper buildings or the proper improvements are in the right places.

It has nothing to do with condemnation.

MRS. LIOTTA: Exactly, Mr. Chairman, that is what Mr. Sweeney said.

CHAIRMAN FELT: It is a mistaken idea and it has nothing to do with it. I want to assure you that we in the Planning Commission are mindful of the needs of working closely with individuals and individual property owners as well as the need of working closely with large groups representing the civic feeling, and the industry of the city.

We will continue in that fashion.

MRS. LIOTTA: We feel assured that you will not betray us.
We have great confidence in you.

CHAIRMAN FELT: Mr. Rosenheim?

MR. MORTON A. ROSENHEIM, representing A.M.R. Chemical Co.,
979, 997, 1009, 1013 East 35th and 9th Streets.

MR. ROSENHEIM: Mr. Chairman and Members of the Commission. My name is Morton Rosenheim, I am the President of the A.M.R. Chemical Company that has property on East 35th Street, Brooklyn. The company has been in existence since 1900.

I became active in 1934 and the headquarters of the company has been on that street at these addresses since that time, which is 26 years.

CHAIRMAN FELT: What is the address of the headquarters?

MR. ROSENHEIM: It is 979. - 997 East 35th Street.

CHAIRMAN FELT: Thank you.

MR. ROSENHEIM: The business in 1934 started with an area of 6,000 square feet. Since that time it has expanded to approximately 28,000 square feet.

The profits of the company during these years have been put into the business and at present the assets are approximately \$500,000.

The company manufactures household chemicals, pharmaceuticals, and maintenance supplies. In the event that the zoning would be changed to an R-6, in my opinion there would be much to be lost and very little to be gained.

There are three residential houses on the street. The street on both sides are predominantly commercial buildings.

We employ on an average of 70 people during the year and if the zoning is changed I do not believe that we would have any other recourse but to move.

There is one remaining piece of property on the street that is left for expansion, which is owned by the Long Island Railroad Company. If this is to be rezoned to residential, as I say, we would have to move to another area. And I am sure that it could not be Brooklyn.

CHAIRMAN FELT: Thank you, Mr. Rosenheim.

You understand, of course, that under the proposed Zoning

Ordinance nothing would interfere with your existing operation.

You make reference to the fact that it might interfere or would interfere with expansion.

MR. ROSENHEIM: It would, definitely. Yes, sir.

CHAIRMAN FELT: I do not want to repeat it too often, but I think it would be well for those who make statements to us to understand that this Zoning Resolution is not a fixed instrument; that after its passage there will be changes, to be sure.

I assume that any changes we would at all times give some sympathetic understanding to any justifiable or any equitable request in that regard.

Thank you.

MR. ROSENHEIM: Thank you, Mr. Felt.

CHAIRMAN FELT: Mr. Saul Wolf.

SAUL H. WOLF, representing Mutual Apartments in Brooklyn.

MR. WOLF: Mr. Chairman Felt, Members of the New York City Planning Commission, my name is Saul Wolf and I represent Mutual Apartments in Brooklyn. I represent 160 families residing in a new 16-story cooperative building situated in the southern half of the Crown Heights Section of Brooklyn, an area which in your mapping you have listed as R6.

On their behalf I speak in favor of the mapping which you propose. We believe that the mixed land use conditions, residential and industrial, which we find in our neighborhood today and which is present in many other neighborhoods throughout the city are hopelessly

out of step with the present needs of our fellow citizens.

We also believe that these conditions are bad business for the City of New York. Our Crown Heights Area of Brooklyn with its proximity to Prospect Park, the main branch of the Brooklyn Public Library and many others of our civic advantages, occupies a location which is almost as close to the commercial calls of lower Manhattan as is the West Side Urban Renewal Area, the subject of so much of your attention at the present time.

With rapid transit facilities available, our breadwinners are brought within short traveling distances of their places of employment.

Blessed with these advantages and many others, it is not surprising that the area has great capacity, as was proven in our case, to accommodate many more modern high-rise buildings.

Let us look at the situation today: Our building, beautifully set back, is 16 stories, it is beautifully set back, occupies the entire street front, and has the advantage of overlooking the wide open area provided by the George Wingate High School. The only building partially obstructing that view is a toy factory.

To our left and again across the street we have a junk yard used for the storage of barrel drums. Along that same barrel drum street and running a distance of 355 feet we have a lot intermittently used to store mobile construction cranes.

Behind us on our own block there is an open, uncared-for lot used to store decrepit trucks.

This mixed-up use set-up should be changed and the entire neighborhood made residential as this Planning Commission has indicated is its hope.

The great cry for middle-income housing should in part be answered by setting aside this appropriate area for additional housing.

This will simultaneously become good business for the City of New York.

The total assessed valuation of our one acre is \$2,100,000, whereas that of the entire two and one half acres across the street is \$268,000. Our city is entitled to an opportunity to make all of this land ideally located for residential purposes, both pay its own way and provide good living conditions.

Until the present hodge-podge of mixed industrial and residential land uses is corrected, neither the city nor we, its residents, can look forward to this favorable result. We therefore wholeheartedly support your efforts in trying to create this mutually satisfactory result.

Thank you, sir.

CHAIRMAN FELT: Thank you.

Mr. Frederick B. Merkle present?

FREDERICK B. MERKLE, ESQ., representing George D. Conant, Moadinger Funeral Parlors, 1120 Flatbush Avenue.

MR. MERKLE: My name is Frederick B. Merkle, attorney, I represent Mr. George Conant doing business as the Moadinger Funeral

Parlor at 1120 Flattush Avenue.

Mr. Chairman and Members of the Commission, I represent Mr. George Conant who has done business at the one spot and established the business of the funeral director at 1120 Flattush Avenue.

His father-in-law established this business 25 years ago and he, his son and his son-in-law have continued it ever since. They have given the very marrow of their bones to create good will and serve the community so that now that good will consists of servicing about 200 funerals a year.

Mr. Conant has recently acquired an adjoining building and he would like -- he would have liked to continue his business as one unit. The parlor is located in a retail district where it is legally and properly located, but under the new zoning law it is placed in C-1, which, of course, does not permit a funeral parlor.

CHAIRMAN FELT: It would permit the continuation of the operation of the funeral parlor that you refer to.

MR. MERKLE: I do not hear very well.

CHAIRMAN FELT: I said that under the proposed Zoning Resolution the funeral parlor that is now there can continue in operation indefinitely.

MR. MERKLE: But not exactly indefinitely, Mr. Chairman. It could continue, could it not, as long as the building was in existence, and wouldn't be permitted to be extended to the adjoining building.

CHAIRMAN FELT: That is correct.

Your present funeral parlor could be continued. If you wish to make any additions to it or extensions to it, it would be prohibited under the Zoning Resolution.

The only alternative that you might then have would be to go to the Board of Standards and Appeals.

MR. MERKLE: But, do I understand that Mr. Conant could continue the funeral parlor indefinitely, both at 1120 and 1122 Flatbush Avenue?

CHAIRMAN FELT: In the structure as it presently exists, yes. There is nothing under the present Resolution that would in any way stop the continuation of that operation.

MR. MERKLE: But under your Resolution, Mr. Chairman, it would be a non-conforming use, would it not? He hasn't a right to be in C-1, has he?

CHAIRMAN FELT: No. For that matter, in 1916, the Equitable building was erected and that did not conform to the Zoning Resolution and it is still operating today.

VICE CHAIRMAN BLOUSTEIN: It is what we call a legal non-conforming use. It would be a legal non-conforming use because it was in existence at the time the resolution became effective.

CHAIRMAN FELT: After you have made your statement I am going to have Mr. Smith, who is in charge of our Department of Master Planning, speak to you and give you full data in that connection.

MR. MERKLE: Wouldn't we be in a less favorable position, for instance, so far as obtaining a loan is concerned for the

construction if we wanted to build ---

CHAIRMAN FELT: You will be in a less favorable position, because obviously if a new structure could be built for a funeral parlor, or if an addition to the existing structure could be developed as a funeral parlor you would be in a more favorable position.

MR. MERKLE: As I understand it, we would have the right. We would have the right to extend it to the adjoining building.

CHAIRMAN FELT: No, I believe I answered that.

You would have no right under the present Zoning Resolution to extend the existing funeral parlor.

MR. MERKLE: Then I will direct myself to that situation.

I believe that that is the crux of our matter, because in accordance with the growth of Flatbush Mr. Conant's business has grown and that is why he acquired the adjoining building, so he could extend it and use it as one unit.

Therefore, I ask that it be placed in some other zone, maybe C-2, or work it out in some other manner so that Mr. Conant could continue his business legally and properly under the new Zoning Resolution.

CHAIRMAN FELT: I think, again, I will state that after you have completed your remarks Mr. Jack Smith will speak to you, and I would like to talk to Mr. Smith before he does, or Commissioner Bloustein will, and we will then be in a position to give you detailed information on just what you can do and what you cannot do.

MR. MERKLE: That will be very good.

There are some phases I would like to, Mr. Chairman, call your attention to and some facts that I have not brought out here. And also there are some legal aspects.

Could I have about ten days to submit a memorandum?

CHAIRMAN FELT: You may submit a memorandum which we will include in the record.

MR. MERKLE: Thank you.

CHAIRMAN FELT: Mr. Eugene Victor?

EUGENE VICTOR, ESQ., resident in Flatbush Area near Rugby Road and also as Counsel to the American Federation of Musicians, Local 802 in New York City.

MR. VICTOR: My name is Eugene Victor, I reside at 65 Rugby Road in Brooklyn, and I would like to speak in a dual capacity:

In the first capacity as a resident of this Flatbush Area near Rugby Road and Church. On behalf of the homeowners in that section I am here to present our thanks to this Commission for having done the work which it has done and for having come forth with the resolution as it now stands. We understand, of course, that in a job of this kind you must accommodate the competing interests of various economic and individual groups.

Of course we recognize that it is not virtually impossible, but it is impossible to accommodate the interests of all groups.

Now, I take this note because I am here now in a second capacity.

I was not able to be here yesterday because of the weather, but I also am counsel to the American Federation of Musicians, Local 802, here in New York City. We are an organization representing 30,000 working musicians in New York, and we are very much concerned over this Zoning Resolution.

All the emphasis that we have been hearing has been an emphasis on real estate, real estate values and real estate considerations.

But I am sure you gentlemen know that the impact of this Resolution brings with it far more than a realty impact. The impact of this resolution will determine the atmosphere of our city, the cultural climate in which we live and the kind of town New York is to be economically and industrially and socially.

Entirely apart from the realty considerations, for instance --

CHAIRMAN FELT: I think if you were here yesterday, undoubtedly being here this morning you will realize that our considerations go beyond the interests of any specific group, be they realty, commercial groups or any other.

MR. VICTOR: I am sure.

CHAIRMAN FELT: We are endeavoring to think in terms of what this means to all of those groups, but primarily to what it means to the city as a whole. And I think you realize that, do you not?

MR. VICTOR: Of course, that is why we of the Musicians'

Union are very much concerned over this Resolution.

First, from the point of view of the Union, I wish to state this resolution has our support, it has our full support. Of course we are not happy with everything in it and it is not expected that we possibly could be, because again we recognize the problems you have of accommodating other views and other viewpoints with those of our own.

We are particular concerned though with the cultural aspects of New York. New York after all is the cultural center of the world.

It is the music center of the world. And part of the greatness of our city is the opportunities that are given in the field of music. The opportunity for employment.

We have the Metropolitan Opera where we hire people and we have the various Philharmonic Orchestras and the music in television and the music in the theatrical industry.

The musical industry affects thousands upon thousands of individuals and colors the whole cultural atmosphere of New York, and it is very important to us.

We do not want anything to diminish the musical activity around the City of New York because our night clubs, our amusement areas, so much of our economic way of life is centered around our musical world.

Now, we are interested in seeing to it that New York does not become a juke box town. This is one of the main concerns of the

Musicians' Union. We are interested in seeing that live musicians, live human beings have an opportunity to earn their livelihood here in the City of New York.

New York has been becoming a juke box town. There are 30,000 members of the Musicians' Union, people who are competent musicians, and only 3,000 of them, or 4,000, are regularly earning their livelihood in the field

The opportunities for musical employment have decreased drastically over the past twenty years, largely, of course, as the result of mechanical reproduction and technological development.

Nevertheless, it is important that there be opportunities in our city for musicians. It is important that we have a large pool of trained musicians so that we can still provide musical leadership.

It is for that reason we are concerned about the opportunities for employment of live musicians.

Now in the cabaret field, for instance, live musicians are not permitted to play in many areas of New York on the ground of zoning. In these very same areas, however, a juke box or a radio is permitted to play commercially with no regard whatsoever as to the sound or noisiness of that sound, and it is perfectly permissible; whereas if you have one . . . violinist there, it is not permissible, or three or four live violinists.

We feel that in consideration of zoning that the live musicians should not be penalized against the juke box. Of course

we recognize you must have some kind of control, however, we suggest that you possibly have decibels of sound -- or we will leave the solution to you. But we do want to state the problem, that more and more areas of New York are closed to live musicians.

The cabaret field, the cabaret operators are very limited. You cannot have more than three live musicians playing in many areas of New York and we are constantly being replaced by a mechanical box. This is a serious problem.

You have tackled it, I know you have. You have extended the definition of cabaret, you have done a good job. However, there are many areas of Manhattan where live music is not permitted and we simply again want to stress our interest in this subject.

Thank you for what you have done and I ask that you make the decibels of sound as the criterion, rather than the liveness of the music.

We cannot compete against the mechanical box and we want your help.

CHAIRMAN FELT: Thank you, Mr. Victor.

I understand that despite the suggestions, did you say, Mr. Victor, that the Musicians' Union endorses our resolution?

MR. VICTOR: The Musicians' Union endorses the resolution in its present form. We wish to note, however, it is not the resolution that we would have written, but recognizing the difficulties that the Commission encountered we want to give it our full endorsement.

CHAIRMAN FELL: Thank you.

I will give you the order of the next three speakers.

Mr. Mitchel Siegel, Mr. Henry Zeltner and Dr. Robert Palmer.

MITCHEL SIEGEL, ESQ., representing Simon Holland & Son, Inc. - 825 Stone Avenue and 1500 Linden Boulevard; objecting to change from unrestricted to M1-1.

MR. MITCHEL SIEGEL: I am Mitchel Siegel and appearing for Simon Holland & Son, Inc. I am going to try and be very brief for my own sake.

Just suffice to say at the start I am glad you wrote the proposed act and not the Musicians' Union.

But getting back to my own problem, we have appeared before you several times in connection with a steel plant located in two spots, one is on Stone Avenue and the other, which is the issue at point here, is located on Linden Boulevard. As the result of your present zoning I do not think we have too much of a problem with the Stone Avenue site any more. Because the Stone Avenue site is fully expanded.

We do, however, have a real problem on the Linden Boulevard site. And I have made as part of my presentation here the original submission, which we made last spring, in which we pointed out the fact that we have accumulated this land over a period of a great many years.

Our business is fifty years old and we have been on the Linden Boulevard site for about twenty years, adding from time to time.

I think if you gentlemen were to review the situation once more and revert back to the unrestricted manufacturing, which incidentally you gave us permission for back in 1950 - 1951, you would still have a self-contained unit running from Rockaway Avenue to Stone Avenue and from Linden Boulevard back to the Long Island Railroad tracks.

We have at present several buildings on this property connected, of course, with the Long Island Railroad and some of the tracks run right through the buildings. But we have bought a great deal more for future expansion.

Now we cannot foresee when we are going to build these buildings. As a matter of fact, one of our pieces of property is under contract and will not be able to pass title until 1967. That is because the present owner wanted the use there of, until that time.

Those of you who know the section, that would be the old coal yard there. Those two large coal drops.

As I say, we cannot foresee just how soon or how much we are going to put into this property or when we will have to build. I cannot build within the year for the rest of this property. I must have at least 100,000 square feet of ground on which I have to build in the future. Therefore, as I say, the basic problem is simply this:

The Linden Boulevard site is the one we must have the unrestricted use. The Stone Avenue site, I believe we can get along

with the change that you have now made since we can use it ad infinitum.

Thank you gentlemen.

CHAIRMAN FELT: Thank you.

Mr. Henry Zeltner.

HENRY ZELTNER, representing Manhattan Terrace Civic Association -- Central Midwood.

MR. ZELTNER: My name is Henry Zeltner, I am President of the Manhattan Terrace Civic Association, Inc., an organization representing a little less than 300 homeowners in the Central Midwood Section of Brooklyn.

I am just temporarily in the army and I was given some time off this morning to come here to make my little speech.

When I appeared here on March 21 last, I told the gentlemen of this Commission and the worthy Chairman, Mr. Felt, that we were in favor of the Zoning Resolution because we felt that it is about time some new program came forward which would assure a stabilization of residential communities such as ours.

Since that time there was a slight change made in the bulk of an R-4 zone. However, after studying the same with our consultants we realize that this slight increase will not change the situation materially so that we are still in favor of the zoning as it has been set forth for our community.

We feel very deeply about the situation because for about a quarter of a century we have been coming down here year after year to prevent persons who have nothing but pecuniary gain in their minds

from changing a fine residential area into what might become a slum or a commercial area.

We have been successful in our fight because this Commission has seen fit to refuse to grant such zoning changes because the area did not warrant them at the time.

Now it is our hope that this new Resolution will bring about a stability and prevent for the next foreseeable years at least, such a harassment as we have been suffering right along.

I want to say that while we have not got everything that we feel we might get, but we do feel at least that this Commission has not taken anything away and in fact has attempted, in our area at least, to preserve what we have. And that is what we have been fighting for all these years. And if we will be able to preserve the fine residential character of our community then we think that a great service has been rendered to the city and to our people who live there.

I want to say one more word: In reading the newspaper this morning I noticed there were one or two speakers yesterday who mentioned that they oppose the resolution because it would limit the power of the Board of Standards and Appeals.

I tell you gentlemen from my observation in Brooklyn over a good many years as a newspaper reporter and as a lawyer, that if you did nothing else -- if nothing else was ever accomplished by this Commission but the curb of the powers of the Board of Standards and Appeals, you would be rendering a great service to the City of

New York.

I say this without hesitation; that my study not only of what was attempted once in our neighborhood, but what I see going on in other fine residential sections of Brooklyn under the guise of hardship; I think some of the rulings of the Board of Standards and Appeals have been very arbitrary and capricious and certainly not in the best interests of the people of Brooklyn.

And if there is going to be some sort of curb on the Board of Standards and Appeals so they cannot undo the fine work which this Commission has been trying to do in its sensible planning, I say to you that in reconsidering the entire situation I feel that planning and variances and changes for hardship, or otherwise, should be left in the discretion of an organization such as this kind set up in the City of New York. And I think serious consideration should be given to abolishing the Board of Standards and Appeals so as to save the taxpayers a lot of money, and to save a lot of unnecessary hardship on communities, particularly in Brooklyn.

And I want to say to Commissioner Felt, I want to thank you for your patience. This little increase in bulk in our community will not affect the residential character of it.

You have our warm support in that regard.

CHAIRMAN FELT: I want to hasten to say, however, that the City Planning Commission feels that we must always have an independent Board of Standards and Appeals where variances might be reviewed; that it would be unfortunate if the Planning Commission

itself attempted to take unto itself the variance procedure.

MR. ZELTNER: I did not mean to infer you should have sole power. Of course it would be or would have to be reviewed by courts and others as to any action taken by an administrative body.

What I meant was this: That you could have sort of a branch of the Planning Commission which would concern itself solely with attempts to vary on hardship or otherwise.

CHAIRMAN FELT: I think the granting of variances must always be left to a group that is not involved in the zoning procedure.

MR. ZELTNER: I would feel remiss in my responsibility to my community if I did not get, on the record here at least, our feeling toward the Board of Standards and Appeals, because that is the way we feel about it.

CHAIRMAN FELT: Thank you, Mr. Zeltnr.

Dr. Robert Palmer.

DR. ROBERT PALMER, representing Central Brooklyn Coordinating Council for Youth, Inc.

DR. PALMER: I am Dr. Robert Palmer, Central Brooklyn Coordinating Council for Youth, Inc. Some 50 member organizations are part of our Council, the Bedford-Stuyvesant-Crown Heights Area.

Mr. James Felt, Chairman of the City Planning Commission and the members of the Commission, we are very happy to endorse and approve of the procedures, techniques used here in adopting or setting up the resolution for adoption in the City of New York.

The Central Brooklyn Coordinating Council is happy to accept with confidence the proposed Zoning Resolution for the City of New York as it affects the Bedford-Stuyvesant Section of Brooklyn. We should like to extend our appreciation to Mr. James Felt, Chairman of the City Planning Commission and his staff for a sound and much-needed job.

We have great hopes that this plan for rezoning our city will remove the blighted areas from our older communities. May we add, however, our belief that only through the close cooperation of government, private industry, and citizen groups can a real urban renewal program be accomplished.

As of January 1, 1961 -- and this is expressing how we feel about your program in moving forward to follow through with the recommendations here that you are making -- our Council has asked Pratt Insititute to make an intensive study of some fifty to sixty blocks in the Bedford-Stuyvesant area. The purpose of this urban renewal study will be to further highlight the housing needs in this limited area and formulate a well-conceived plan for meeting them through the cooperation of government, private industry and citizen groups.

I would like to say with this reservation about the resolution, and this is concerning itself with industry in the residential area:

We feel very strongly as a community organization with our fingers in many of the activities of many organizations that

there is a great need to separate the community life from the residential life, because of the gangs, the hoodlums that hang out around the industrial areas.

We find that the absentee landlords, even those owning homes, had nothing to do with the community. And please take into consideration that we are in a new area, a new change, and we must focus our attention on this even if they have to reach the side areas to the suburbs.

I think we must concern ourselves with this at this point.

I would like to summarize in this respect: It is our most earnest desire that the proposed Zoning Resolution be found fully acceptable, to allow its implementation within the city with all possible speed.

And in this respect we place a lot of confidence in you, Mr. Felt.--I have heard you many times and other members of the Commission-in your proposed plan to act at this time.

Thank you.

CHAIRMAN BERKE: Thank you.

Mr. Julius Kaufman.

A VOICE: Mr. Chairman, I was here at 9:15 this morning and I addressed a letter to your charming Secretary two weeks ago about it. It appears inconceivable that the calendar should be called this way.

I was the third person here and I have not heard my name called.

CHAIRMAN FELT: We frequently have these names sent to us in advance.

Would you please speak to Mr. Bernstein?

What is your name?

SECRETARY MALTER: We have it.

CHAIRMAN FELT: The order now is Mr. Kaufman, Mr. Ellman and Mr. Bakerman.

A VOICE: Thank you.

MR. JULIUS J. KAUFMAN, representing Brooklyn Home Builders Association.

MR. KAUFMAN: My name is Julius Kaufman. I am President of the Brooklyn Home Builders' Association.

Commissioner Felt, I have come here this morning to advise you that the Brooklyn Home Builders' Association have endorsed wholeheartedly the entire text of this resolution. We feel that the Planning Commission and its technicians have done an admirable job in redesigning an archaic, outdated, outmoded zoning that we had to contend with and live with for so many years.

However, Commissioner, I am impelled to advise you of a situation which I as a home builder, and I am sure the Commission would be interested in knowing -- that as a home builder I am very much afraid that we are faced with a situation whereby the industry in itself is finding itself in a position where we can only build luxury homes. Even though we prefer to build homes for the average workingman and the man in the average income bracket.

I have discussed this matter, if you recall Commissioner, when you attended our meetings, and Commissioner Bloustein and Mr. Jack Smith.

We had discussed this spiraling labor cost to a point where we know there is no saturation of that particular cost. We discussed the fact that land costs in Brooklyn now, 20 x 100 lot is in excess of \$4,000 a lot.

The financing costs have gone up, and with construction costs now in an area of \$15 a square foot and with land costs at, in excess of \$4,000, and in those areas where the zoning requires that we put in two lots under a house, and therefore with an unimproved lot we have a cost of \$8,000; we are completely out of the area of a medium cost house, where an average workman in the City of New York can afford to buy it.

We have reached a stage now where the average home must be sold in the range of \$30,000 or more for one family, and the two-family houses are going in excess of that.

My concern, Commissioner, has been simply this: There are certain areas in Brooklyn, as you know there is not too much land available, and the areas where there is buildable land in Brooklyn, it consists primarily in the areas of Flatlands, Mill Basin, Bergen Beach and Coney Island, and there is not too much of that available.

And in the area that is available to us, that area which is designated as R-2 or R-1, or R-1.1, requiring more than one lot under

a house, immediately precludes the possibility that any of us in the building -- home building industry -- can build a house to supply the needs of those people who are working for a living and earn not to exceed an amount of \$7,500.

We must now seek buyers only in the excessive amount of \$8,000 or \$9,000 total income.

CHAIRMAN FELT: In that connection I understand your point -- which you and I have discussed on many occasions. The basic disparity between the cost of selling the house and the ability on the part of most people to pay relates to the construction cost of the house.

MR. KAUFMAN: But Commissioner, in the discussion, if you recall, I did say this: That if it is possible in those areas where the zoning, because of esthetic values, and depending upon the areas that you have in the new zoning requiring two lots or in some occasions more; based on the area ratio, we can reduce that area ratio or land use to a point where we can afford to put up a 1200 square foot occupied house on a 20 x 100 lot. We can at least reach a stage, or state, or price where we can afford to build a house for the average income buyer.

CHAIRMAN FELT: Again I say, and this is without any semblance of commitment to you or anyone else, that after passage of the Resolution, wherever there are problems relating to the type of situation you refer to in any specific areas, and if it comes to us on the basis of an equitable or justifiable request we will give it serious consideration.

MR. KAUFMAN: I will accept that Commissioner.

CHAIRMAN FELT: I deeply appreciate the many conferences and meetings that we have had together, and on behalf of the Commission I want to thank you for your endorsement.

MR. KAUFMAN: Thank you very much.

CHAIRMAN FELT: Mr. Gerald Ellman.

GERALD J. ELLMAN, Brevoort Management Company.

MR. ELLMAN: My name is Gerald J. Ellman, I am partner in the firm of Brevoort Management Company in Brooklyn. I spent the last 25 years in the Borough Hall area and I wish to discuss the proposed zoning for downtown Brooklyn. The entire area from the Civic Center to Flatbush Avenue Extension, and from Myrtle Avenue on the north to Atlantic Avenue on the south has been zoned C-6-1, excepting for a small area along Fulton Street which had been zoned C6-5,4 and C5-2.

C6-1 permits a floor area ratio of six times the land area.

C5-4 and C5-2 permit a floor area ratio of ten times the land area.

Fulton Street is the hub and shopping center of Brooklyn. The plan proposes a floor area ratio of six times the land area in the streets immediately surrounding Fulton Street. This ratio is discriminating and will perpetually eliminate the possibility of

constructing an office building in the areas immediately surrounding Fulton Street.

If you will simply check the maps of Manhattan, the floor area ratios permitted on land areas surrounding shopping streets vary from as much as ten times the land area to fifteen times the land area, and the only area -- mind you, Gentlemen -- along Fulton Street is permitted ten times the floor area and that area is entirely built up with department stores.

In other words, a decent office building is now precluded as the zoning stands, as the plan stands.

Apparently the engineers who prepared this report must have had in mind what is good for Manhattan is too good for Brooklyn.

But we who live in Brooklyn and who earn our livelihood in Brooklyn disagree with that vehemently. We feel that there is one sole area in Brooklyn which should have some office buildings where we feel that there is a demand for it.

We have received calls for it and we feel that when the time is ripe we will not have the legal permissiveness under the statute. And if we have to go to the Board of Standards and Appeals we just will not have it.

In the past Fulton Street lost such department stores as Loeser, Namm's, Oppenheim Collins and many of the larger specialty stores.

At the moment, of course, the Fulton Street area is doing well as most shopping streets and centers throughout the country. But

we cannot rely upon that.

The time will come when it will need the customer-feeder of the office building, and we cannot preclude that.

I might say that many of you may remember Broadway - Brooklyn as well as I do when I was a boy. And I think you know what happened to Broadway-Brooklyn.

I don't know if anyone has been here to speak in behalf of the Fulton Street area, but I think that very serious consideration should be given; that we should not be discriminated against.

I call your attention to the fact that on the northwest corner of Livingston Street and Smith Street, the America-Fore Insurance Company constructed a magnificent, modern, fourteen-storey office building. Under the present plan, if it goes into effect as it is today, diametrically opposite on the southeast corner there is a 20,000 square foot parking lot, and we know that there have been inquiries for the construction of a similar office building.

Many of these things do not come to the front overnight, it may take a year or two or three as you well know, Mr. Felt.

If this plan goes into effect as it is, this structure would be prohibited just across the street. We feel that in Brooklyn we are very close to Wall Street, we are just one or two stations away on the IRT and on the BMT.

We have the three subway services converging in the Borough Hall area, and the time will come -- and it is not far distant -- that office buildings will be built in Brooklyn, providing that this

plan does not prohibit it.

Gentlemen, I tell you that this area will eventually be known as the magic triangle, if you will permit proper growth to the immediate area surrounding Fulton Street.

This is all I wish to say about the Fulton Street Area, but I ask you to give it very serious consideration, because there will be an absolute throttle on the growth of the Borough Hall Area and the entire area. And we may affect the department stores if this growth is not permitted.

There is something unrelated to this that I would like to take up with the Board; the waterfront area in the vicinity of the Manhattan and Brooklyn Bridges is at present zoned unrestricted.

I think you are aware of the fact that we have what today exists as a series of slum factory buildings among some good ones, of course. And these factory buildings eventually will have to be torn down for the construction of new factory buildings, surely not for residential purposes.

And to permit only a floor area ratio of two times the land area will make the cost of acquisition and the cost of demolition prohibitive to put up the type of structure that the plan envisages.

So I say to you that in order to make this plan workable, the bulk area will have to be at least six times the floor area ratio of the land area, otherwise those slum factory buildings will remain and exist until they collapse.

I thank you very much.

CHAIRMAN FELT: Thank you, Mr. Elman.

Mr. Edwin Bakerman.

EDWIN BAKERMAN, representing various properties.

MR. BAKERMAN: Having been called late might be a blessing in disguise, because everything that I had to say has almost all been said.

Mr. Felt, I want to point out to you that the map --

CHAIRMAN FELT: Mr. Bakerman, did you give your name and address?

MR. BAKERMAN: Edwin Bakerman, 124 Montague Street, in the State of Brooklyn. Mr. Felt, the map which appears in here, if it is going to go to the Board of Estimate for its approval, I cannot see how they can possibly discern what it says.

One matter of considerable concern to me is that I am the general counsel for Marra Brothers who own a piece of property whose value I would not like to estimate. But it goes all the way down Smith Street on both sides along the waterfront, and Gowanus Canal, and I just cannot find it here. I think that Mr. Marra has a payroll exceeding probably \$50,000 a week, and he certainly would like to know where he stands.

CHAIRMAN FELT: When you conclude your remarks I will have Mr. Smith meet with you and the other members of the Board.

MR. BAKERMAN: I would very much appreciate that.

Mr. Felt, I can say that as an overall picture this is a most daring resolution and you have been its most able spokesman.

I am going to ask that the specific requested changes -- that I submit them by way of memorandum to the secretary.

CHAIRMAN FELT: We will include it into the record, if you request us to.

MR. BAKERMAN: Yes. I have here about ten parcels that I would like to make specific requests. To argue the matter now would be to belabor it and hold the many more speakers than I.

I can say as an overall picture that you have done a most magnificent job, and it appears as though we are going to have -- if the Resolution is passed -- a better city.

I would like to ask you, Mr. Felt, whether this Resolution must go now to the Board of Estimate as it presently stands, and any changes must be made before the Board.

In other words, can this hearing -- can the City Planning Commission make changes in this proposal or must it now go before the Board of Estimate in toto?

CHAIRMAN FELT: If the City Planning Commission deems it advisable it may make changes.

MR. BAKERMAN: If it does, will it require another public hearing?

CHAIRMAN FELT: No, it will not. Changes are in the form of recommendations.

MR. BAKERMAN: I see. But not direct changes, but recommendations to the Board of Estimate.

CHAIRMAN FELT: That is correct.

MR. BAKERMAN: Thank you very much, sir.

CHAIRMAN FELT: May we have the various addresses or names of parcels now so it will be in the appropriate location in the record?

MR. BAKERMAN: Yes.

If Marra Brothers does not conform to its requirements I will object to all of the land of Marra Brothers on either side of Court Street from Hamilton Avenue; on either side of Smith Street from Hamilton Avenue down to the end of the waterfront.

On 6th Avenue between Union and President Streets:

The entire block fronts, which I think the gentleman from the Brooklyn Real Estate Board pointed out was being precluded from proper use -- 6th Avenue and St. Marks Place. 6th Avenue and Sterling Place. 223 15th Street.

Bay 34th Street and Bath Avenue; Louisiana and DeWitt Street.

The corner of Henry and Pierpont Streets. The area surrounding the Bartel Pritchard Square, going up through to Prospect Park West, all of which are presently used -- or would under the resolution be non-conforming.

CHAIRMAN FELT: And your memorandum will cover these specific parcels with maps?

MR. BAKERMAN: That is correct.

I say if the property of Marra Brothers is so included.

In addition, I am going to point out in my memorandum the

desirability of the land on 3rd Avenue in the general Bush Terminal Area being encompassed into a more unrestricted area.

CHAIRMAN BAKER: Thank you, Sir.

Is Eric Salzman or Martin Harris present?

ERIC SALZMAN, North Brooklyn Heights Community Group.

MR. SALZMAN: My name is Eric Salzman, and I represent the North Brooklyn Heights Community Group.

As you know, Brooklyn Heights has a rather special place in this city because of its unique character, because of its architecture and because it preserves buildings and the character of New York of 100 and 150 years ago, so that we believe that the interests of Brooklyn Heights have some interest for the city as a whole, as a cultural and an aesthetic part of our heritage.

The North Brooklyn Heights Community Group favors the principles of the new Zoning Amendment. These principles will achieve the desirable objectives of keeping industry out of residential areas, preserving existing residential character and preventing overpopulation in residential zones. Therefore, we support the resolution.

However, the proposed amendment violates its admirable purposes when dealing with Brooklyn Heights. The block next to Public School 8, bounded by Poplar, Hicks, Fulton and Henry Streets, is classed as M-2. Present usage is one-third light industry, one-third empty industrial buildings, and one-third residential.

It is inconceivable that any area in Brooklyn Heights should be zoned for medium industry. This is particularly true in the case of

a block adjoining our public school. It should be zoned residential.

Secondly, the amendment divides Brooklyn Heights down Hicks Street, which is virtually the center line, with all to the west classified as R-6 and most to the east classified as R-7. Over 3,000 Heights residents have protested this zoning in a petition presented to Borough President Cashmore and Commissioner Felt. The entire Heights residential area should be zoned as R-6. Only in this way can the Heights hope to preserve its unique architectural heritage and its exceptional residential character.

Thirdly, the amendment zones the Cadman Plaza site bounded by Clark, Fulton and Henry Streets for R-8. This also includes a portion of Monroe Place.

We were told this was done at Commissioner Davies' request to accommodate revised Cadman Plaza site plans. Since we understand that such projects are outside the zoning restrictions, this seems like an obscure purpose. An R-8 zone for any part of the Heights is highly undesirable because of the threat of over-population which it poses and because of the objectionable tall buildings which it would allow.

Speaking for its membership and the over 3,000 Heights residents who signed the attached petition, the North Brooklyn Heights Community Group requests these changes in their new zoning as soon as possible to preserve a unique, historic and beautiful part of New York which is seriously threatened.

Thank you.

CHAIRMAN FELT: Thank you.

Maurice Wade. Is Mr. Wade present?

MAURICE WADE, President, Bay Ridge Community Council.

MR. WADE: Mr. Felt, Madam and Gentlemen:

Maurice Wade, President of the Bay Ridge Community Council, representing almost 40 organizations which are listed in the memorandum which I trust you have.

We wish to express our sincere appreciation of the splendid cooperation given to the members of our zoning committee in the discussions with members of the City Planning Commission on certain proposed zoning changes affecting Bay Ridge and the adverse effects some would have in the proper and orderly growth of our community.

The recommendations made by our Zoning Committee consisting of civic leaders, professional and business executives, many born and raised in the area, were given only after a thorough study of the proposed zoning resolution and the impact such changes would have on our community. All the time and effort put forth by our committee members have been done unstintingly and with the true spirit of civic and community pride.

The Bay Ridge Community Council is extremely pleased to see that the City Planning Commission has adopted most of their proposals, and has incorporated them in the amended proposed zoning resolution now under consideration. The one recommendation which was not compromised with members of the City Planning Commission, and which we feel was not adequately explored, is contained in the

following recommendation:

We urge you to recommend and direct the City Planning Commission to adopt the recommendation proposed by our zoning committee to retain the highly residential character by upgrading the area in question from R-5 to R-4, which area is hereby fully described and is outlined in the map which is attached to the memorandum.

"Beginning at a point formed by the intersection of Ovington Avenue, 100 degrees west of 4th Avenue, thence running westerly along the center line of Ovington Avenue to the intersection of 7th Avenue, thence running northerly along the center line of 7th Avenue to the intersection of 66th Street to 100 degrees east of 13th Avenue, thence running southerly and parallel with 13th Avenue to the intersection of 86th Street, thence running easterly in the center line of 86th Street to the intersection of 7th Avenue, thence running northerly to the center line of 7th Avenue to the intersection of a line between 8th Ave. and 86th Street, thence running in an easterly direction 100 feet west of 5th Avenue, thence running northerly and parallel with 5th Avenue to an intersection of a line between 78th and 79th Street, thence running in an easterly direction to 100 feet west of 4th Avenue, thence running northerly and parallel to 4th Avenue to the point or place of beginning."

We are sure that in consideration of this request, the resident, civic and business leaders of this beautiful community of Bay Ridge will envision with you that New York City will be a better place to live in for all our people in the near future. We, therefore,

shall be extremely proud and vocal in our support in your efforts to the ultimate goal in the adoption of a zoning resolution that will accomplish the most good for the people in this city and for the proper and orderly growth of the greatest city in the world.

Therefore, with that reservation, we heartily recommend the adoption of the resolution.

CHAIRMAN FELT: Thank you.

Mr. Wade, as I stated previously, after passage of the resolution, we intend to review requests made from time to time. Based upon the equity and based upon the justification of those requests, we will give them sympathetic consideration.

MR. WADE: I trust then our equities, since we are residents, will out-balance any other consideration.

Thank you.

CHAIRMAN FELT: Thank you for your endorsement.

Mr. Milton P. Miller. Is Mr. Miller present?

MILTON P. MILLER, property owner.

MR. MILLER: My name is Milton P. Miller, I have my office at 66 Court Street, Brooklyn.

I represent the property owner covering the premises on Flatlands Avenue between Louisiana and Miller Avenue, which is represented on the lower portion of Map 17D.

Now, I had appeared here before the Commission in March at the prior hearing, and submitted a proposal for this property, requesting that it be placed in an R-6 zone by reason of the surrounding

uses, namely, an M-3 zone of the City of New York, occupied by a sewage treatment plant, the entire north side of Flatlands Avenue in an M-1 zone, and by reason of these uses, I had a conference with Mr. Friedman of this office at which time I submitted a proposed plan prepared by my architect, Mr. Philip Birnbaum, which showed that this property would be improved with a middle-income housing of approximately 3,000 units with a shopping center, and other similar improvements.

Mr. Friedman seemed very receptive to this proposal until I received the new proposal which retained the R-3 zoning, except the surrounding area has been downzoned even more than it appeared in the March proposal.

In the March proposal, the two block fronts on the north side of Flatlands Avenue and Louisiana had been in a residential use. These blocks face a public park -- on Louisiana and Flatlands Avenue. Apparently, in request to my application, since I appeared at that hearing and there was no other speaker before that, this was placed in a manufacturing zone. In other words, the R-3 which was changed between the prior M-1 and the public park, went into a M-1 zone. But the R-3 which adjoined for 1500 feet on a city sewage treatment plant which this Commission has seen fit to put in M-3, retained an R-3 zone.

Now, at the time I took this up at the prior hearing I was told that there would be a physical inspection made of this property to familiarize the Board with my complaint. I assume this inspection

was made.

But, apparently, it was not made so that there was any understanding of the situation or the condition of this property. The entire north side of Flatlands Avenue which bounds this property for approximately 2,000 feet is improved with auto wrecking yards, gas stations, and similar uses, all of which retain their use indefinitely under this new proposal. They are in an M-1 protected zone.

However, the south side of the street is placed in an R-3 one and two family or limited housing use, which is a ridiculous use for this type of property with this surrounding use which the Commission has not seen fit to make any change in.

I say that this use is an undue hardship; it's inequitable; it's unfair and all it will do is put this property in a deep freeze to retain whatever limited use it now has without any prospect of any development.

This Commission has heard many speakers discuss the need for middle income housing. However, when someone comes before here with a reasonable proposal, apparently it falls on deaf ears

If this Commission will observe the north part of page 17D, directly above the M-1 zone, it will note that almost the entire area is R-6. However, when we get to the south part of this large M-1 area, the Commission has seen fit to put it in an R-3 zone.

Now, to get back with its present use, this property is improved with gas stations, auto wrecking, building material yards, drive-in stands, amusement area, and it will remain that way unless

this Commission makes some reasonable and fair and equitable adjustment.

Thank you.

CHAIRMAN FELT: Thank you very much, Mr. Miller.

Is Mr. Hessel present? Paul W. Hessel?

PAUL W. HESSEL, representing Sea Gate Association.

MR. HESSEL: My name is Paul W. Hessel. I reside at 5030 Oceanview Avenue, Sea Gate, Brooklyn. I'm here on behalf of the Sea Gate Association which is, as many of you members may know, is a membership corporation consisting of the property owners in Sea Gate, consisting of about 700 property owners.

I myself own my own home there.

I refer the Commission to Map No. 28B on page 223 of the proposed resolution which contains the Sea Gate Area. May I say at the outset that the membership and the Sea Gate Association are most happy and are grateful to the Commission for the zoning that you have given to Sea Gate in the proposed resolution. I only wish to point out one or two matters that perhaps the Commission may have overlooked or its staff in setting up this zoning.

The R-3-1 Zone in which you have placed the Sea Gate area, we believe is most suitable for that residential area. However, we call your attention to the fact that, of course, Sea Gate is surrounded by water on three sides, on one side of which is the Atlantic Ocean containing what we consider the most beautiful beach in New York, and

which is used by the members of the association almost wholly. We suggest that the Commission recognize the actual physical fact that the beach is used for the recreational purposes of bathing and that the beach area be zoned accordingly so that in the event, in the future, that if in the future the Association wishes to make improvements or replacements in that recreational area, that it will not be necessary to come to the Commission for an amendment or to the Board of Standards and Appeals.

I particularly call your attention to the area between Beach 37th Street --

CHAIRMAN FELT: What is that area zoned on the other side, the area that you refer to now?

MR. HESSEL: R-3-1.

CHAIRMAN FELT: It is R-3-1, including your area?

MR. HESSEL: That's right, all of Sea Gate. All of Sea Gate is an R-3-1, except there is a C-1-1 little commercial area.

CHAIRMAN FELT: You are referring now to the beach area?

MR. HESSEL: The beach area.

CHAIRMAN FELT: The beach side?

MR. HESSEL: I'm talking about the beach, along the Atlantic Ocean, Mr. Felt. Perhaps you may know that part of the beach is rather intensively developed for recreational purposes with a cabana platform and a large group of cabanas that are used by the Association members and residents.

There is a sort of restaurant there; there are handball courts and playground areas and so on. What we should like is that the Commission recognize this and zone it accordingly.

I believe there is a classification of waterfront recreation perhaps that would be suitable. I don't know just exactly what, but that's the closest thing I have in mind.

CHAIRMAN FELT: Yes, we have such a designation.

MR. HESSEL: Yes.

Also, I may call your attention to the fact that Sea Gate Association, which administers this area, and perhaps you know it is a unique sort of semi-governmental organization which owns its own streets, we have our own police force, you probably know that we have our own garbage collection force, and we pay Sea Gate charges in addition to the usual city taxes, and you'll probably hear complaint about that in the future -- we've made that to other city agencies -- However, the Association in administering these facilities must have their offices -- I think in the present zoning maps we have a small business area to take care of that. So if we should ever have to enlarge our offices we shouldn't have much difficulty.

Now, I should like to come to a much more serious problem, Mr. Felt; these we consider minor.

You probably know that Sea Gate was at first established as a very fine summer area with very large mansions. Now, in Sea Gate we have a building program of one and two-family houses which I

believe will fully comply with this new zoning resolution.

We also have many fine homes there, all of which will comply with the new resolution. But unfortunately, many of these older houses have gotten into hands where because of the summer recreational aspects of this community, have deteriorated and fallen into rooming house, and in some instances, even single-room occupancy kind of uses.

Now, we have been struggling with that problem to maintain our community, and in many instances, we have been successful in getting these things demolished. But in other instances, because of economic factors, it isn't practical to take away property from somebody who is getting an income from rooming-house uses, and demolish it and pay them for the cost of the land alone.

Now, recently we have tried to push a program of having these Class B occupancies converted into Class A uses, and that was the only feasible thing that we could do with them and that's what we foresee as a solution to those properties in the future.

Now, what we fear is this:

If there is not enough time for us to be able to go to work on each one of these houses within the year's grace between the adoption of the resolution and its effective date, what may happen is that these houses will be frozen into the present Class B occupancy use. Whereas, if we have enough time, perhaps another year or so, we can get after these properties one by one, give them every possible help in the way of architectural advice and financing, perhaps FHA or other governmental help to get them to convert from Class B to Class A.

However, these houses are so large that the only feasible and economic solution to them would be to have them converted into at least three or four and, in some instances, five apartments.

Now, right now, in Seagate we do have in addition to the vast majority of one and two-family houses a number of multiple dwellings. In the present E Zone that has been possible.

That is the only concern we have with this classification, as happy as we are about it.

CHAIRMAN FELT: Well, I might say this, there has been very evident advocacy on the part of many segments of the community for us to eliminate the grace period altogether. This we will not do. In other words, we will have a one-year grace period.

MR. HESSEL: Well, as -----

CHAIRMAN FELT: There may be other means that you may be able to avail yourself of, but the grace period is a matter which many significant groups in the community - some civic groups, some individuals and some builders would like us to eliminate altogether so that the effective date could take place immediately. We do not feel that way. However, we certainly do not feel that it should be extended.

MR. HESSEL: Well, as an alternative ---

CHAIRMAN FELT: We would be glad to meet with you and see if there might be some other method that could

properly be used to help control the situation that you refer to. And we understand the significance of it.

MR. HESSEL: That we would be most happy to do, Mr. Felt.

CHAIRMAN FELT: I'd be very happy if you called me after these hearings and sat down with members of our staff and yourself and discuss it.

MR. HESSEL: All right. Then may I communicate with your office to set up an appointment for that purpose?

CHAIRMAN FELT: Do not do it before Thursday.

MR. HESSEL: I know. We'll wait until after all these hearings are over.

CHAIRMAN FELT: That's right.

MR. HESSEL: Thank you very much.

CHAIRMAN FELT: Thank you very much.

Allen A. Blaustein and then Herman Field and then George J. Rudnick.

Mr. Blaustein, could I just take a moment, because a telegram has been sent to Mr. Bernard L. Hegeman. Mr. Hegeman isn't present-- I cannot see him, at least -- and this is from Joseph Aron and his wire is in effect a vigorous opposition to the resolution in connection with a specific property, 71 Clymer Street, C-l-y-m-e-r, and I think in view of Mr. Hegeman's absence and this wire, I would like to include it in the record.

Addressed to: Brooklyn Real Estate Board, City Planning Commission,
Dated: September 12, 1960

JOSEPH ARON, representing ARONS BOW TIES (Telegram)

"Attn Bernard L. Hegeman - I strongly object to the rezoning of property at 71 Clymer Street from Unrestricted to Residential. I have invested large sums of money in improving this property and my employees are all from this neighborhood and a move from this address would cause great hardship to all concerned. Sorry I cannot be there in person. Respectfully,

Joseph Aron, Owner, Arons Bow Ties,
71 Clymer Street, Brooklyn, N.Y.

CHAIRMAN FELT: (continuing) I also have two communications which were referred to yesterday, but which I have been asked to read into the record as affecting Brooklyn. This one is from Fred C. Trump, dated September 1st:

FRED C. TRUMP -- Avenue Z and West 1st Street
Brooklyn 23, N.Y.

September 1st, 1960.

"Honorable James Felt
City Planning Commission
2 Lafayette Street
New York 7, New York

Dear Chairman Felt:

"Unfortunately I will be unable to attend the public hearings concerning the proposed new zoning resolution, but I do want to place myself on record as being heartily in favor of the proposal in principle.

(continued)

"The proposed amendment with its emphasis on lower and more sensible bulk, expansion of the floor area ratio concept and the more flexible architectural controls is more consonant with present day planning for urban development.

"Not only have I constructed thousands of small dwellings during my career as a builder but in addition, I have built many apartment houses including "Shore Haven" and "Beach Haven" in Brooklyn.

"In connection with the latter two projects, the present zoning would have permitted floor area ratios of more than 5; I recognized the desirability of limiting the coverage and height to provide a sensible density. "Shore Haven" consists of a group of 6-story buildings with a coverage of about 35%, indicating a floor area ratio of 2.1 compared with a floor area ratio of 2.4 under the R-6 designation of this area. "Beach Haven" consists of a group of 6-story buildings with a coverage of 20%, indicating a floor area ratio of 1.2 which is identical with the floor area ratio under the R-5 designation for this area.

"In keeping with my desire to adhere to modern standards, I am designing a group of buildings in the "Warbasse" section of Brooklyn which will conform with the bulk requirements of the R-6 designation indicated for this area in the comprehensive plan.

"May I repeat that I am in favor of the general philosophy of the proposed comprehensive zoning amendment and wish to thank

you for the revisions which you have made which were practical, logical and reasonable and enhanced the purposes of this amendment.

"I am sure the community as a whole will benefit by this new zoning resolution when the same is passed and takes effect.

"You are to be complimented on a job well done. Very truly yours, Fred C. Trump."

And two other short communications, one from John J. Bennett:

JOHN J. BENNETT of BAAR, BENNETT & FULLEN
29 Broadway
New York 6, N.Y.

September 8, 1960

"Hon. James A. Felt, Chairman
City Planning Commission
2 Lafayette Street
Manhattan, New York City.

"Dear Mr. Chairman:

"The City Planning Commission is to be commended for providing the City of New York with a revised modern zoning code which should insure the sound growth and development of our City in the years to come.

"As former Chairman of the Planning Commission I am very much aware of the need to replace the present 1916 code with modern zoning provisions, and I believe the present proposal serves as an equitable and progressive answer to the problem.

"I am particularly pleased to see that the revised draft of the proposal not only provides for more desirable housing construction

but will assist the expansion of industry throughout the City - and especially in my native Borough of Brooklyn.

"May I offer my good wishes for prompt adoption.

Sincerely, JOHN J. BENNETT."

CHAIRMAN FELT: (continuing) The next letter is from Mr. John J. Smith, President of the East New York Savings Bank.

JOHN J. SMITH, President, EAST NEW YORK SAVINGS BANK

"Hon. James Felt, Chairman, City Planning Commission Sept. 1st, 1960
2 Lafayette Street, New York 7, New York

"My dear Commissioner:

"As the president of an institution which has a great stake in the future of our city, I want to take this means of expressing my wholehearted approval of the zoning proposal which the City Planning Commission has prepared for the City Of New York.

"In my judgment, a sound zoning code has been long overdue, and I feel that if the suggestions of your committee are adopted, it will result in a vast improvement of many areas of the city and add to the soundness of real estate values, in which savings banks are vitally interested.

"The Commission is to be complimented for the time, thought and effort that has been put into the preparation of the proposed code which, in my judgment, is deserving of the support of all of those who are truly interested in the future of New York."

Sincerely yours, John J. Smith."

CHAIRMAN FELT: (continuing)

Mr. Blaustein, please excuse me, but I had to get these into the record. Will you proceed?

ALLEN A. BLAUSTEIN, Architect.

MR. BLAUSTEIN: My name is Allen A. Blaustein, Zoning Chairman of the Flatbush Chamber of Commerce, Architect by profession for 38 years.

At the outset, I wish to state that a few previous speakers have stated that some of the streets are missing on the maps. I just want to advise the Commission that looking at most of the maps, there are 6,750 street names missing from 130 maps. Also --

CHAIRMAN FELT: Mr. Blaustein, may I give you this --

MR. BLAUSTEIN: And I suggest --

CHAIRMAN FELT: Will you please bear with me for a moment?

MR. BLAUSTEIN: Yes.

CHAIRMAN FELT: In connection with this proposal submitted to the people at this hearing, we had large maps which were then quartered and in quartering them, they were printed as part of the resolution.

They will not be the permanent maps, I can assure you. Now, when we quarter a map, you might have a street and it might be Henry Street. The Henry might be on one map and the Street might be on another map, but by a very quick looking over from one page to another, I think anyone who is deeply interested would have no problem whatsoever.

Did you have any problem in finding --

MR. BLAUSTEIN: Mr. Chairman --

CHAIRMAN FELT: (Continuing) -- did you have any problem?

MR. BLAUSTEIN: Yes, originally, but I brought it to the attention of this Commission a year ago that that was missing.

Now, the second thing --

CHAIRMAN FELT: I assure you it will be corrected in the final resolution.

MR. BLAUSTEIN: Yes. And I was going to suggest that you correct all the maps and whatever is necessary, if this resolution is adopted by your Commission, and forwarded to the Board of Estimate.

Now, also missing are designations of uses. There are about 800 designations of uses missing also in the maps, and that you just can't turn the page. You may have to turn four pages and so on. So I would appreciate --

CHAIRMAN FELT: That has the same applicability.

MR. BLAUSTEIN: Thank you very much.

CHAIRMAN FELT: That will be done; I can assure you, sir.

MR. BLAUSTEIN: Thank you very much.

On two previous appearances, I suggested that certain streets be changed. One was the car barn on Prospect Park West, north of Greenwood Cemetery. That and a westerly block was changed after a hearing here so as to allow low rent housing.

In the interim, it was held in abeyance because the Mayor put it off and stated in part that there will be no low rent housing built there for some time. Subsequently, the car barn block was sold to the Catholic High School, which is between the northerly side of Greenwood Cemetery, 20th Street to 19th, and from Prospect Park

West to 10th Avenue. In this zoning map, that has been rezoned for residence.

Now, if they're going to build a Catholic High School with all sorts of children from twelve to fourteen in that block, it will be also necessary to change the block on the west which is now zoned for M-1, from Prospect Park West to 8th Avenue and from 20th Street up to 19th Street, and I suggest that that be rezoned for R-1, from R-1 to R-5 or R-6.

I also have suggested before, and it was not incorporated in the maps, that the area from 16th Street down to Prospect Park Expressway which is ripe for housing developments and from 7th Avenue to 10th Avenue be changed to R-6, because at present there are eight-family houses with party wall buildings and under the proposal of R-5, it necessitates two driveways and that cannot be accomplished.

So rather than change all the texts, I suggest that the portion from 16th Street to 18th Street, facing the Prospect Expressway and from 10th Avenue to 7th Avenue, be changed to R-6.

I will subsequently prepare all this data and submit it to the Planning Commission for consideration. I do not wish to take up too much time now on all these smaller details.

As this is the last scheduled zoning hearing on above, before final action on same before presenting same to the Board of Estimate, I wish to make it crystal clear, that this zoning experienced practitioner, representing numerous civic, trade, chamber of commerce groups, member of architectural zoning committees, for

the past 35 years in New York City, is still opposed to the last corrected zoning maps, and texts, before us for consideration.

After perusing and checking the maps of Brooklyn, in comparison with Manhattan, I was amazed to find that Manhattan, now top-heavy from over-building of high skyscrapers, has been granted much more floor area ratios for future buildings, not only that, it was also favored with unlimited building or buildings, on its present narrow street canyons, detrimental and directly in conflict with the intention of providing more light to adjacent properties. Because Manhattan was greatly upgraded in building bulk, because of unsightly unrestrictive towers, and most of the uses permitted to remain as per status-quo, there now is little opposition from Manhattan bankers, realtors, apartment builders, who will gain immensely financially, if this controversial unworkable and impractical amendment for the four other boroughs outside Manhattan, is railroaded through and adopted by the Board of Estimate, unless first entirely revamped, corrected to coincide first with the present building bulk status-quo, and use now legally established in the four boroughs outside of Manhattan, whose properties are to be downgraded, and to many blocks of legal buildings, bulk and uses, proposed to be made non-conforming and illegal without due process of law, and without just compensation.

In comparison, Brooklyn and the other three boroughs outside of Manhattan, not only get very little encouragement with a pittance of a small percentage of upgrading, but these boroughs, that

contain suburban areas, are permitted very little extra building bulk, where it is needed to fill up the vast unbuilt acreage, in its outlying sections, where the average dwellings and business and commercial building structures are only two to three stories high. It's inconsistent to overbuild Manhattan, and lower building bulk in Brooklyn, where it is not necessary. To further aggravate the sound and present liberal working residential zoned areas, an unworkable very low confiscatory floor area ratio .5 is being proposed to substitute for the now sound and realistic floor area ratios, of the practical zoning resolution, which is two and four times greater than the too low FAR of one half the areas of small one and two-family dwelling lots. To copy a low FAR of only .5, because Chicago has this low FAR for its 6,250 sq. ft. minimum lots for a one family dwelling, and for the N.Y.C. Planning Commission to endeavor to make applicable to hundreds of thousands of small lots in our city less than 18 feet wide, and over 55 feet deep, average 80 feet deep, thousands less than 1000 square feet in area, is unsound planning and reeks with unsound thinking, sans common sense, that will do more harm and retard the progress of our city than encourage orderly incentive progress for the economy of the greatest City of the world.

Within the next two weeks, this representative will forward constructive suggestions and necessary amendments, to the proposed amendment in question, and if incorporated and accepted by the Planning Commission in its proposal, he will endeavor to have his organization give its approval to the corrected amendment before us for

consideration. If these amendments are not accepted, his organization, that he represents, will again vote in opposition to the adoption of the proposed comprehensive zoning amendment for New York City before us for consideration. If it's the Commission's desire to submit the best corrected amendment, including sound amendments that will make the new amendment workable, it must listen to reason, accept the confidence of practical experienced zoning consultants, and similar unbiased civic minded citizens, and not be swayed or misled by the array of scores of dogooders, money and realty tycoons, builders, who have something to gain, and know little or nothing of the technical subject of zoning, who appeared yesterday before your Zoning hearing, offering flowery commendations, demanding urgent passage of the above unsound amendment without reservation, which action if you took in haste, will do irreparable harm to the entire economy of our city, and a great disservice to this commission and our Mayor, since the proposed amendment, in its present form, is entirely unworkable and impractical in its application to the properties of the four boroughs outside of Manhattan, if passed through without further reservation.

Thank you.

CHAIRMAN FELT: Thank you, Mr. Blaustein.

Mr. Field.

HERMAN FIELD, President, Manhattan Beach Community Group and Manhattan Beach Board of Trade.

MR. FIELD: My name is Herman Field. I'm President of the

Manhattan Beach Community Group. I'm also the President of the Brighton Board of Trade.

I want to commend the Commission on the splendid job, the Herculean task. I don't want to guild the lily, by repeating so many complimentary things about the entire job, but I would walk with a great deal of pride if I had any part in this entire proposal.

I do want to be on record for our organization wants to be on record, that the entire Manhattan Beach should remain in character as it has been in the past, a residential area, and we believe that the slight oversight on the part of Corbin Place, the westerly side of Corbin Place, has been corrected. The community is in favor of both the west and east side of Corbin Place being zoned under the -- on the same basis as the rest of Manhattan Beach.

However, we had unanimously voted to ask that the powers of the Board of Standards and Appeals be curbed so that any variance other than slight ones that are proper for various reasons be so enforced that they cannot nullify the entire idea of this new planning law.

Now, I'm going to read a letter to you, from Mr. Bonfiglio, and this will give you an idea of why we are opposed to the Board of Standards having the right for variance.

CHAIRMAN FELT: You understand, sir, that under our proposal there are limitations included insofar as the granting of variances are concerned. There will be a Board of Standards and Appeals, but the rules have been modified.

MR. FIELD: All right.

This letter is addressed to another realtor, and it says:

"Dear Sir:

This is to confirm our understanding that any contract of sale located at 258 Corbin Place, Manhattan Beach, Brooklyn, will contain a condition representing that the seller will obtain apartment house zoning for such property or entitle the purchaser to rescind said contract."

I think it is an affront to a community that is very, very strongly opposed to any encroachment of apartment houses in their area to have a man send a letter to another realty operator promising him or suggesting that he can obtain a variance or a change of the zoning to permit apartment houses.

I call this to your attention that it be in the record that no kind of machinery should be able to upset that particular zoning apparatus in the City of New York.

Thank you very much.

CHAIRMAN FELT: Thank you very much, and now Mr. Rudnick.

GEORGE J. RUDNICK, representing himself and several property owners of Avenues X, Y and Z.

MR. RUDNICK: My name is George J. Rudnick. My office is at 162 Remsen Street, Brooklyn.

I and one Herman A. Schwartz are co-owners of property, vacant property in the Borough of Brooklyn, at the intersection of the west side of West 11th Street and the north side of Avenue Y,

running from X, Y down to Z, West 11th Street, West 12th, West 13th.

Under the proposal of the Planning Commission, this is to be converted into a residential zone. At present, Avenue X between West 17th and West 13th Street is zoned for business to a point north of Avenue Y, and the balance of the property continuing south to Avenue Z is unrestricted.

Now, I speak in behalf of the interest that we have alone, and I don't propose to get into any academic discussion as to the impact of this proposed zoning on the city, generally. I'm speaking purely and solely insofar as it affects me as a property owner and affects my investment.

Now, our ownership is of three blocks in the area of Bensonhurst; it's near the Coney Island Area. On this property, there is an elevated structure, the train -- it's a semi-circle. The property is enclosed in a semi-circle, and the train is right above. The Transit Authority has an easement on this property, so that trains are going right over this property at all times. It's the West End Line. It goes over this.

Right in back of us, there's a gas station, there's a wrecking lot on which wrecking is done, and there are other various unrestricted business operations.

Now, my objection to this is there is no conceivable rational relation between the proposed change and the existing use of this property. Here we are enclosed by a -- and a railroad right above our property with an easement to the Transit Commission, a car barn right

along side of us, and with all these unrestricted uses, this is going to be changed from a business zone, and with a small part that's unrestricted, to a residential. It just doesn't make sense. And it will seriously jeopardize and affect our property, and I can't understand what prompted this, especially with these trains, as I've indicated. It's a crucial proposition; you just can't do anything except what we propose to do, and we've started.

I didn't know about this, and when I found out, I sent a letter to the Planning Commission only two weeks ago.

Now, we propose to start -- one of the things that have been offered is a shopping center. Now, these things aren't done in a day or in a week. I understand that when you submit plans to the Building Department, it takes four months before you get them approved. So that this contemplated one year period of grace, I submit, isn't really sufficient so far as we personally are concerned.

We've owned this property quite some while, because before the plans are worked out, before the finances are worked out, before the plans are approved, a year is a very small period. I'm talking in relation to this; it may be all right with relation to others, but in relation to this I want to go on record and say most respectfully -- and I've treated this legalistically because I happen to be a lawyer -- it appears to me to be a deprivation of our piece of property, even though I realize the powers of the Board of Estimate and the City Planning Commission. You just can't take a piece of property with a railroad above and a car barn going alongside of it, and with all this

adjacent to this, and say, "Henceforth you're only going to use this for residence" and that I submit, speaking on behalf of my position - our property is on Avenues X, Y and Z, between W. 11th, W. 12th, and W. 13th Streets -- that is our position and I want to put it on the record.

CHAIRMAN FELT: Thank you, we shall be mindful of it.

Mr. Battista.

VITO P. BATTISTA, United Taxpayers Party.

MR. BATTISTA: Mr. Chairman Felt, Members of the Commission:

I'm very grateful you called me so early. I'm used to staying here many, many late hours.

I just want to make a few remarks; I'm not here to plead for myself or for anybody on individual cases. I've heard too much of that this morning.

All I do hear -- and I hear people tell you -- "We like the zoning law but take care of us." There's been too much of that.

I made my pleas before. Some cases you followed; some cases you haven't. I think when I hear all that's been said this morning, there's no doubt in my mind that this requires more study.

Incidentally, you know my name -- I don't have to mention it. My name is Vito P. Battista, because I understand people are outside --and I am Chairman of the United Taxpayers Party and also Chairman of the Property Owners of Greater New York. And I believe at this time that this requires more study.

Now, you've heard all these complaints this morning, and you know, we've been working on this now over a year. And, of course,

you've always been refining it. But I don't think you can rezone a whole City of New York intelligently in just the time element with the staff and the talent that you have, and I'm trying to be very respectful, believe me.

And a thing in principle that I want to bring out to you, other than say let's have more study, because you've heard -- you've heard Blaustein, you've heard the architects yesterday, certainly, this difference of opinion must have some validity.

What I've noticed about this Zoning Law, Mr. Chairman, is that it's in many cases, it's a fight between the small and the big; the vertical towers that we're trying to plan in New York City versus the residential, low spread-out communities.

Now, what your proposal in many areas is, is the destruction of the character of the community. I can speak to you hours on end as to whether or not the vertical tower is better than a low horizontal building, even though the low horizontal building has more coverage.

You must remember that the individuality of these communities some of these people want to preserve, and the thing that you are trying to evaluate, the land value to a point that will make it impossible for some of these people to maintain these properties because the land value is being jumped up; as a result, they'll have to sell or they will sell, and before you know it, you take areas like Ridgewood and Glendale as an example, even the gentleman this morning spoke about Brooklyn Heights, the same trouble -- you put your R-8 zones right in a very low residential community -- now, you're doing

that in many, many areas, and I think this is very important -- and if you notice the big Real Estate Board --

CHAIRMAN FELT: Mr. Battista, I just want to say this, and I do not know whether you realize it or not, but almost invariably and particularly through sections of Brooklyn and Queens and the outer boroughs, what we have been doing is to lower the density based on what their present resolution is.

MR. BATTISTA: I understand that.

CHAIRMAN FELT: For instance, the --

MR. BATTISTA: Look, sir, I know that. I'm a planner. I know that.

But the trouble is you're lowering the density in favor of people of larger developments because some of these small people that have these individual parcels cannot plan with small parcels. Now, that's No. 1.

No. 2: There's a question whether your lower density is better than some of the higher densities but with lower buildings. There's a character that some of these people want to preserve.

CHAIRMAN FELT: We do, too.

MR. BATTISTA: And I think it's desirable. I mean, this idea that we've got to tear everything down and let's cater to some of the land barons, because I'll tell you -- we have land reform in reverse here. In the Belgian Congo we try to break up land reforms; we try to give each individual a piece of land. In New York City we're doing the reverse: we are destroying the small people and

catering to large.

Now, I've seen that all through the community for the last few years. You know what's happened to Pratt Houses.

Now, there's a lot can be said about this verticality versus horizontality. And I don't want to take up your time because there are other speakers. But I want to call that to your attention and it's very, very important.

Also, I want to call to your attention that architects on this don't agree. In fact, the majority of the architects, the smaller architects -- there again we get the smallness against the bigness -- I can understand why some large firms are for this Zoning Resolution. They stand to profit by it. I understand why some of the larger realty organizations are for it; they stand to do more of the type of work that they want.

On the other hand, let's take the reverse coin; let's take the Brooklyn groups; let's take the Queens groups; let's take the small people, the small architects, the small builders, the small businessmen, and I was made to understand that this fellow, Mr. Smith, I understand, and Mr. Bennett were here yesterday morning -- am I right on that?

CHAIRMAN FELT: Mr. Bennett?

MR. BATTISTA: Mr. Bennett. Was he here yesterday morning?

CHAIRMAN FELT: The former Chairman?

MR. BATTISTA: Yes.

CHAIRMAN FELT: Yes, he was here.

MR. BATTISTA: And also, Mr. Smith of the East New York Savings Bank.

CHAIRMAN FELT: No, Mr. Smith was not, but he sent a letter that he wanted recorded.

MR. BATTISTA: The reason I say that is because you read a telegram off and I was wondering whether he was here or not, but I understand that he was here and that thing could go on the record anyhow.

And as far as Mr. Smith, I live in East New York, and I think I have a right to answer -- very proud of it -- but I find that some of these institutions that talk about the community, they invest their money in other places and they really have taken our depositors' monies and they don't really invest in the community. So I don't think some of these fellows have a right to speak for the community. I just thought I'd point that out to you.

And about the Board of Standards and Appeals, I think, Mr. Chairman -- and I have nothing to gain or lose one way or another because, as you know, I don't practice extensively, you know that.

CHAIRMAN FELT: I know that.

MR. BATTISTA: I run a school. I make a living as an educator, so I have plenty to do.

But it seems to me that it would be a mistake to take all the functions of the Board or to diminish the work of the Board and put it in your agency, in spite of the fact --

CHAIRMAN FELT: We're not doing that.

MR. BATTISTA: Well, whatever you're doing with the Board of Standards and Appeals, if you're lowering their ability to operate, all I can say is this -- and I say this with respect and dignity -- I want you to know that -- I'm not -- I make this statement now that we have diversification in the Board of Standards and Appeals today of people, of professional people. And if the Board of Standards and Appeals doesn't work too happily, then the trouble is not with the Board; it's with the members of the Board, if people are unsatisfied with their decisions. Of course, they've got the courts to go to.

CHAIRMAN FELT: Are you satisfied, Mr. Battista, with the recent variances over many years that the Board of Standards and Appeals --

MR. BATTISTA: No, I am not satisfied --

CHAIRMAN FELT: (Continuing) -- to put gasoline stations in residential neighborhoods?

MR. BATTISTA: No, of course not, and I don't think anybody else is, but I'm not going to condemn the Board.

CHAIRMAN FELT: We want to make sure that they don't do that under this resolution.

MR. BATTISTA: All right. It's okay with me; it's okay with me. But let's have a Board that's going to function with diversity in talent.

Now, I have no objection to your Board, I think -- I'm not objecting, so -- and I'm going to conclude because I believe, I don't want to talk about individual cases -- but it comes up before

the Board of Estimate. First of all, it's almost -- it's very difficult to get all these revisions that you people have been making and an up-to-date set of plans, you realize that. It's hard keeping up to date with them, and I don't want to come and appeal and plead for my specific area. I think you made a change up there which is desirable to a certain group.

CHAIRMAN FELT: We upgraded that area.

MR. BATTISTA: But you've still got that one block where we live, and we've got private D restrictions and you downgraded us.

Now, I mentioned that before, but I'm not going to appeal it now because I don't want you to feel that I'm pleading my case.

CHAIRMAN FELT: I appreciate that.

MR. BATTISTA: Like some of these fellows, they've got a parcel on 56th Street, they've got one on 18th Street -- everybody is pleading their case -- "We like you, Mr. Felt, we like this whole zoning resolution, but take care of me." But I don't say that. I say let's take care of principles.

Now, there's another area that requires a great deal of study; downtown Brooklyn requires a great deal of study. And I say to this Board, since this is so comprehensive, this Zoning Resolution is going to do a lot of changes, why not give us an opportunity to study it? You're making changes every day. Now, if you don't do that, then we'll have to bring all our objections that we have before the Board of Estimate and point to them, A, B, C and D.

You must realize that if you've got any kind of resolution,

it's been because of people in the community who have had the courage to come up here and make constructive comments to you. And that's why your Resolution has been, is being molded into a better form. But, still, it's far from being what we think is proper, and I think you should consider seriously, and this is the question that I raise in principle, the question of the small fellow versus the big fellow, the question of the vertical rise building against the low density building, the question of preserving your local communities and preserving the character of these communities so we don't get these vertical slums.

CHAIRMAN FELT: Mr. Battista --

MR. BATTISTA: And that's the thing that interests me a great deal.

CHAIRMAN FELT: I might say that you have described very well just what we are doing under the proposed Zoning Resolution. I thank you for your description.

MR. BATTISTA: Well, on the other hand, while you're doing that, it's a question of destroying areas like, specifically, and I say specifically because I made a study of this, of places like Glendale and Ridgewood where you have one and two-family houses. I don't see where you can't preserve some neighborhoods where people want to live that way. There's nothing wrong with that.

If I want to live in a one-family house in the City of New York, why should you tell me I can't do it because you're zoning the ~~man~~ for high, high density?

CHAIRMAN FELT: May I say a word? We will speak on Glendale this afternoon, sir, and you shall have an opportunity to, if you wish.

MR. BATTISTA: All right; thank you very much and God bless you.

CHAIRMAN FELT: Thank you.

Mr. A. Richards.

HENRY J. KRISOFF, Ansonia Holding Corp. et al.

MR. KRISOFF: I'm speaking for Mr. Richards.

My name is Henry Krissoff, and my office is at 32 Court Street.

Honorable Chairman and Members of this Commission and your
Ladies:

I'm going to submit a brief memorandum, and after the eloquent speech made by Mr. Battista, I have very little to say except that I'd like to speak about a minute or two on three pieces of property that I have in mind.

One is located on 7th Avenue and 12th and 13th Streets. On the proposed Zoning Resolution, May 16D, page 179, you propose to place this property in zoning R-6. I respectfully submit to you members of this Planning Commission that this should be definitely placed in an M-2. This has been unrestricted and is a 75 year old building. It's been erected in 1885.

The value of this building is \$1,000,000, plus. It consists of 260,000 square feet of manufacturing plants on 100,000 square feet.

This building employs over 1500 people and consists of 27 tenants. To replace this from a manufacturing zone -- from an unrestricted zone into R-2 would certainly cause, to say the last, panic.

This property is not on Park Avenue or Fifth Avenue. This is an old piece of property on 391-405 7th Avenue, covering 408-446 12th St. Certainly, the esthetic value of this land wouldn't be decreased.

CHAIRMAN FELT: Are you going to let us have the memorandum?

MR. KRISOFF: Yes.

CHAIRMAN FELT: Oh, thank you very much.

MR. KRISOFF: Now, I'll take just a half a minute on the other two pieces of property. I know a lot of other people are waiting to speak here.

Now, I'll speak of the property on Sand and Pearl and High Streets. That's a moderately new building--on Map 12B, Page 163. You expect to put this in M-2. I submit it should be placed in M-1. The market value of this building is over a million dollars.

To place this in M-2 would seriously hamper and minimize the value of this building.

Now, I will take one more moment on mapping; West 23rd Street between Surf Avenue and the Boardwalk: This has 300 employees on Map 28D, page 235--you propose to place this in IC-7, which is an amusement center. This has been in the business district for quite some time, and the building is in existence since 1910. This likewise

would affect the value of the property and I think it would be divesting a property right and it would be unfair to my client.

I thank you very much for taking up your time and I submit it.

CHAIRMAN FELT: Thank you.

Mr. Thomas Lavelle.

THOMAS LAVELLE, Parkville Taxpayers Association.

MR. LAVELLE: My name is Thomas J. Lavelle, representing the Parkville Taxpayers Association.

Mr. Chairman and Members of the City Planning Commission:

The Parkville Taxpayers Association would like to take this opportunity to express its endorsement of the latest revision of the Zoning Resolution. Except for one relatively minor mapping change, we are prepared to give our full support to the task of expediting this proposal so that it can be put into effect as soon as possible.

Further delays can only serve to stall and rob this City of a vitally needed instrument of law. If we are to maintain our supremacy in business and industry; if we are to provide a healthy community with stable land values, we must not delay.

Our choice today is between a forward-looking ordinance which will benefit millions of people in this City for generations to come as against an outmoded, inadequate resolution which favors land exploiters.

The lack of protection afforded by the existing ordinance

and the ease with which speculators continue to overbuild in our communities, has been a matter of grave concern to us for some time. Perhaps we are particularly sensitive on this point at the present time. No doubt our anxiety is conditioned by the fact that at this very moment our community is appealing to the courts to curtail a case of outrageous overbuilding which threatens to destroy the stability and character of our fine community.

In order to preserve and protect the desirable character of our community, we respectfully request that the area generally bounded by the Long Island Rail Road, Ocean Parkway, Washington Cemetery and McDonald Avenue, be changed from an R3-2 to an R3-1 District. Such a change would be in keeping with the recent findings of your Commission (Reference, CP-13816, March 5, 1958), at which time our community was placed in an E-1 zone.

In closing, our Association would like to commend the Commissioners and staff of the Planning Commission for the thorough yet gracious manner in which they have reviewed our comments. We congratulate you for the way in which you have alleviated real hardships in your latest revision, without compromising basic concepts.

Finally, we consider it a privilege to be present today to join ranks with all those who would endorse this most reasonable proposal for a better City.

Thank you.

CHAIRMAN FELT: Thank you, sir.

Mrs. Goldstein.

LENA GOLDSTEIN, representing Bushwick Real Estate Board, Inc.

MRS. GOLDSTEIN: My name is Lena Goldstein. I represent here the Bushwick Real Estate Board, Flatbush Real Estate Board.

I don't want to follow the type of presentation that I've seen this morning. I don't establish that the procedure is first saying, "I approve" and then go on to say "I disapprove".

I disapprove of the plan going into operation for Brooklyn in its present writing.

As an appraiser, a working appraiser, and also selling real estate, I want to pose this question, Mr. Felt, and your wonderful Committee -- how are you!

Can you picture a business in operation with no one knowing what the procedure is? All methods of operation obsolete because of a new system brought into being and no one knows anything about it? An agency that is in supreme command with the head of the agency in jeopardy of being displaced at any moment? And everyone in complete accord that this is a wonderful thing for this city?

Is free enterprise dead? Can we look forward to regulation beds being manufactured--that if you're not five foot six, we chop your legs off to fit you into the bed?

This is a city in being. We are not dealing -- excuse me -- am I interrupting you -- this is a city in being. And we must take cognizance of people who have invested in this city and have been working under lawful procedure since the Code has been established in

1916. It would make many lawyers look very foolish if they were to appeal a case and have no working Board of Standards and Appeals.

To my great amazement, our reporter, Mr. Zeltner, said he would like to have the annihilation of that Board -- maybe for a personal reason -- but for the practical and workable reason, how come we abolish law and order? Are we running away from the constitution as we practice it today?

COMMISSIONER ORTON: We aren't abolishing it.

MRS. GOLDSTEIN: That's what Mr. Zeltner led me to believe.

COMMISSIONER ORTON: You were quoting a speaker, but not what we have before us.

MRS. GOLDSTEIN: Yes, but at the present time, in the Borough of Brooklyn, this particular plan will cause chaos. The only people --

CHAIRMAN FELT: Proceed, Mrs. Goldstein.

MRS. GOLDSTEIN: The only people who can be in favor of this legislation now are the people who are waiting with plans already made with bated breath, to go into manufacture of this kind of housing.

Has anyone taken the trouble to find out from the people who are now living in these -- these monstrosities of buildings that have been put up already under low cost housing and ask the people in the buildings how they feel living in these buildings where they have the six-story buildings and they must take babies and small children up and down all day? Has anybody considered for the sake of

this light and air, building these same buildings nine and twelve stories for people with families?

It is a very undesirable arrangement. Having a real estate office, I get those complaints all the time, that the people object to living in these factory type buildings. We must retain the low buildings for families. You cannot zone out residential areas for the sake of only low cost projects.

CHAIRMAN FELT: Mrs. Goldstein, you are an appraiser?

MRS. GOLDSTEIN: Yes.

CHAIRMAN FELT: Do you not realize that the proposal that we have in effect reduces substantially, the amount of bulk that may be developed and that in many areas we reduce --

MRS. GOLDSTEIN: Not the way I read it here.

CHAIRMAN FELT: What you have over there merely serves to indicate what floor area ratio may be, but, after all, I'm talking to you about your native Borough, about Brooklyn.

MRS. GOLDSTEIN: Yes.

CHAIRMAN FELT: Do you not realize that one of the great efforts we are making here is to be certain that those who live in low buildings, one and two-family buildings, will have a basis of protection?

If you do not, I would like to meet with you sometime and explain it to you.

MRS. GOLDSTEIN: I'd be very happy to do that.

CHAIRMAN FELT: Because I am afraid you have not gone into

depth in what we are endeavoring to do here. And I would be very glad -- we are members of the same organization -- I used to be an appraiser, and I would like to sit down and talk to you. We cannot do that while others are waiting, but I would very much like to do that.

MRS. GOLDSTEIN: I will avail myself of that and I'm here not for my own personal business because, Thank God, that's going very good. I'm interested in the future; the past we all know about.

Now, I've marked it off and this is the most important thing.

The non-conforming uses exist legally and, of course, are permitted to continue with few exceptions. I'll skip most of the reading, but I will call this to your attention.

It was originally supposed that non-conforming uses would eventually disappear; they would eliminate themselves from lack of utility, because we are concerned with the utility of each individual parcel in being.

Now, the experience table proves that manufacturing buildings do not wear out if properly maintained. I can cite one example on 10th Avenue, the sugar refinery.

I cannot ever see any change in the operation of that building, nor can I foresee any change within the next 25 years, even with automation. According to structures that have been put up at the turn of the century for manufacturing purposes, I cannot see where a company in being will be asked, as this gentleman suggested in this

morning's session, to move to a new industrial area when they are perfectly well equipped to stay, contribute their share of taxes, in an area that's so close to the waterfront which serves their purpose very well.

However, on the non-conforming uses, that is where I feel we must go into further detail because it will curtail the exchange of and selling of property because there is no worse situation in any transaction where the certificate of occupancy cannot fit the new user. And we have to be concerned with the incoming people in the area, and, also, the Borough President's concern with the lack of tally. I can say that industry in Brooklyn, if destroyed under these non-conforming uses, you will see a greater exodus because there are many people who reside in Brooklyn because of the ability to work in Brooklyn.

And I'll take that invitation.

CHAIRMAN FELT: All right, thank you.

MRS. GOLDSTEIN: And I am not in favor as the plan is written at the present time.

CHAIRMAN FELT: Bernard Benjamin.

BERNARD BENJAMIN, of Rubinton & Coleman, representing
AIRO Service Stations, Inc.

MR. BENJAMIN: Mr. Chairman and Members of the Committee:

My name is Bernard Benjamin. I'm an attorney with Rubinton & Coleman, 32 Court Street in Brooklyn.

We're here today on behalf of the owner of a substantial

part of the block located on the southerly side of Linden Boulevard. It's between Euclid and Pine. The lot is vacant at the present time. The only thing on the entire block, as a matter of fact, is a dry-cleaning plant in the rear of the property. Immediately to the east or fronting on Linden Boulevard is a gasoline service station. Immediately to the west, between Euclid and Holly is another service station.

On the next block, further east, rather, further west between Holly and Fountain is another station; we have three stations.

The map as proposed now creates a manufacturing district on the southerly side of Linden Boulevard between Atkins and Holly. This leaves us in a position of having a little island of our parcel being in a residential district surrounded on one side by a gasoline station and on the other side by a gasoline station and, in addition, the entire area to the west in a manufacturing district.

I would submit that the parcel would be completely unsuitable for any residential purpose, and we ask that the Board give consideration to including this one block in the manufacturing district.

Thank you.

CHAIRMAN FELT: Do you have a memorandum for the record?

MR. BENJAMIN: I don't have anything in writing, but we will submit it.

CHAIRMAN FELT: Thank you.

MR. BENJAMIN: Thank you.

CHAIRMAN FELT: Mr. Luongo.

A. A. LUONGO, representing DeLizza & Elster.

MR. LUONGO: Mr. Chairman and Members of the Board:

My name is Albert Luongo. I represent the firm of DeLizza & Elster which owns the parcel situated on the northwest corner of 36th Street and 5th Avenue in Brooklyn.

On this parcel there is erected a building 60 x 100 used for light manufacturing. DeLizza & Elster manufactures costume jewelry on the second floor; another firm, a tenant, manufactures small components in the electric industry.

This parcel happens to be on the very fringe or edge of a change in use from light manufacturing to residential use. And I'm here to request a change insofar as this parcel is concerned because it is on the fringe and because it happens to be situated with other neighboring parcels in such a way that it would never be suitable for residential area.

Immediately north of our parcel on the west side of 5th Avenue and up to 34th Street is the cemetery. South of us is a garage and parking lot. On the easterly side and across the street from our parcel, again, is situated the cemetery and on the southeast corner the old car barns which are now used as a bus depot.

So I think that to that extent, and because we come right at the edge or a fringe, a change could be made without upsetting the general plan of this new Resolution. And I'd like to submit a memorandum to cover that.

CHAIRMAN FELT: Thank you, Mr. Luongo.

MR. LUONGO: Thank you.

CHAIRMAN FELT: Mr. Bram.

A VOICE: Mr. Chairman, while you're waiting, may I inquire about when Queens will be put on the calendar?

CHAIRMAN FELT: Immediately following Brooklyn, and I think that Brooklyn will probably take another -- my best judgment is that Queens would go on the calendar at two o'clock.

A VOICE: Two o'clock? No recess for lunch?

CHAIRMAN FELT: No, we are not recessing for lunch, but if you are interested in Queens, I am glad you bring that up, sir.

Those who are from Queens might take this opportunity to go out and have lunch.

A VOICE: Thank you very much, Mr. Chairman.

SECOND VOICE: Could I say, if we go out to lunch how will we get back in? It's quite crowded out there now.

CHAIRMAN FELT: I think when you come back at two o'clock there will be ample opportunity for you to get into the room.

Mr. Bram, will you step forward and present your case, please?

HARRY BRAM, Realtor.

MR. BRAM: My name is Harry Bram. I'm a realtor located at 16 Chambers Street, Manhattan.

Some of you members may know that I went to bat for you already, and at this time it gripes me to feel that we are arguing about something that is destined already to be; to go. It gripes me because I'm talking to men who I would like to respect, and men who

Bram

deserve respect should do a job not for anybody in particular -- a job.

I haven't got much to say right now; I'm not going to make a single request for myself. But I must ask a couple of questions --

CHAIRMAN FELT: Do you own any property in Brooklyn?

MR. BRAM: Oh, yes.

CHAIRMAN FELT: But you do not want to make --

MR. BRAM: I'm not making any request for myself. I never did and got the dirty end, anyhow.

CHAIRMAN FELT: Thank you.

MR. BRAM: What I want to ask now is this:

As I understand it, there were, in the words of some people -- maybe not in your own words -- three versions of the present Zoning Resolution. The first, as I understand, was prepared by some outside paid experts. Subsequently, it went to the inside and was implemented, and, finally, the present Zoning Resolution.

Am I right?

CHAIRMAN FELT: I would rather use my own words:

First, we had a proposal from consultants. Then, after hearings on that proposal, we had a proposal by the City Planning Commission, and after hearings by the City Planning Commission, we have now come out with our present Resolution.

MR. BRAM: Now, the present resolution, how far back were changes made on it; approximately? As far back as you would like to go, but whatever changes were made, I would like to know how far back.

CHAIRMAN FELT: If you wish to discuss this with me at some other time --

MR. BRAM: No, this is important and I'd rather have it public.

CHAIRMAN FELT: You have no right to --

MR. BRAM: I realize that.

CHAIRMAN FELT:

Will you please proceed, sir.

MR. BRAM: All right.

I direct your attention to 17D on your Zoning Maps. On the northerly side -- on the southerly side of Linden Boulevard, between the midpoint of -- between Berriman Street and Atkins Avenue and to -- running east to Holly Street, and then approximately southerly to about Wortman Avenue, and then westerly along, let's say Wortman Avenue to about the midpoint of between Berriman Street and Atkins Avenue, and then northerly to the point, the place, approximately at the beginning.

The original experts had that showing as residential. The second version, as I see it, continued residential.

Now, it appears as M-1-1. If this thing is done, as I understand, by your experts who went into the field and sought correct information, and let's say it went six months back, why are they not aware and why are you not aware that the Lutheran Church of America purchased, to build a church on, the southerly side of Linden Boulevard between Montauk Avenue and Milford Street?

Now, I don't think it's very wise to create a manufacturing area or let's say commercial area at that point, and if this map is true in any way, it should tell you that at least your experts who have functioned properly, I assume, had either slipped up there or haven't.

Now, as I understand it, you people are just going to submit this thing and it's not for me -- I do not represent the Lutheran Church of America -- but rest assured I'm not telling you an untruth; the records speak for themselves.

It is destined, if you have it your way, to be M-1-1, all around the church, which is not even yet built.

I believe, gentlemen, that like other people have said to you, a lot of people have come to you and started out for the Resolution. I'd like to go along with that; it sounds swell. But another thing that amazes me is they suddenly go off on a tangent and say "except" or with one exception.

This thing needs time, gentlemen; hold it up. I have no interest in it; I'm a real-estate man. Let's not take everything in this city that has been built up through the years. Why, even a dirty, filthy factory looks good to a poor man when he's looking for a job, and we're forgetting that maybe we'll reach those beautiful times again. Yesterday wasn't very blustering weather. It wasn't weather for those people who come here and don't really know how terrible it is to want something that shouldn't be.

Delay this thing, give us a long time; thinking never hurt

anybody. I don't know but that people have been put into the electric chair already and afterwards were found to be innocent of the crimes they were supposed to have committed.

Now, you gentlemen are sensible; continue it that way, because I found that no man, no leader can really get away without being criticized by people. I don't want to criticize you; you have a tough job; everybody wants a favor; everybody wants everything.

There's one thing you know; I didn't come here when I was invited to -- I'm not looking for anything.

I say delay this thing; it is the most important thing that anybody could say here, because if these people came here and honestly were in favor of the Resolution, truly were in favor of the Resolution and said so, without so many exceptions, you would have an orderly state of affairs. But it is not so, and to send this to the Board of Estimate -- oh, I hate to think of the morning that that thing will appear on the calendar.

Let's think. Mr. Felt, if nobody else wants it, you're a real estate man; you should know and I'm sure the other gentlemen know, also, but you must understand that real estate is a serious problem, very serious problem.

Even those people waiting out there in a mob are coming in here to give you a headache; all for real estate.

This thing can wait. What's the hurry? The Mayor wants it? Let him wait. We may have a new Mayor, just like somebody else said by the time this will go through, anyhow. He's on the way out. He's

going to be president some day.

CHAIRMAN FELT: Would you please confine your remarks to the issue?

MR. BRAM: Yes, sir.

I want to thank you for your patience and with a final request that this thing should be delayed in all fairness.

Now, if you don't delay it, it won't be fair.

CHAIRMAN FELT: Thank you, Mr. Bram.

MR. BRAM: Thank you.

CHAIRMAN FELT: Mr. Heutchy.

I hope I'm pronouncing that correctly.

ALVIN E. HEUTCHY, the F & M Schaefer Brewing Company.

MR. HEUTCHY: You are, sir.

Mr. Chairman and Gentlemen of the Committee:

I'm here in the belief that this committee doesn't want to hurt any industry in New York City. I represent the F & M Schaefer Brewing Company, a New York corporation which does its business in Brooklyn. It is one of the ten largest brewing companies in the world, occupies about nine square blocks on the Brooklyn waterfront between the Williamsburg Bridge and the Brooklyn Navy Yard.

We're a very substantial employer in Brooklyn, having between three and four thousand people employed, and as Mr. Felt said, I believe you said in your addendum to the rezoning of New York City:

"It -- meaning the rezoning proposal -- is a document which is tailored to the specific needs of the residents and businessmen of

this dynamic city and has been tempered by long exposure to public scrutiny."

My purpose here is to respectfully request a further slight retailoring, in order that my client, the F & M Schaefer Brewing Company, may stay in business and continue.

On your zoning map D-12, it sets forth the boundaries of our present property and notations as to how it is zoned. It is mostly zoned M-3-1 which is satisfactory to us, of course.

However, there is a portion between South 9th Street and South 11th Street, between Kent and Wythe Avenues, where we have just put in an addition at the cost of about \$5,000,000 which you have zoned M-1-2, meaning light manufacturing. Under your use groups, this does not permit the manufacturing, sale of alcoholic beverages and, therefore, even though we have licenses from the State Liquor Authority to manufacture and sell beer, and even though we have permits and bonding requirements from the Federal Government to sell beer and to manufacture beer, we are not permitted to do so under the zoning ordinance.

I respectfully request that you examine into the possibility that such a zoning might be in conflict with the State Liquor Authority and the ABC law.

CHAIRMAN FELT: We will be glad to discuss it with you.

It is my very definite impression that our Zoning Ordinance would not involve the destruction or for that matter any inconvenience of operation to the brewery industry in New York City, and we have had

many meetings with the industry and members of the industry.

MR. HEUTCHY: I appreciate that, sir.

The only difficulty is that if we were to -- if we were to attempt to make any improvements with an M-1-1 zoning, particularly with the R-6 zoning right next to it --

CHAIRMAN FELT: In other words, you refer now to the addition of two blocks of frontage that has recently been improved?

MR. HEUTCHY: That's correct, sir.

CHAIRMAN FELT: In other words, your plan, as I recall, was zoned M-3 and that meets with your approval?

MR. HEUTCHY: Yes, sir, it does.

CHAIRMAN FELT: But the additional two -- two additional block fronts -- which were recently improved are still in the manufacturing district but not in an M-3 district?

MR. HEUTCHY: That's correct, sir.

CHAIRMAN FELT: Very well. We will be mindful of it and check into it.

MR. HEUTCHY: May I make one further suggestion, sir?

CHAIRMAN FELT: Yes.

MR. HEUTCHY: That is in connection with the R-6 zoning of the block between South 9th and South 10th Streets, Wythe to Berry Avenues.

This is directly across from our property and because of the restriction which is placed upon it, if this zoning is carried out, we would be in immediate violation because we don't have the side

yard requirements or the yard requirements, in any respect.

And I might also say that this is the only block north of Division Avenue which is in R-6. All the rest of them -- excuse me -- are either in M-1-1 or M-1-2.

CHAIRMAN FELT: May I ask this question:

Have you been in communication with our staff during recent months in connection with the proposed zoning as set forth in our document of December 21st?

MR. HEUTCHY: I have not been in communication with your staff, sir, but I have read your document.

CHAIRMAN FELT: Yes.

MR. HEUTCHY: I would like to submit a brief in respect to this.

CHAIRMAN FELT: We will be delighted to receive it.

I just want to ask a question of Mr. Smith.

The gentleman before us represents the Schaefer Brewery and -- this is something that we have never heard of from Schaefer.

MR. HEUTCHY: That's correct, sir, you have not.

CHAIRMAN FELT: We have never heard of this, and we have worked diligently with the brewery industry in the city, and have had all assurances that what we were doing met with the approval of the industry.

I suggest that you communicate with Mr. Jack Smith sometime Thursday or Friday and he'll be glad to discuss the matter with you.

MR. HEUTCHY: Very good, sir, and I would also like to submit

my brief in connection with it.

CHAIRMAN FELT: Certainly.

MR. HEUTCHY: I would also like, if I might, in just very short order, to make a suggestion in regard to the parking requirements formula. I can only do it in regard to our own situation. We have 213 employees employed in this two-block area. The parking requirements require us to have 112 spaces, which figuring out at 300 square feet per space, we have 33,600 square feet, which is almost a quarter to a third of the entire space we have there, and we have no place for this.

CHAIRMAN FELT; You mean for those two blocks.

MR. HEUTCHY: Yes, sir. We also have vast space which we use for tank storage, for which there are no employees, and yet we are required on a bulk basis to have a great number of parking spaces.

CHAIRMAN FELT: We will be very glad to discuss those points with you and we will, of course, accept your memorandum and have it as part of the record.

MR. HEUTCHY: Thank you very much, sir.

CHAIRMAN FELT: Is there anyone else present who wishes to be heard on mapping in Brooklyn? (no response)

We have informed those from Queens who are waiting to be heard that there would be a fifteen-minute recess between the Brooklyn mapping hearing and the Queens mapping hearing so, under the circumstances, we shall recess until 2:00 P.M., when we will proceed with the hearing on the mapping in Queens.

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(The hearing on the proposed zoning maps for the Borough of Brooklyn concluded at 1:42 P.M., Tuesday, September 13, 1960.)