

**TRANSCRIPT OF PUBLIC HEARING BEFORE  
THE CITY PLANNING COMMISSION  
SEPTEMBER 12, 1960**

in the matter of....

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

Text

C.P. 15820

VOLUME:1

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.

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HEARING ON PROPOSED TEXT  
September 12, 1960

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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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September 12, 1960

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.

Calendar No. 1: Zoning, CP 15820: This is a 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 is beginning this morning, Monday, September 12,  
1960, at 10:00 a.m., and will be continued on Tuesday, September 13,  
1960, at 10:00 a.m., as follows:

Monday, September 12th, in the forenoon, proposed text;

Monday, September 12th, in the afternoon, proposed  
zoning maps for the Boroughs of The Bronx and Manhattan, in that  
order;

Tuesday, September 13th, proposed zoning maps for the  
Boroughs of Brooklyn, Queens and Richmond, in that order, unless  
otherwise ordered by the Commission.

On August 17, 1960, Calendar No. 68, the Commission fixed  
these days for a hearing, which has been duly advertised.

CHAIRMAN FELT: I would like to make one or two brief  
preliminary statements.

Felt, Malter

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 Zoning Resolution.

We have heard many statements on this subject during the past two years, both 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 this 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 a previous speaker covers 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 appear before us 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.



May I also remind you to fill out speakers' slips, available near the rostrum, before you speak and hand them to the clerk at the time you appear. Of course, you realize that our hearing this morning relates to the Resolution as a whole, that is, the text of the Resolution, and does not relate to mapping, which will be heard for the various boroughs this afternoon and tomorrow.

This hearing will be continued beyond the second day, if it is necessary, to provide an opportunity to all persons wishing to be heard.

I repeat, everyone will have an opportunity to be heard. As has been our custom at these zoning hearings in the past (the hearings on the Comprehensive Zoning Amendment) we are not going to allot time for those opposed and then equal time for those in favor, because it has been our experience that many people favor the Resolution with some qualifications, while some are opposed to the Resolution but have a favorable aspect upon which they wish to comment; so that, we will call you in the order I have in front of me, which shall not reflect upon your general attitude as being in favor or opposed.

Congressman Anfuso tells me that he has to leave, and as is the custom, we will try to extend the courtesy to an official, under the circumstances. We will hear you now, Congressman Anfuso.

HON. VICTOR L. ANFUSO, Congressman, 8th Congressional District, Kings County.

CONGRESSMAN ANFUSO: Thank you very much, Mr. Chairman and gentlemen of the Planning Commission.

I come here, of course, not to complain but rather to thank you and this entire board for the very full consideration which you have been giving to a matter which is close to my community.

I am sure that the entire community is grateful, and I might say, as a public official, that I am proud of the public officials whom I address.

You are a great credit to the City of New York and to the Nation, and being outside of the City in public matters, in Washington. I want to tell you gentlemen and those behind me, that there is an awful lot to be done to keep people here in New York City. There is a great momentum afoot to try to create an exodus from New York City to other favorable spots.

All of us are proud of New York City, and I am sure that the job which this Planning Board is doing would reflect only credit and glory to our great City.

I thank you very much.

CHAIRMAN FELT: Thank you, Congressman.

Our next speaker will be Mr. Frank A. Barrera.

FRANK A. BARRERA, representing THE BROOKLYN REAL ESTATE BOARD

MR. BARRERA: Mr. Chairman, Members of the City Planning Commission: I am here today representing --

COMMISSIONER BLOUSTEIN: Will you state your name and who you represent, for the record?

MR. BARRERA: Frank A. Barrera, I am representing today the Brooklyn Real Estate Board, but I have been advised that my views are concurred in by both the Bronx Real Estate Board and the Long Island

Real Estate Board, who have their individual speakers here today to speak on their behalf.

In addition, the Brooklyn Real Estate Board expects to have Mr. Hegeman here to speak on the industrial phases of the text of this resolution. He was supposed to be here earlier, but I suppose the weather is detaining him. But he will be here later.

Now, on behalf of the Brooklyn Real Estate Board, I wish to state that we have not had a sufficient opportunity to thoroughly examine the revised edition of the proposed new zoning law. We are now in the process of making such an examination. However, there are so many changes in the August 18th version as compared with the December 1959 version that we have not as yet completed our analysis and do not have a written report thereon for this hearing.

In our analysis, to date, we find that two major changes have been made which are beneficial, and for which we compliment the City Planning Commission. Such changes are the removal of the so-called death sentence relating to many non-conforming uses, and the exemption of existing industries from compliance with performance standards.

In this connection, however, we wish to point out, that our Committee strongly objected to both the death sentence and to performance standards from the very beginning, as set forth in the analysis issued in November 1959, by the Metropolitan Association of Real Estate Boards.

At this time, we reaffirm our position of opposition to the proposed new zoning law on the following major grounds:

1. There is no demonstrable need for a complete new zoning law. The present law could be revised to bring the zoning resolution up to date without the necessity of discarding our present zoning law, and losing the advantages of the many years of experience, Court decisions and departmental rulings based upon it.

2. The proposal is overly complicated and detailed, and would lead to a long period of uncertainty and litigation.

3. The bulk regulations are still too drastic.

While we are in favor of providing for more light and air, we feel that the bulk restrictions go far beyond reasonable requirements and would tend greatly to limit further development, especially in the non-subsidized middle-income housing field.

4. The performance standard requirements have no place in the zoning resolution. The nuisances sought to be controlled thereby could adequately be taken care of through other administrative agencies of the City, such as the Health Department, the Building Department, the Fire Department and the Air Pollution Control Department.

5. The reduction of the powers of the Board of Standards and Appeals are drastic and improper, in that the discretionary power of the Board is practically eliminated. Such discretionary power has always acted as a safety valve to provide relief from the hardships of strict enforcement of the provisions of the Zoning Ordinance.

If it is felt that some restriction is necessary on the discretionary powers of the Board, as for example, in the case of gas stations, such restriction could be made within the present

framework of the existing resolution without completely eliminating such discretionary power.

6. An enactment of the proposal would immediately create thousands of non-conforming and non-complying uses.

No study has been made by this Commission or by anyone else to even approximate the number of properties that would be included in such classification.

Any use that would be non-complying and non-conforming could not, except in rare instances, be enlarged, extended or rebuilt. This would further restrict new building and conversion of existing buildings and would also restrict the expansion and enlargement of industrial plants.

7. Our objections, as contained in the November 1959 analysis issued by the Metropolitan Association of Real Estate Boards with respect to the off-street parking requirements are re-affirmed as no substantial change has been made in these requirements in the present draft of the resolution, and as pointed out in our analysis, such requirements are overly complicated and unduly restrictive.

These are the major grounds of our continued opposition to the proposal. There are many other objections, details of which we will make known at a later date.

Despite statements to the contrary, we have never predicted that grass would grow on the streets of New York if this proposal is passed.

This great City, with its powerful economic forces, can

surmount almost all obstacles to its continued growth. But we deplore the fact that the passage of this proposal would, in our opinion, create serious obstacles in its path.

The Brooklyn Real Estate Board reiterates its strong opposition to the passage of this proposal.

Thank you.

CHAIRMAN FELT: Thank you.

Is Mr. Whiteman present?

LEWIS WHITEMAN, Executive Director, INVESTING BUILDERS

ASSOCIATION, INC.

MR. WHITEMAN: Mr. Chairman Felt, and Members of the Commission: My name is Lewis Whiteman and I appear here as Executive Director of the Investing Builders Association.

As you gentlemen know, our association's endorsement of this proposal was released to the press and made public, I believe, last Thursday morning. Therefore, our position about it is no longer a matter of uncertainty today. However, we do regard our endorsement as adding up to something more than merely a lukewarm verdict of approval or a last-minute decision based on expediency. And for that reason, Mr. Chairman, with your permission, we would like to make our views part of the record for this public hearing.

The Investing Builders Association is a trade association representing major private investment builders whose total dollar volume of office building and apartment construction in the New York Metropolitan area exceeds \$400,000,000 each year.

Approximately ninety per cent of the construction, which is sponsored by private investment capital in Manhattan, is produced by member firms of this association.

My purpose here today is to declare our association's wholehearted agreement with the principle and the desirability and the need for sound Metropolitan Planning.

As a constructive first step toward that objective, we are very happy to endorse the proposed zoning resolution and to pledge our cooperation and support to this Commission in striving for the commendable high goals for better living, which this law seeks to achieve for the people of New York.

Our endorsement, of course, must be regarded as limited only to those provisions which relate to the Borough of Manhattan. Our studies have been confined to that borough; and it would be inappropriate to construe any approval by our association as applicable to other boroughs, about which we are uninformed.

Until last Thursday, our association had not taken a firm stand on the proposal one way or another. As an organization whose aggregate yearly investment in new construction approaches a half a billion dollars, we did not want to be driven to any hasty or summary judgment, pro or con.

At the outset, we had a great many serious questions concerning the resolution, especially in its first publication by the City Consultants in February 1959. And even today, we would be less than frank and honest if we were to deny that there are provisions

in the present latest official revision on which we still have substantial doubts or even strenuous objections.

But despite these differing points of view, we do pledge our support, and we are here to pledge it sincerely, for the reason that we believe that you, Chairman Felt, should be commended and should be sustained by the building industry in every reasonable effort you and this Commission are making to develop a zoning concept which will serve the best interests of our citizens, and the future orderly growth of our City.

At this point, this resolution is merely a plan on paper, and we feel that it cannot emerge as a full-blown working code until and unless it has the voluntary full support of all those whose activities are governed by it or who may be curbed by it.

To many of us, some of the practical effects of this law still seem to be unknown, may still seem to be doubtful, or even obscure.

Like any other piece of legislation, we know that defects are bound to reveal themselves in actual operation, and what may have been thought to be a blessing, in the first instance, may finally prove to be a burden.

And this Commission may discover that, despite its very best intentions, it may have made some blundering first steps or even errors of judgment.

Nevertheless, we do give our endorsement enthusiastically, and we give it unequivocally. We give it on the assurance by the



Conclusion, repeatedly expressed by its Chairman, that any word, phrase, definition, formula or restriction which this proposal contains at this moment is subject to correction, to new interpretation or even complete deletions as new circumstances, expanding knowledge, sound practice, may dictate in the future.

We are happy to say that we have already found considerable evidence of this kind of cooperation from you, Mr. Felt, in our many meetings with you and with members of your staff. We have found you knowledgeable and understanding and highly sympathetic to the problems of our industry.

And on both sides, we of the industry and you in government, we have approached our discussions not in any spirit of personal controversy or hostility, but rather as partners trying to reconcile our differences along mutually workable paths for the common good of the community.

In this friendly exchange of views, we have observed your readiness to accept valid new suggestions made by our industry and a willingness to modify this proposal where necessary.

Some of the specific points incorporated in the latest reports based on recommendations by our own association include the following:

An extension of higher commercial bulk provisions in the mid-town area and in the vicinity of the proposed downtown World Trade Center.

A provision for somewhat higher density in the residential

districts immediately north of the United Nations and south of 96th Street to the east side.

An increase of zone depths on avenue frontages in the high-density residential districts.

Provisions for greater floor coverage on smaller lots as well as improved parking regulations for smaller lots.

The extending of more liberal bonus provisions for plazas and arcades.

In summary, Mr. Chairman and Members, I would like to point out and to stress the fact that, while our members may not be unanimous on every technical rule or table or formula of the proposed new zoning code, there is, nevertheless, one area of complete unanimity among all our members, and that is the effort, led by you, Mr. Felt, and your associates of the Planning Commission, to make New York City a better place to work and live. must not and should not be frustrated, undermined or delayed by narrow, self-serving motives of any individual or of any group.

Moreover, we as an association deplore any attempt to pass resolutions or professional obstructionists who are motivated only by motives which affect their own immediate self-interests.

We also deplore the attitude of those who believe that building must have an unyielding, inflexible opposition to any change, merely because they want to continue to do business what they are doing.

culs, were able to do yesterday or the day before.

This new zoning resolution, we recognize to be an assertion of the paramount interests of the public, and we hope it is not too easily self-serving for us to suggest that, although we, the Investing Company of America, are a commercial industry trade association, that we also share the responsibility of all good citizens who must be concerned with the broad welfare of the community of which we are all a part.

Even an industry trade association must, we think, demonstrate a sense of social and of civic accountability.

Therefore, at the risk of sounding, perhaps, a little self-righteous, we hope that our endorsement of this resolution may serve to refute the too popular notion that trade associations are merely special interest pressure groups who are banded together only to promote their own private selfish ends.

We happen to believe sincerely that the practical planners of our City government and the enlightened builders of our industry can both see eye-to-eye on the same large worthwhile goals for the good of the City at large.

We believe that this is no less possible, even where there may be and where there are continuing honest differences of opinion between government and industry on certain technical aspects of this

Whatever our differences, we do not think that they are big enough to separate us, and we think that the proposed zoning

resolution represents a great, progressive step forward for the City of New York.

Our association, Mr. Felt, is looking in the same direction, and we assure you and your colleagues that our members are ready to contribute their best efforts to make this proposal work.

Thank you.

CHAIRMAN FELT: Thank you very much.

Is Mr. Melniker here?

ALBERT MELNIKER, representing STATEN ISLAND CHAMBER OF COMMERCE,

MR. MELNIKER: Mr. Chairman, Gentlemen of the Commission, my name is Albert Melniker. I am here today speaking as Chairman of the Joint Committee of the Staten Island Chamber of Commerce and the Staten Island Real Estate Board.

The hearings today and tomorrow represent a milestone in the preparation of the proposed comprehensive amendment of the zoning resolution.

Our zoning committee wishes to compliment the Commission on the long and dedicated task they have undertaken. We have worked intently in our analysis and review of the proposed comprehensive amendment in its various stages over the past several years.

Our position, until the issuance of the new amendment dated August 18, 1960, was one of opposition to the proposed comprehensive amendment of the zoning resolution.

The short time since the issuance of the August 18, 1960

report has permitted very little time to review the new make-up of this proposal. Certainly this short period has not been adequate for a point to point review of each item in the text and the maps.

The Chairman, Chairman Felt of the Commission, and the technical staff have been most helpful in the period since the March hearings by giving us conference time and reviewing findings and recommendations with us. We find that some of these recommendations have been incorporated and adopted, while others have not.

To state our position as it pertains to this hearing, we summarize as follows:

1. Prior to the amendment of August 18, 1960, we went on record as being opposed to the comprehensive amendment of the zoning resolution.

2. A review of the latest amendment by our Committee resulted in a vote that supports the need for a new zoning resolution.

3. In principle, we are in favor of the new zoning resolution as represented by the August 18th amendment with the following motion passed by the Joint Committee:

"Whereas, the City of New York proposes to adopt a comprehensive amendment of the zoning resolution and whereas, the Joint Zoning Committee of the Staten Island Chamber of Commerce and the Staten Island Real Estate Board have reviewed this proposal and whereas, we express our appreciation to the Commission for the revisions heretofore made in the text of the resolution pursuant to this Committee's prior recommendations to the City Planning Commission.

"However, we do express our concern regarding the general language of the text of the resolution and urge that the text be so revised as to have its intent and specific date expressed in a more logical sequence, in clearer and less ambiguous language with specific time and date references for the simple technical use of the text."

Realizing that this amendment if adopted by the Council of Manhattan will become a document that will be used for years to come, it is most urgent that extreme clarity and simplicity be achieved so that the text is put into actual use.

4. As the action of the Committee concerns the mapping of the Borough of Richmond (Staten Island), we have made a series of useful long-term recommendations for the entire borough. Some of the recommendations have been adopted.

However, we feel that our map recommendations should be studied further in terms of adoption in their entirety as part of the final resolution. These recommendations will be presented at the hearing on September 13, 1960 by members of our Committee.

Our subject on mapping, of course, concerns Staten Island primarily.

We recommend that a definite clarity of intent be established that will specifically and clearly indicate the rights of those building under the present resolution as well as those building under the proposed resolution.

It is our understanding that building done under the present resolution will retain the rights and privileges of this

resolution in its present status.

The time has not been adequate to fully evaluate the performance standards of Staten Island industries. We have submitted this phase of the Committee's work to the major industries in Staten Island and comments on performance standards will be forthcoming from them.

Meanwhile, we find that there is a lack of clarity in the description of performance standards and its relationship to our industries, and urge the Commission to clearly define this section of the resolution before it is presented to the Board of Estimate.

Again, let me state that in principle, we are in favor of the new zoning resolution, subject to the adoption of the foregoing recommendations and the recommendations on the mapping which will be submitted on September 13th.

Thank you very much, Chairman Felt.

CHAIRMAN FELT: Thank you, Mr. Melniker.

Ladies and gentlemen, we have a distinguished New Yorker here, General Bennett, who was formerly Chairman of the Planning Commission. He just wanted to say a word or so.

COL. JOHN J. BENNETT.

COL. BENNETT: Mr. Chairman, and Members of the Committee, I am happy to see my old co-workers of the Planning Commission. May I say that I am going to be very brief, because I know there are many speakers and that will, of course, occupy all of your time for the rest of today.

I want to say that the Commission is to be commended for providing the City of New York with the revised, modern zoning code, which should insure the growth and development of our City in the years to come.

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

I am particularly pleased to see that the re-draft of the proposal, not only provides for more desirable housing construction, but will assist expansion of industry throughout the City.

I offer my good wishes to you, Mr. Chairman, and all the Members of the Commission for prompt adoption of the resolution.

May I say that I congratulate you on the way that you have listened with such great patience for so long a time to the recommendations that have been made for the changes in the original draft, and then the original proposal. And I think that you have been very fair in listening to the recommendations and the suggestions that have been made at previous hearings, and been guided by them in making those changes that seem to be wise in the proposal.

Thank you very much.

CHAIRMAN FELT: Thank you.

Is Mr. Rathkoff here?

ARDEN H. RATHKOFF, representing the BROOKLYN HEIGHTS ASSOCIATION.



MR. RATHKOFF: My name is Arden H. Rathkoff and I represent the Brooklyn Heights Association.

The Brooklyn Heights Association has been in favor of the change of zoning for many years. It is old enough to have supported the original zoning resolution of 1916; it supported the Harrison - Ballard Plan when that came out, and it wholeheartedly supports this, and has supported it from its inception.

At the time it was first proposed by Voorhees, Walker - Smith & Smith, we too saw that there were a great many things in it that needed revision. But those revisions have been made, and we think that it is time for the City to stop fooling around with this and get it into effect on its books.

If there had been something like this present zoning resolution years ago, Brooklyn Heights and other very pleasant residential neighborhoods in the City of New York would not have gone through the vicissitudes they have gone through in the last twenty years.

We are emerging from them, but at terrific cost in effort and in money.

These things, our efforts over the past years to keep Brooklyn Heights the way it was and the way we like it to be, just pointed up the defect in the 1916 zoning resolution.

There was very little we could do under that resolution, and we hope that this will be enacted and will be enacted soon.

I wanted to depart, and speak, also, in my capacity as a writer on zoning and to take up some of these things that have been

mentioned here this morning. I am speaking of the proposal that the 1916 Ordinance would do if amended.

It has been amended, it has been amended so many times that no one knows now what it consists of. And for this to be amended into an effective instrument to carry out the planning of the City of New York would mean that there would be nothing left of the 1916 resolution that is recognizable.

The 1916 resolution is so bad that, in the past fifteen years, we have had almost no litigation concerning it. That is not because it was a good resolution; that is because the only questions that have come up in the past fifteen years arose on grants of special exceptions and variances by the Board of Standards and Appeals. And in those standards set down in the 1916 resolution for the actions of the Board of Standards and Appeals are so vague that the courts have never found it possible to overrule the action of the Board of Standards and Appeals except in really exceptional cases.

There is nothing in this ordinance, as I have studied it, which would involve the City in litigation or, if it does, the answers are already there.

What has happened here is not pioneering. These aspects of the resolution which some people find so radical have already been in force in a great many jurisdictions and a great many states, and there have been decisions upholding whatever the City Planning Commission is undertaking here.

I think that the result will be less litigation rather than more because, particularly the administrative provisions which set down definitely what the Board of Standards and Appeals may do on variances, what it may do on special exception permits and what the City Planning Commission may do on special exception permits, and the necessity for specific findings, and a record which is capable of review, will make this phase of zoning and planning much easier and much more susceptible to proper Court review.

It has been stated that the performance standards have no place in the zoning ordinance.

The performance standards not only have a place in the zoning ordinance, but when they are in the zoning ordinance, the same as your density and bulk controls, there is another avenue of approach and another avenue to enforcing, and that is by the action of neighboring property owners and civic groups.

We have been handicapped in Brooklyn, as others have been handicapped in other parts of the City, because a great many of these things which are now in the zoning ordinance and a part of the zoning, and properly so, have had to be enforced by City Departments with their sub-standard man-powers.

They just do not have enough man-power.

You will find that neighborhood groups and property owners will themselves take care of the enforcement of a great many of these things.

The restrictions on the enlargement and extension of non-conforming and non-complying uses are in harmony with the spirit of zoning.

If we have any criticism of this resolution as it is finally evolved, it is the two factors that have been -- the two changes that have been made in an effort to placate certain groups in this City, and those are

1. The removal of the amortization provisions on certain non-entwining areas.

2. The delay in the effective date of the resolution.

I think these are regrettable, and I think that the City Planning and the City as such will come to regret their elimination.

Thank you very much.

CHAIRMAN FELT: Thank you, sir.

Is Mr. Hayden B. Johnson here?

HAYDEN B. JOHNSON, Chief of Planning, representing Austin J. Tobin, Executive Director of PORT OF NEW YORK AUTHORITY.

MR. JOHNSON: I am Hayden Johnson, Chief of Planning for the Port Authority, and I would like to read a statement signed by Austin J. Tobin, Executive Director.

"In April 1959, at the first hearings which your Commission held on the proposal for the rezoning of New York City, the Port Authority presented a statement which expressed its general endorsement of that proposal.

At that time we stated our opinion that the basic concept of the proposal was sound and that it should be implemented by the Commission at the earliest possible date.

We also promised to study the proposal in detail with

regard to its specific effect upon Port Authority facilities and operations and its general effect upon the economy and development of the Port District.

"In the months which have elapsed since that time, we have on many times, at their invitation, with members of your staff for review and discussion of a number of specific points in both these ordinances.

I am glad now to be able to say that, in the opinion of the Port Authority, the zoning proposal now before you will, if promptly adopted, confer real and lasting benefits upon our community.

"We are particularly pleased to note that in the final text of the new zoning proposal you have incorporated standards which reflect the long-standing City policy that bus terminals should be located on the periphery of the Central Business District.

"The provisions which require special permits for bus stations and which provide for review by the Planning Commission of their effect upon traffic congestion and the general welfare, are progressive and realistic provisions.

"The sections in the ordinance dealing with height regulations around airports are workable and sound, and represent a substantial advance over the regulations now in effect.

"In more general terms, we are impressed with the care with which the provisions governing land use and density in all parts of the City have been related, throughout the ordinance, to the availability of highways and transportation facilities.

"In summary, our analysis indicates that the zoning proposal, if adopted, will provide the best possible development of the City in future years and that it will be of substantial benefit to the people who will live and work within its borders.

"We feel that the Commission is to be commended for the careful attention which has been given over the last sixteen months by you and your staff to the suggestions and comments of interested individuals, citizen groups and public agencies.

"We feel that the present form of the proposed amendment to the zoning resolution should be submitted by you to the Board of Estimate as soon as possible. When the new zoning proposals have been submitted by you to the Board of Estimate, we will be pleased to submit to the board at the proper time our view that the interests of the City of New York and of the Post District, of which the City represents a major part, will best be served by the early passage of the zoning proposal as submitted by you."

CHAIRMAN FELT: Thank you, Mr. Johnson.

Mr. Johnson has been given the floor.

MR. JOHNSON, representing CITIZENS UNION,

MR. JOHNSON: My name is Paul Johnson. It is my gratifying duty to appear here again in behalf of the Citizens Union of the City of New York.

We urge the adoption of the revised proposed comprehensive amendment without further delay.

The Citizens Union has long been an advocate of substantial

revision of the zoning structure of New York City.

About twelve years ago, through its Zoning Sub-Committee, analyzed the present zoning resolution section by section and published the long series of zoning recommendations for the Citizens Union.

About ten years ago, it analyzed the Harrison Ballard & Allan Plan for rezoning the City of New York, published a searchlight report on the Plan, and appeared at the numerous informal hearings thereon by the City Planning Commission.

That Plan for rezoning was never brought to the action stage.

About four years ago, the City Planning Commission, under the Chairmanship of James Felt, retained the architectural firm of Voorhees Walker - Smith & Smith as consultants, to make appropriate studies and to draft a new zoning resolution.

The accumulated data of Harrison Ballard & Allan Plan and the criticisms thereof served as a guide.

Studies indicated what the Citizens Union had long urged; that the present zoning resolution rests on an inadequate and outdated foundation, and that a new and more modern zoning resolution is needed.

The Voorhees Walker - Smith & Smith proposal was available for study in March of 1959. The Citizens Union, through its zoning sub-committee gave it careful study in keeping with its tremendous importance.

We submitted a detailed preliminary report for consideration

by the City Planning Commission as an aid in its preparation of its own version of a proposed resolution.

Many of the recommendations contained in our preliminary report were incorporated in the reports of other civic and professional organizations.

On December 21, 1959 the City Planning Commission published its own version of the proposed comprehensive amendment to the zoning resolution and gave approximately three months notice of public hearings to be held commencing March 14, 1960.

Again the Citizens Union, through its Zoning Committee, gave careful study and reported favorably on it to our committee on City Planning, which in turn reported favorably on it to our Executive Committee.

Our Executive Committee adopted a resolution urging the adoption of the proposed comprehensive amendment without further delay.

On August 12, 1960, the City Planning Commission published a revised proposed comprehensive amendment to the zoning resolution. Again, the Citizens Union, through its Zoning Sub-Committee, gave it careful study and reported favorably on it to our Executive Committee.

In that report, we noted again, with pardonable pride, that many of our recommendations for amendments had been incorporated in the proposed comprehensive amendment.

Our Executive Committee has adopted a new resolution urging the adoption of the proposed comprehensive amendment without



further delay.

We feel that, when the main job has been done, there will be sufficient time to continue to make such further changes as may be appropriate. We do not stand with those who would delay enactment until one hundred per cent perfection has been reached.

No zoning resolution in a dynamic city such as the City of New York can ever be perfect. The longer we delay the more imperfect will the proposed comprehensive amendment become.

The longer we delay the more imperfect will the poorly planned development of the City become. The time has come for action. I submit herewith the resolution adopted by the Executive Committee of the Citizens Union based on the recommendations of its Sub-Committee on zoning, of which I have the honor to be Chairman.

The resolution reads as follows:

"Be it resolved that, in the opinion of the Citizens Union, the present zoning resolution of the City of New York is grossly inadequate and should be replaced.

"Be it further resolved that the prompt adoption of the proposed comprehensive amendment of the zoning resolution of the City of New York, as revised and published in the City Record of August 18, 1960, represents the City's only practical hope for comprehensive zoning progress in this generation.

"And be it further resolved that the Citizens Union hereby expresses its appreciation and extends its congratulations to the Board of Estimate for having made funds available to prepare the

proposed comprehensive amendment of the zoning resolution.

"To the Mayor, for his consistent encouragement of zoning reform; to the Chairman and Members of the City Planning Commission and its devoted staff, and to the numerous civic, professional and special interest organizations and individuals for their perseverance and cooperation in producing the proposed comprehensive amendment to the zoning resolution;

"And be it further resolved that the Citizens Union strongly urges the City Planning Commission and the Board of Estimate to adopt the revised proposed comprehensive amendment to the zoning resolution without further delay."

Thank you, Commissioner Felt.

CHAIRMAN FELT: Thank you.

I would like to call on the speakers, so they will know their turn.

First will be Mr. Babcock, then Mr. Dowling, then Mr. Kyle and then Mr. Haeffner.

EDWARD C. BABCOCK, representing COMMERCE AND INDUSTRY ASSOCIATION.

MR. BABCOCK: My name is Edward C. Babcock, representing Commerce and Industry Association.

Mr. Chairman, the Commerce and Industry Association is here today to express its strong support of the proposed comprehensive amendment to the zoning resolution.

We compliment the distinguished members of the Planning Commission on its development, and assure them that when the Board of Estimate considers it for adoption, we will be there to speak clearly and loudly for it.

It is most important that this proposal be moved on to the Board of Estimate and approved there. We feel that there has been sufficient study of the resolution in its main outlines and principal details. We have approved from the start the principle of a new zoning resolution. We now specifically approve the present version of such resolution and urge its enactment. We feel that in its present form, it is as suitable as can be expected of any technical ordinance of such complexity and with recognition of the continuing work that will be done to amend it as needed changes are indicated, if we are ever to have a new zoning resolution, this is it.

Commerce and Industry Association has given careful study during the past few years to the zoning resolution as it has been printed in its various versions. We have worked with the Planning Commission and its staff on many suggested changes. We have been gratified by the extent to which desirable changes have been made, and our Special City Planning and Zoning Committee, composed of many of the leading real estate men of our city, gave its endorsement after a review of the document in its present form had been conducted. The approval of our Board of Directors, composed of business executives from all branches of commerce and industry, including real estate and

building construction, was then voted. Our approval, therefore, results from our carefully considered judgment, and we believe it to be a hard-headed decision that the zoning resolution is a good thing for New York, its economy, and its future.

In voting approval, our directors said: New York City led the nation in its adoption of a zoning resolution in 1916. It may recapture that lead through adoption of the present monumental proposal, the enactment of which we wholeheartedly endorse. The members of the Planning Commission, particularly its Chairman, Hon. James Felt, who has been the prime moving spirit behind the proposed zoning resolution, are to be highly commended for the type of fine public service they have rendered in this matter and the cooperative spirit in which they have approached and studied all suggested revisions.

After its passage, the new zoning resolution, as a living document, will be amended from time to time as conditions and changing times dictate, and that the Planning Commission will continue to give the same careful consideration to recommended changes that has been demonstrated over the past several years while the resolution was under study.

We look forward, Mr. Chairman, to progress in future years for New York City under a zoning document which is at once realistic and idealistic.

Thank you.

CHAIRMAN FELT: Mr. Dowling?

ROBERT W. DOWLING, representing CITIZENS BUDGET COMMISSION.

MR. DOWLING: Good morning, Mr. Chairman, Commissioners:

Gentlemen, it is my privilege to appear here for the Citizens Budget Commission. I will ask your pardon if I read a short statement.

The new zoning resolution is a project planned long ago by Mayor Wagner. It is about to become true because of the Mayor's fine appointment of a truly great Planning Commission and by reason of the voting at long last of a proper budgetary allowance.

We of the Citizens Budget Commission have always supported a larger budget for the City Planning Commission. The City Planning Commission, under the leadership of Chairman James Felt, has presented the new zoning resolution to the people of the City of New York in an almost perfect manner.

There are two big questions in our opinion: first, do we invite and encourage industry to develop within our City?

Secondly, do we have proper housing for all segments of our population?

As to industry, your Commission is to be commended for the stimulation of industrial parks such as Flatlands in Brooklyn, in Staten Island, and College Point in Queens.

New York City is a great manufacturing city of the nation and the world, and with the best supply of skill and productive labor -- a fact often overlooked because of our very bigness.

With regard to the manner of the presentation which we would like to compliment you about especially, first, that intensive

research was undertaken by most competent experts.

Secondly, careful analysis and study took place.

Finally, fine leadership has been given to the proposal by the Board's thoughtful presentation, and this leadership was strong yet free from dictatorship.

A great educational program was carried out, and meeting after meeting was held in every part of our five boroughs. Chambers of Commerce, Boards of Trade, Civic Associations were spoken with, and thousands upon thousands of interested individuals were interviewed.

The principle of floor ratio - ground area is sound and guards against overcrowding and congestion. Production areas are preserved, and New York's position as a leading manufacturing city in the world is amply protected.

Residential needs of light and air are well assured. All technical aspects are properly developed and, yet, great simplification has been achieved.

The architects, the builders and the property owners have been aided, and the public have been insured against decay, and the future health and welfare of the City is assured.

The development of this Planning proposal is a splendid example of democratic functioning. The entire public were given the fullest opportunity of expressing themselves and they were not given lip service. Their suggestions were patiently and sincerely considered and many were adopted.

The City has been given leadership and it has been heard.

and it is overwhelmingly in favor of this resolution, as are we, in the Citizens Budget Commission.

Mr. Chairman, I have with me a statement to the City Planning Commission for the hearing of today from Mr. Grayson Kirk, President of Columbia University, and I would like to file it, but it is of special interest. It is only a page and a quarter; would you like to have it read or would you prefer to file it?

I know you are very short on time.

CHAIRMAN FELT: Proceed.

MR. DOWLING: It is an excellent statement, I believe.

The statement is as follows:

"My name is Grayson Kirk. I am President of Columbia University at Morningside Heights. I have asked to be allowed to prepare a statement for you in order to express my support.

"Hundreds of distinguished visitors come to the Institution on Morningside Heights each year. We know that they are actively interested in the setting and physical arrangement of the buildings of this City.

"Their impressions are carried to all parts of the world and influence the opinion of their countrymen concerning New York City and the United States.

"The adoption of the zoning resolution will assure careful planning that will safeguard the prestige of the City. Adoption of the resolution will also help to control the incidents of crime in New York City by providing for planning, which will create attractive

neighborhoods.

"Many of the offenders against persons and property have turned to disorderly conduct as a diversion from overcrowded housing. The future of the institutions and of New York City as a place of residence is seriously affected by street violence.

"This well-considered plan of zoning should provide a basis for improving public order and safety. Specifically, I should like to commend the provisions of the resolution for institutional areas. There will be many changes during the next two decades in the educational programs which will require various kinds of physical facilities.

"The proposed plan seems adaptable to such developments.

"The resolution as a whole reflects the careful work of many qualified minds. I hope that it will be adopted soon, so that plans for the future may be based upon it. Grayson Kirk."

It is my privilege to file these and thank you for permitting me to be present.

CHAIRMAN FELT: Thank you.

The next speakers will be in this order: Mr. Kyle, Mr. Haeffner, Mr. Hegeman and Mr. Grosso.

GORDON I. KYLE, President, THE REAL ESTATE BOARD OF NEW YORK.

MR. KYLE: My name is Gordon Kyle, President of the Real Estate Board of New York.

Mr. Chairman and Members of the City Planning Commission, I desire to inform you that the governors of the Real Estate Board



of New York have voted unanimously to endorse your proposed comprehensive zoning resolution.

In taking this action the Governors recognized the great desire of this Commission, which they share, to do everything possible to improve our City.

As a practical matter, the Governors took into consideration the many changes your Commission has made in the present revised resolution, and many of them upon the suggestion of the Zoning Committee of the Metropolitan Association of Real Estate Boards, in whose deliberations the New York Board took an active part.

I am, of course, speaking only for the Real Estate Board of New York, which functions in the Borough of Manhattan, and not for the other members of the Metropolitan Association.

The Governors of the New York Board also took into consideration the statement in your letter of September 8th to me, in which, on behalf of the Planning Commission you said that you would give sympathetic consideration to all equitable and appropriate requests. We note that this applies not only during the grace period but thereafter as well.

Knowing you, Mr. Felt, our Governors had no hesitation in accepting this. We know that you will be reasonable and that you will keep your word, as you always have, and we further believe that we can work in cooperation with you for the best interests of our City which, of course, means also the best interests of the real estate industry. Thank you.

PETER C. HAEFFNER, Chairman of the Executive Committee of  
THE AVENUE OF THE AMERICAS.

MR. HAEFFNER: Members of the Planning Commission, I appear here before you, and my name is Peter C. Haeffner. I appear as Chairman of the Zoning Committee, Chairman of the Executive Committee of the Avenue of the Americas Association.

The proposed amendment to the zoning resolution of the City of New York as presented by the City Planning Commission, we feel is an effort to bring about an orderly and beneficial, as well as realistic approach to the future development of the City of New York and its attractiveness as a place in which to live and conduct business.

A proposal as extensive as the present subject should be considered most seriously and constructively by the citizens of New York and by those organizations designated to represent large citizen groups.

We feel that the proposal as presented requires some additional thinking and action for correcting inequities that we feel everyone realizes may be contained in a resolution so complex and far-reaching.

Undoubtedly, there will be inequities relating to the bulk and use, and also on the matter of non-conforming uses. The Chairman of the City Planning Commission, who has devoted tremendous personal effort together with his intimate knowledge of the needs of the City of New York has stated, that any inequities which exist and which merit change or relief will receive the consideration of the City Planning Commission beyond the date of approval of the proposed amendment to

the zoning resolution.

Our association has confidence in this assurance by the members of the City Planning Commission. We trust that continued studies will be made of inequities in the matter of bulk and use, percentage standards, non-conforming and non-compliance uses and off-street parking requirements.

We feel that the text of the proposed amendment to the zoning resolution is complex and difficult. But we also feel that any resolution covering so vital and extensive a subject would be interpreted as complex.

We feel that, as experience with the amendment develops, those charged with the responsibility of understanding and interpreting the resolution will, as they always have, acquire a familiarity and skill on the subject. We recognize that it may be necessary to adopt numerous amendments, from time to time for the proposed resolution, as it was necessary to make amendments to the previous resolution.

It is unrealistic to assume that this resolution or any resolution so extensive in scope could cover all contingencies. Therefore, in the light and consideration of the foregoing comments, and with confidence that the City Planning Commission will give due cognizance and answer to the questions and problems hereby stated, the Avenue of the Americas Association, Incorporated, has, through its zoning Committee and Executive Committee, adopted the following resolution:

"Resolved that the Avenue of the Americas Association, Incorporated herein endorses the proposed amendment to the zoning

resolution of the City of New York."

Thank you very much.

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

I received a call this morning from Mr. Henlein, representing 14th Street Association, and he told me to record the statement of the 14th Street Association, which would be the same as the statement made by the Avenue of Americas Association.

MR. HAEFFNER: I would have no knowledge of that, but Mr. Henlein is the Secretary of that group.

CHAIRMAN FELT: Which I would wish to be recorded at this time.

Thank you, Mr. Haeffner.

(No objection)

BERNARD L. HEGEMAN, representing BROOKLYN REAL ESTATE BOARD.

MR. HEGEMAN: My name is Bernard Hegeman, I am Vice Chairman of the Re-Zoning Committee of the Brooklyn Real Estate Board.

Mr. Chairman, Members of the City Planning Commission, I would like to say, at the start, that I think the members of the Planning Commission know that I am not a chronic objector nor am I here because it is going to profit me to file these objections. I think a great many of the previous speakers would be amazed if they had the report which I am about to file with you, which I received last Friday.

This is a report on the performance standards on noise and vibration of the proposed comprehensive amendment.

I had this prepared by a very ardent zoning advocate for noise control, Mr. Lewis F. Goodfriend & Associates of Montclair, New Jersey. He is a regular editor of the magazine "Noise Control," which is a publication of the Acoustical Society of America, and I would like to read you a few of the paragraphs from this report:

"A review of the noise and vibration performance standards contained in the proposed comprehensive amendment of the zoning resolution of the City of New York shows these standards to be valid in concept, but to be practically unenforceable as written, and in one respect favors noisy processes located on upper floors of buildings.

"Noise measurements were actually made to verify the applicability of the code and the ease or difficulty of enforcement.

"Actual sound level measurements were performed in various areas of New York approximately twenty feet, in most cases, from the building face at five industrial locations."

I might interpolate here: these industrial locations were picked by me, and they were buildings which are used as loft buildings where the tenancy would change from time to time. The applicability of these noise standards for existing businesses has been exempted.

CHAIRMAN FELT: I think it should be made clear to those present that the performance standards have no applicability to existing structures.

In other words, they just apply to buildings that will be erected in the future rather than those that are now existing structures.

MR. HEGEMAN: Existing structures where the occupancy changes

which would happen in a loft building.

CHAIRMAN FELT: We will discuss that with you.

MR. HEGEMAN: That is my understanding, that is what it says.

"The measurements were made over one-half-hour periods at each location and were made during lulls in vehicular traffic. The method of measurement and instruments conform to the requirements of the proposed standard. The results of the measurement are plotted in figure 1, along with the specifications of the proposed standard, Paragraph 42 - 213.

"This shows that, measured in this way, the levels produced by the manufacturing processes in all of the buildings measured exceeded the levels of the proposed standards. However, the noise from passing traffic was of about the same or slightly higher level than that of the industry measured, and also exceeds the proposed standards.

"Industries whose noise was measured are typical of a wide variety of industries of the City of New York. Thus, it would appear that the proposed standard would prevent what is currently accepted and considered reasonable."

I will not go into the details of this, because it is all technical. I have additional copies which will be filed with the Commission.

"A source of error in measurement and a possible cause for litigation is the fact that the noise is to be attributed to a specific activity."

That is according to the resolution.

"Where one building contains several activities of equal noise output, the resulting level will be higher than that for any one of them. It will then be necessary to shut down all surrounding activities to measure noise from any particular one, or by indirect proof to shut down an activity under consideration, and to determine whether or not it affects the measured level.

"If it does affect the level, it will still be necessary to shut down all other active activities to get a valid decible reading."

Now, on the vibration:

"There are a number of deficiencies in the proposed vibration performance standards. There is no standard method of measuring vibration.

"No. 2. The measuring technic is not specified.

"No. 3. No single instrument, compact group of instruments, or field instruments is known to be available to perform the three components." (Measurements specified.)

"Technically skilled personnel are required to make and interpret vibration measurements.

"The first three deficiencies listed make it so difficult to measure the vibration and obtain a meaningful result that, without further specification of the methods, this firm would not be willing to undertake measurements to ascertain compliance."

As it is now written, it would be possible to obtain readings of displacement over a range of 10:1, depending on the location

of the pickup and the method of coupling the pickup to the ground.

Then he goes into further technical discussion:

"It is our considered opinion that these proposed performance standards for noise and vibration as they now stand will be unnecessarily restricted and impossible to enforce."

I frankly feel that performance standards do not belong in a zoning resolution, and I feel that they would be better left to the control of the departments which now take jurisdiction over those matters.

I would now like to talk, inasmuch as this is about the text, and this is the last time I have got a chance to talk about the text, I would like to talk about Appendix A, index of uses, which is on page 246 of the resolution.

This list was apparently copied from the list of the Chicago zoning resolution. It is incomplete in that a great many industries which function and operate in the City of New York are not included in it, and it also has a great many industries which we do not have.

We do not make any farming machinery here, and we do not make, as far as I know, any mining machinery.

Now, it says that heavy machinery manufacturing is in use group 18. What is heavy machinery? End products of which weigh two hundred pounds, two thousand pounds, twenty thousand pounds? Where can light machinery go?

Where would you put cork products?



I would suggest that before this resolution is put in final form that the Planning Commission go over the red books of the various boroughs and find out the various types of industry which there are in the City, and make sure that each one of them is covered there in some way.

Now, at the present time, clothing manufacturers -- I am speaking now of small clothing manufacturers -- operate in business zones. You, I am sure, are all acquainted with the small clothing shop, twenty, thirty, forty by one hundred, in stores where the stores are over-built. I see no harm in that.

There is no provision in the resolution for any such operation, and I think something should be put in there which would permit that type of operation.

In the text, on pages 88 -- you are talking about minimum required rear yards in manufacturing zones. A minimum rear yard of twenty feet is required in a manufacturing zone, unless the property is on the corner or a whole square block.

Frankly, I think that is a waste of space and merely a spot where rubbish will accumulate and rats and everything else. And I feel that in manufacturing zones there should be no requirement for rear yards in the middle of the block lots.

Also, on the same page, 89, paragraph 43 - 28, special provision for through lots. I feel that in manufacturing zones through lots should be permitted to go, build the building from street to street, and it should not be any requirement for rear lots

or setbacks in the front, unless there is a requirement -- there is need and requirement for parking facilities.

You also have in the mapping, on page 92, an M3-2 zone. I fail to see the difference between an M3-2 zone and an M3-1 zone.

Can you enlighten me as to what the difference is?

CHAIRMAN FELT: Between M3-2 and M3-1?

JACK SMITH: (Staff member of the City Planning Commission):

MR. SMITH: The difference is in the parking provisions. M3-2 is a central Manhattan zone without parking requirements.

MR. HEGEMAN: Without apartments?

MR. SMITH: No; parking requirements.

CHAIRMAN FELT: It relates to the fact that parking requirements are not necessary in that zone.

MR. HEGEMAN: I see.

Well, I feel that the M3-2 zoning should provide for greater bulk than it does. The bulk in an M3-1 and in an M3-2 zone is only two. I feel that is too restrictive for a manufacturing use, and M3-2 zoning should be increased as far as the floor area ratio is concerned to at least four or five, so that if it is necessary that could be used.

Gentlemen, I thank you for your courtesy in listening to me.

CHAIRMAN FELT: Thank you very much.

I will now read the next four to be heard. They will be heard in the following order: Mr. Gresso, Mr. Walter, Mr. Savacool

and Mr. O'Brien.

MICHAEL B. GROSSO, representing FIFTH AVENUE ASSOCIATION.

MR. GROSSO. My name is Michael B. Grosso. I appear on behalf of the Fifth Avenue Association. I appear before this Commission to record the enthusiastic approval of the Fifth Avenue Association of the proposed zoning resolution of the City of New York as relating to those areas included in the Association's sphere of activities:-

Fifth Avenue, from Washington Square to 123rd Street, Madison Avenue from 23rd to 96th, Park Avenue South from 17th to 32nd, Park Avenue from 32nd to 96th Street, and 57th Street from river to river. We are pleased that the proposed zoning resolution keeps intact the use districts applicable to our area and, in many instances, they have been made more restrictive, thus insuring the great future of mid-Manhattan.

For this we are grateful to Chairman Felt and to the members of the Commission and to the staff of the Commission. Let me say that, with the creation of the restrictive retail use classification, I believe, in 1937, a use district especially designed in the first instance for the Fifth Avenue area, it was believed that this was the very best to be had.

There is no doubt that restrictive retail was an important factor in the development of the Fifth - Madison - Park Avenue areas as well as the middle region of the high-class shopping district of 57th Street. However, a careful examination of the new C-5 district,

which is included in the proposed resolution, definitely reveals that it has no doubt that the C-5 district, will do more to insure the future growth of that important section of our city.

In brief, gentlemen, we believe that the C-5 district is a decided improvement over the present restrictive retail classification.

In giving our approval and enthusiastic support of the proposed resolution, we are in agreement with the proponents that the time is long overdue for a new zoning code with a brand new flexible, administrative framework to guide the future growth of our city.

We are extremely grateful to the Planning Commission for their wonderful support in our current campaign to upgrade Park Avenue South.

This was accomplished in the first instance when use classification of Park Avenue South was changed from business use to restricted retail and now to a C-5 district on the proposed map relating to that area.

We are highly pleased that the proposed zoning resolution, with its many new and modern concepts, has the enthusiastic support of leading architects, engineers and builders. We feel that we are in good company.

Our Committee, which is comprised of builders, architects and representatives of the real estate industry has no fears that the bulk ratios recommended for our area will interfere with new

building construction. To the contrary, the members of our Committee, and supported by our Board, find no appreciable difference. But I think what is most important is that we move without any delay for a new zoning resolution.

Now, this does not mean that it is perfect. There are some objections that may have some merit, but we feel that the important factor, Mr. Chairman, is to get this new framework, and we can work out the refinements as the time goes on.

Speaking for our Chairman, Mr. Earl H. Lundin, we hope that the Planning Commission will adopt the proposed zoning resolution and submit this new code to the Board of Estimate for adoption.

Thank you very much.

CHAIRMAN FELT: Thank you, Mr. Grosso.

Is Mr. Elliot Walter present?

ELLIOT V. WALTER, representing MACY'S.

MR. WALTER: Chairman Felt, Members of the Commission: My name is Elliot Walter, and I represent Macy's Department Stores.

The continued stability of a retail business such as Macy's is dependent upon the maintenance of a good living and working environment in the City of New York.

The City of New York is dependent upon such business to provide taxes and employment to its citizens; so Macy's speaks not only as a business but as a good citizen interested in the future of New York City.

New York City cannot afford to continue as we have in the

past with more delay and blighted areas as a consequence. We must adopt standards that will reverse this trend and make the City a desirable place to work and to live in.

We must rebuild the commercial areas to the age of the automobile or continue to lose business and employment to shopping areas outside of the City, with ample offstreet parking.

We must relieve the congestion of our streets and save our commercial areas and the main streets from traffic strangulation that results in lost business and unnecessarily high expense rates.

We endorse, particularly, the required off-street parking and loading requirements for new commercial construction in the code, which should go far in correcting the almost complete paralysis of traffic which today exists in some areas.

We are glad to endorse the new zoning regulations of the City Planning Commission in principle, and it seems to us that, with the changes and modifications that have been made in response to the constructive suggestions of many interested groups, these new regulations should now have the support of the majority.

Thank you very much.

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

Our next speaker is Mr. William Savacool.

WILLIAM L. SAVACOO, representing CHAMBER OF COMMERCE,  
BOROUGH OF QUEENS.

MR. SAVACOO: Mr. Chairman Felt, Members of the City Planning Commission, ladies and gentlemen: My name is William

Savacool, representing the Chamber of Commerce of the Borough of Queens, of which I am a Vice President and Chairman of the Borough Planning Committee in that organization.

The text of the resolution, as revised and published in the City Record, August 16, 1960, considering that part related to the Board of Standards and Appeals, the policy of the Chamber of Commerce of the Borough of Queens is that the proposed zoning should protect, not destroy, the zoning rights of our residents, businessmen and factory owners.

But in large areas of Queens, the proposed zoning resolution indicates the intention to displace business and industry from their long-established locations and zone the sites for residential use.

This matter has a close relation to the change in policy of the Planning Commission toward the Board of Standards and Appeals. The announcement of the proposed reduction in the powers of the Board to grant discretionary variances is found in the booklet issued by the Planning Commission entitled "Rezoning New York City"-December, 1959, and again issued August 17, 1960 in which, on page 52, is this statement:

"The power of the Board to permit any type of use in any district, however, has been eliminated."

CHAIRMAN FELT: I might say, Mr. Savacool, with all due courtesy to you, that that is a statement out of context. But, will you proceed.

MR. SAVACOOOL: However, I regard it as true, Mr. Felt.

The position of the Chamber of Commerce of the Borough of Queens is to oppose the reduction of the powers of the Board to grant discretionary variances because of our conviction that zoning should not be made so rigid that no justice or relief can be had.

Much of the need for variances is due to the policy of the City Planning Commission in changing the early strip zoning for business along main traffic highways and substituting residential zoning. An example is found on the northerly side of Queens Boulevard, Elmhurst, extending from Broadway for about five blocks toward the Long Island Expressway. In cases like this one, on Queens Boulevard, where the action of the City Planning Commission has a harsh effect on businessmen and owners of land, there must be a Board with discretionary power to enable justice to reach the owner of any zoning lot.

But our City Planning Commission reaches for more power with apparent unconcern for its effect on justice to the individual owner.

The American system of government has been devised and founded to provide checks and balances between departments of the government.

Accordingly, the discretionary powers of the Board of Standards and Appeals should be continued to enable justice to be within reach of an individual owner and to provide just and effective consideration to problems arising from the growth and expansion of business enterprises.



POPULATION. The proposed zoning sets limits to density of population, given on page 7 of the booklet "Rezoning New York City," which was distributed a second time by the Planning Commission with the revised proposed zoning resolution as published in the City Record on August 13, 1960 - the population of the Borough of Queens in 1957 is given as 1,780,000; and the proposed zoning is stated to provide for a future population of 3,130,000. The present zoning, according to this booklet is stated to permit a population in Queens of 18,400,000. This last statement is typical of the unwarranted attack of the City Planning Commission on the present zoning.

The Commission, in making this exaggerated statement, has made no allowance for land already developed with buildings of less bulk than permitted by the present zoning in localities such as Long Island City, Ridgewood, Maspeth, Glendale, Jamaica and other old centers of population.

In Manhattan, the proposed zoning for residential use reaches the maximum floor area of fifteen times the area of the zoning lot in the R-10 zone.

In Queens, the highest residential zone mapped is R-7, and that is mapped only in part of Jackson Heights and in parts of Forest Hills and Kew Gardens.

In R-7, the highest floor area permitted is 3-4/10 of the lot area.

The effect in Queens of this limitation in bulk of apartment houses and in population density may be judged by an example:

let us consider a lot 100 x 200 feet, containing 20,000 square feet.

In the proposed zoning for an R-5 area, the floor area ratio is 1.25 times the lot area or 25,000 square feet, total floor area.

Under the present zoning in a "D" district, the building may occupy one-half of the lot, or fifty-five per cent of the lot area or 11,000 square feet and the total floor area of six stories may be 66,000 square feet. This is more than two and a half times what the proposed zoning will allow. The difference is too great.

The number of rental rooms which can be designed on an apartment house lot, has always been a factor of prime consideration to a purchaser. The greatly reduced number of rooms permitted under the proposed zoning must depress land values and also lower assessed valuations for real estate taxes with loss to the City of New York in tax revenue.

In the rapid growth in population since the end of World War II, the construction industry has been a leading employer of our people in Queens. Who would building with a most complicated bulk zoning? Why kill the horse that is pulling the load? Keep the present zoning.

Under the present zoning, Queens is making progress as opportunity and enterprise meet in a favorable climate.

In conclusion, the Chamber of Commerce of the Borough of Queens is opposed to the proposed zoning, preferring the present zoning resolution with some improvements, such as prohibiting the construction of new houses in manufacturing districts.

CHAIRMAN FELT: Thank you, Mr. Savacool.

Is Mr. O'Brien present?

PAUL M. O'BRIEN, representing NEW YORK EMPLOYING PRINTERS ASSOCIATION.

MR. O'BRIEN: Mr. Chairman, Members of the Commission, my name is Paul M. O'Brien, and I am speaking for the New York Employing Printers Association, which represents the City's largest manufacturing industry, commercial printing.

The printing industry endorses your proposed zoning plan, and urges its early adoption.

We are pleased that you have given us a plan that we can accept and endorse, and we acknowledge that, from the very beginning, you and your staff have evidenced a willingness to work out the problems of the City's printing industry.

As you know, our organization was among those which originally had reservations concerning the plan. But in a series of conferences with your staff, we were able to reach full agreement.

We want to thank you publicly, Mr. Felt, for your interest in the printing industry's welfare. We are deeply grateful.

One thing that we never had any reservations about, however, was the need for better zoning in New York City. All of us, who in some way make our living in New York or from New York, have a common interest in making a better city in which people can live and work and do business.

Better zoning is everybody's business. We are printers, we

do not know whether this zoning resolution is the most perfect that could possibly be offered, but we do know that it is the best that has been offered, from our point of view.

On behalf of our industry of the four thousand printing firms employing 100,000 workers, the New York Employing Printers Association urges early adoption of your comprehensive zoning proposal.

Thank you very much.

CHAIRMAN FELT: Thank you.

Inasmuch as you represent the second largest industry, I think the needle trades are the largest, Mr. Jacob Potofsky wanted to be here but could not, and asked if I would read his statement.

JACOB S. POTOFSKY (Statement of):

This is a statement from the Amalgamated Clothing Workers of America, affiliated with the A F of L - C I O at 15 Union Square, New York 5, New York, dated September 7, 1960 addressed to Hon. James B. Felt, Chairman, City Planning Commission, 2 Lafayette Street, New York 7, New York.

"I was glad to hear that the opposition to the proposed new zoning law is waning, and that there is considerable likelihood that it will be approved by the proper authorities before the end of the year.

"You will be pleased to know that all the unions have been communicated with and their response indicated a unanimous approval by labor for the proposed new zoning law.

"I had received a letter announcing the hearings of the

Commission which have been scheduled for this coming Monday and Tuesday I regret that I will not be able to make personal appearance, since I will be tied up with meetings of my own Board for those days.

"I want you to know, however, that I am heartily in favor of, and enthusiastic about, the proposed new law, because I believe it will benefit the City a great deal in the future.

"I have always had a high opinion of the operations of the City Planning Commission, which you need. I believe the Commission has done a splendid job in the past few years in attempting to make New York one of the most beautiful cities in the world.

"The City is fortunate in having you direct City Planning so that we can, in due course, eliminate the slums and provide the necessary playgrounds and other facilities to make New York one of the most desirable places for its eight million residents to live in.

"With all good wishes, and kind regards, I am, sincerely yours, Jacob S. Potofsky, General President."

Is Mr. Scheuer present?

JAMES SCHEUER, President, CITIZENS HOUSING AND PLANNING COUNCIL OF NEW YORK

MR. SCHEUER. My name is James Scheuer, and I represent the Citizens Housing and Planning Council of New York, of which I am the President.

I am making this statement, which I will take the liberty to make in somewhat abbreviated form from the prepared text, with the wholehearted acquiescence and endorsement of our Board, on the

recommendations which your consultants' proposals' have made for the zoning of New York City.

We wholeheartedly are in favor of your zoning proposal, and we urge that it be made effective as promptly as possible.

We are greatly encouraged to see that despite the passage of time, and the many suggestions -- constructive and otherwise -- that have been made to you in this room and at your offices, and in meetings with other groups like our own, the resolution you are now proposing bears a strong resemblance to the original proposals made by your consultants.

You offer the City a single-map-zoning system, by means of which every interested party, be he architect, builder, or simple citizen, can by a single reference obtain a capsule view of what can be done with any piece of real estate in the whole city.

One single district designation explains what uses can be made of every piece of land, how high a building can be put on it, and what, in general, are the parking requirements that it must meet.

The resolution before you still provides controls on the size of the buildings which regulate the total area of the floors by relating it to the size of the piece of land on which they stand.

The new version continues to provide the vital control over the density of population for residential buildings in resident districts, which we, at Citizens Housing applauded when it was first proposed over a year and a half ago.

We know from experience that overcrowding of people on

limited tracts of land has produced human and vehicular congestion which makes for unpleasant and uneconomical urban life.

Actually, what we have before us is nothing new or radical, or avant garde. Indeed, it is so old a concept, this idea of municipal planning or community planning, that our European forebears have been doing it for centuries.

Any of you ladies and gentlemen, members of the audience who have visited the great European cities, such as London, Paris, Amsterdam, Copenhagen, the smaller British cities, have seen what they have been doing in the way of enlightened municipal City Planning for a half century or more.

Yet, while, to some extent, New York is at last catching up with the prevailing professional planning practiced in many parts of the world, the truth of the matter is that, in our City, municipal planning has always gotten short shrift.

We cannot allow this deplorable situation to continue. This is a vital, vibrant City that is not merely growing, it is exploding. And now we are feeling the lash of the back-fire.

Look at Queens and Nassau, where we have immorally frittered away our most precious national asset -- vacant land -- to the point where today Queens and Nassau, for all their spanking new apartment houses and split-level ranch houses, resemble a vast, monotonous, sterile land mass of box-tops and barbecue pits, unrelieved by anything approaching an adequate provision for recreational, cultural and educational facilities.

On Manhattan's east side, apartment houses and glass office structures have been erected, pell-mell, in a glittering disarray without any rationale or ground rules as to overall neighborhood or city growth.

We cannot allow this to go on unchecked. And that is why the Citizens Council welcomes this new proposal, and urges prompt and favorable action by the Board of Estimate.

Here, at last, it seems to us, is New York's last chance to chart the long-term growth of this exciting city in intelligent terms, rather than a hodge-podge of amendments which have accumulated, like fossils, over many decades.

While your present proposal has changed somewhat the form of this control of density, its strength is not diminished, and it has been simplified for architects and builders to understand and apply.

The basic purpose of a zoning resolution is to provide a helpful tool with which to plan and direct the growth of our City. The maps through which the zoning regulations are applied to the specific portions of the City's area, give us a picture of how we see our City, and how we now expect and hope that it will develop.

It is clearly impractical or impossible for a City-wide citizens' group to comment in detail upon the mapping you have proposed, but we note with interest that the total provision of residential, commercial and industrial land acreage remains approximately as first suggested by the consultants.

Particularly, striking in the consultants original proposal,



and well-preserved in the revision, is the clarity of its basic form.

Because of the one-map system, and the detailed exposition of zoning districts, the people of our City will be able to take an increasingly intelligent, and, I hope, constructive part in the re-mapping that is a continuous process in any living metropolitan center.

In setting forth the administrative mechanism by which zoning is to be changed through the years, you have established a set of criteria which are clear and precise, and should afford helpful and authoritative guidance to the Board of Standards and Appeals, to the Courts, and to the Planning Commissions of the future.

We have been talking about the future so long, that many of us are beginning to wonder if it will ever come. If it is to come, and to mean a better City for New Yorkers, we urge you to adopt this proposal speedily and send it to the Board of Estimate speedily for that body's prompt concurrence.

Thank you very much.

CHAIRMAN FELT: Thank you, Mr. Scheuer.

Mr. David Rose.

After Mr. Rose will be Mr. I. D. Robbins.

DAVID ROSE, INVESTMENT BUILDER.

MR. ROSE: Mr. Chairman, Members of the Planning Commission, myname is David Rose, and I am an investment builder. I have built all types of buildings for investment, particularly apartment houses.

Since 1922 I have built many thousands of apartments in Manhattan, Bronx and Queens.

Rose

I have found over these many years that every time a new proposal is made, whether in the building code or the land use for buildings, there is a hue and cry that we will not be able to build under the new regulations.

Invariably this was wrong.

The builders sit down, they blow their noses, wipe their eyes and proceed with building under the new regulations at a greater rate than ever before.

Generally, because the new regulations are an improvement over the old they stimulate new building. I cannot understand why one should be so eager to have an old model building rather than the latest 1960 or 1961 type of building.

Buildings built under the new zoning regulations will, of course, be better than those built under the old.

The claim might be made that the old regulations might have been more productive of land use or, to put it bluntly, crowded the land to yield a greater return. But as a builder, as a constructor, I cannot help thinking that the building will be a better building.

What the effect will be on land costs is another matter; I do not know; I have heard it said that there is one point of view that since the land will not produce as much, that prices of land ought to go down.

Another point of view is that since more land will be needed for the same building, prices ought to go up; so you can take your choice as to which of these predictions will materialize.

will materialize.

There is no question that the building, to live in, to build, to own, the future is going to be better and sounder.

This is a challenge, indeed.

There is no question in my mind that, as a whole, the City of New York would be better off with somewhat less building on more land as proposed in the new zoning resolution.

Perhaps the undesirable effect will be a greater spread and less concentration.

I do not think that will be undesirable at all. I have heard reference to Queens.

As a builder, everytime I go out to Queens and see reproduced conditions that are the same as they are in Manhattan, the inevitable remark that I make, and that I believe everybody does who is interested, other than in getting the most he can out of the parcel of land that he owns, is "Will we ever never learn anything? Will we go repeating the same conditions that we had in Manhattan over and over again," and therefore, I unhesitatingly say and believe that the resolution as proposed, with the built-in methods for adjustment and modification is as fine a thing as New York has had proposed to it.

It ought to be passed, and, then, I am quite sure that whatever authorities are then in control, whether it is Mr. Felt's authority or twenty-five years hence or ten years hence another authority in charge, that it has within itself the power to adjust itself to meet the needs as they may arise, and whatever faults are found, I

am sure there are, copy will be adjusted. But the basic idea of zoning is right.

I for one would love to see it passed.

Thank you very much.

CHAIRMAN FELL:                      Mr. I. D. Robbins,

J. D. ROBBINS, President, CITY CLUB OF NEW YORK,

MR. ROBBINS:    Mr. Fell, Members of the Planning Commission:

Since 1897, the City Club of New York has been interested in good government for the City as a whole, and I think I ought to preface my remarks by saying that, when a gasoline station was built in a residential neighborhood of Queens, with the permission of the Board of Standards and Appeals, we felt just as upset about it as the neighbors of that gasoline station.

I say that to preface my remarks, in case anyone feels we're in any way insulated by having an address on Park Avenue for the club headquarters. We do represent people all over the City.

The City Club of New York wishes to take the opportunity, at this final, we hope, hearing, to urge that there be no further delay in the promulgation of the new zoning program. We could readily repeat pretty much what was said at previous hearings by our representatives, but you listened attentively the first two times.

We could still state a few minor objections to what we regard as too great concessions to narrow, private interests, but we respect you, this Commission, and we know that every change you made was not only considered technically but weighed in the best sense

politically.

The Planning Commission, your Commission, has been willing to listen to objections even when the objections have become, quite transparently, only devices for making complete opposition to change. We believe -- we of the City Club -- believe we know you, we know that you will make such change from here on so it will be manifestly proper, and will do the City of New York -- will serve the City of New York and its people. But we think that your Commission has perhaps been somewhat too cautious.

I recognize your desire to lean over backwards, to be sure that every single possible objector has been heard, but there comes a time when listening too long takes on a -- becomes ridiculous, if you please.

Although we concede that the proposal is lengthy and technical, I want you to know that we are accustomed to examining lengthy and technical documents and studies; and the principal -- we, the City Club, are familiar with such documents, and we are accustomed to appointing committees to study them, and we know how to go through them from page 1 to the last page, and so we think we can say with some conviction, based on experience, that the principal opposing organizations have been well equipped with lawyers and technicians and had plenty of time, if they had been disposed to do so, to prepare detailed reports with respect to this zoning proposal.

A willingness to do a thorough analysis is usually the best index of true interests. If you are willing to work hard on

something, it means that you really are devoted to it.

That the opponents over the past couple of years and over the past three lengthy series of hearings have failed to come up with a detailed line of, I'm sorry, sorry, and that they still plead for time is, in our opinion, pretty good evidence that no principal basis for opposition is available.

So far, gentlemen, you have leaned over backwards, you have given every opponent every chance, and we suggest that you now adopt a program and give the people a chance.

Thank you very much.

CHAIRMAN FELT: Thank you.

Mr. Woodbridge, then Mr. Butt.

MR. ROBBINS: I'm sorry; I've been asked to announce my name. I regret I didn't.

My name is Mr. I. D. Robbins, and I'm the President of the City Club of New York.

CHAIRMAN FELT: Thank you.

After Mr. Woodbridge, Mr. Butt and Mr. D. George Levine, and Mr. Harte.

FREDERICK J. WOODBRIDGE, representing NEW YORK CHAPTER AMERICAN INSTITUTE OF ARCHITECTS.

MR. WOODBRIDGE: Mr. Chairman, and Members of the Commission

My name is Frederick J. Woodbridge. I represent the New York Chapter of the American Institute of Architects, of which I am, at the moment, President.

In December, 1939, the New York Chapter of the American Institute of Architects, representing nine hundred or more of some seventeen hundred registered architects of New York City, on the basis of a one-year study by its civic design committee, endorsed the new zoning proposed by the City Planning Commission. It was convinced that the proposed legislation, with its provisions for more rational land use and for the control of bulk and intensity of development, was a long overdue piece of legislation.

At the same time, the Chapter made a number of suggestions which it believed would improve certain sections of the proposal, particularly those on the control of building bulk.

Since last Winter, the civic design committee has continued active and friendly cooperation with the Planning Commission and its technical staff. Members of the committee made many sketch plans of actual and typical site problems which were compared with similar studies by the Planning Commission. Revised formulations of various parts of the text were exchanged, discussed and re-drafted. The views of the architects did not prevail in every case, but the New York Chapter is pleased to note that the final draft of the proposed zoning on which public hearings will be held by the Planning Commission on September 12th and 13th includes most of our suggestions.

As it stands today, the revised zoning amendment is an even better proposal and a more efficient planning tool than the one the Chapter endorsed last December.

Among the chief suggestions in the Civic Design Committee's

study has been incorporated in the latest draft as the following:

1. It was recommended that some method be devised to protect the remaining historical areas in the city. We suggested that this could be accomplished by proper mapping. Then, if the building bulk of new construction in particular in these areas, it would encourage the preservation and removal of existing structures.

Examination of the detailed zoning for such historical areas as Greenwich Village, Brooklyn Heights, Haveret Square and Gramercy Park, indicates that the A.R.S. recommendations have been followed.

2. Another recommendation dealt with bonuses to builders who provided plazas and arcades around their buildings. The Chapter felt very strongly that the proposed bonus of three square feet of additional floor space for each square foot of plaza was unrealistic and would not result in much opening up of congested space at street level. It was also felt that some bonus should be provided for arcades and interior courts accessible to the public.

The final draft of the Planning Commission has recognized this problem and bonuses for plazas and arcades have been increased on a graduated scale, depending on district location.

For example, in the highest bulk commercial district, where the permitted floor space is five times the area of the lot, the bonus for the plaza is ten square feet for each square foot of plaza and three square feet for each square foot of arcade.

In both the commercial and residential areas where the F.A.R. is less, the bonus for the plaza is seven square feet for each



square foot of plaza and three square feet for each square foot of arcade.

Bonuses of this nature should prove a real incentive to investment builders to open up our city at the street level and in congested areas. It should also result in better designed buildings. The limitation of bonuses to a maximum of twenty per cent of the F.A.R. for the respective districts insures against excessive bulk.

3. The Planning Commission has concurred in the Chapter's recommendation on permitted towers on the smaller lots under twenty thousand square feet. The final draft increases the tower privilege to fifty per cent on lots up to ten thousand five hundred square feet and on a graduated scale on lots from ten thousand five hundred to twenty thousand square feet.

Over twenty thousand square feet, the permitted tower is forty per cent of the lot area. Just compare this with the present limitation of twenty-five per cent which, on most practical lots, makes a tower completely impractical and uneconomical.

4. Density controls for residential buildings was another problem on which the Chapter made recommendations. We believe that the Commission's final draft goes a long way toward solving this controversial question.

The formula for determining density controls have been simplified and the areas per room in the different residential districts have been realistically established.

5. Another Chapter suggestion was the introduction of an

added residential districts to close the gap between the F.A.R. of ten in the R-9 district and the F.A.R. of 4.5 in the RF, and as now revised, there are two residential districts with less contrast between them.

6. The Charter welcomes the simplification of the parking requirements for certain shopping centers. It will now be possible for the shopping center developer to determine the number of parking spaces required before he has actually executed leases for the space in his proposed center.

7. The extension of the high-bulk commercial districts on the north and south avenues of Manhattan from one hundred feet back from these streets to one hundred fifty feet, will help in the planning of more practical and efficient structures in these districts. An increase from one hundred to one hundred twenty-five feet also applies to certain north and south streets in the R-10 residential areas which will naturally help in the design of better buildings along these streets.

Despite the prolonged period of study and revision of the several drafts of the proposed zoning, there are still some who cry for more time. Actually, the new zoning has been a very long time in its development. The process was started back in 1948 when Mayor Wagner was Chairman of the City Planning Commission.

It is to regret the study undertaken by Wallace Walker Smith & Smith in 1956, upon which the proposed resolution is based. Their version was made public in February of 1959, so that a year and

a half has now been available for analysis and review by those interested. In this period, the Commission has held many meetings and informal meetings and has issued two revised drafts of its own.

It is too much to expect that the proposed resolution be perfect in every respect. Nobody is saying that. This has been said over and over again, this afternoon.

As experience with it grows, it will be amended to fit the dynamics of changing conditions and practices.

The important thing now is to enact the proposal into law without further delay. Only when this happens can the Planning Commission begin to apply itself to the larger problem of planning the City's future growth. Zoning is an essential tool in this process. But, once the full energy and talent of the Planning staff is available for the overall problems of urban development, we will get toward the goal envisioned in the City Charter when the Planning Commission was set up twenty-five years ago.

We trust that the proposed amendment will be submitted to the Board of Estimate soon after the September hearings, and that it will then become the new zoning resolution of the City of New York.

THE CHAIRMAN. Thank you very much, Mr. Woodbridge.

Mr. Butt and D. G. Levine and Mr. Harte, and then Grover Moscowwitz.

JOHN BUTT, representing DOWNTOWN - LOWER MANHATTAN ASSOCIATION.

MR. BUTT. Mr. Chairman, and gentlemen. My name is

John D. Butt. I am the President of the Downtown - Lower Manhattan Association.

The Downtown - Lower Manhattan Association, having considered the proposed comprehensive amendment of the zoning resolution of the City of New York, as revised and published in the City Record of August 18, 1960, <sup>1960</sup> believes <sup>it is</sup> the best interest of the City, to adopt a new comprehensive zoning resolution rather than to continue amending the existing one, long since outmoded.

Our Association's consideration of the new zoning resolution is appropriately confined to its application to the Downtown - Lower Manhattan area.

The Association heartily endorses the resolution as it applies to this area. We find the land-use regulations generally compatible with the proposals of our association, as expressed in our first report, and we believe that the bulk regulations would serve the long-run best interests of the area.

We believe the proposed resolution would contribute effectively to the constructive use of land and streets upon which, in the final analysis, the welfare of our City and its people depends.

Since its adoption in 1916, the zoning resolution has not been adequately revised, despite the many changes resulting from the City's growth in the last forty-four years.

There has been patchwork amendment to the maps and texts, over two thousand five hundred amendments, in an effort to keep the original resolution abreast of developments.

The proposed resolution is a complete and comprehensive revision, one which clearly defines the regulations needed for orderly development. The City is now confronted with the urgent choice between a fully integrated resolution or continued piecemeal amendment of the existing patchwork resolution.

The Association believes that the need for a new and comprehensive zoning resolution to guide the City into its future growth and development has been demonstrated.

On behalf of the Downtown - Lower Manhattan Association, we desire to express our appreciation to the New York City Planning Commission, its Chairman and staff for their tireless and farsighted efforts in bringing this resolution to its present status.

THE CHAIRMAN Thank you.

Mr. Levine, D. George Levine.

D. GEORGE LEVINE, BROOKLYN HOME BUILDERS ASSOCIATION.

MR. LEVINE My name is D. George Levine. I am an attorney; I am the attorney for the Brooklyn Home Builders Association, and Chairman of the Zoning Committee.

Mr. Chairman, and gentlemen of the Commission:

It was a breath of fresh air to hear a previous speaker, Mr. Rose, discuss the proposed zoning resolution and the enlightened thoughts that he had in connection with building of high-rise apartments, even under the proposed zoning resolution.

A man with nine years of experience has dispelled, in my mind, the fears of many who said that, under the proposed zoning

resolution, the building industry will come to a stop. However, I represent the group of builders who are predominantly in the one and two-family home building, and we, too, opposed the original proposed resolution. But with the offices of you, Mr. Chairman, Vice Chairman Bleustein, and in conjunction with the hearings held with your technical staff, who are to be commended upon their ability and in their polite and gentle way in which they discussed each and every provision that was brought up by me or the members of my association, we have been able to come to a point where the new proposed zoning resolution has been modified to a degree.

I realize that there isn't a law including this proposed resolution, which is letter perfect. There will be inequities and some hardships created by reason of the new proposals.

However, knowing the fairness of your Commission and the attitude of the members of the technical staff and the attitude of your Commission, wherever those inequities or hardships may arise, I am certain that your Commission will give relief to correct such a situation.

I am in favor of the proposed zoning resolution. I believe its enactment will benefit the people of the City of New York. No zoning resolution, gentlemen, was made for land speculators. The zoning resolutions are made for the people of the City who live in it, and it is meant for the betterment of the City and a zoning resolution such as you have proposed, I am positive will not impede or destroy the building industry.

I believe I would be remiss, gentlemen, if I did not say that the people of the City of New York are indeed fortunate to have members of the City Planning Commission as now grace it, who have devoted their time, ceaselessly and tirelessly in favor of the betterment of this City.

And I would like to mention the fact that your technical staff and the engineers on the staff are the most cooperative people you could find in any City Department. It's really a pleasure to come into the office of the City Planning Commission to talk with anybody, whether in the secretarial staff, the engineers or your technical staff. It's the politeness, the information that they impart without any difficulties involved. And it is a breath of fresh air in the City of New York, when you have to go around to other departments and you find the difficulties, and I believe this attitude trickles down from the top right down to the rest of the force.

In conclusion, I am pleased to say that I'm in favor of the proposed zoning resolution, knowing that there are some instances where corrections will be required and that the Commission will not hesitate to go along, so long as they are just and equitable.

Thank you.

CHAIRMAN BELT: Thank you.

Mr. Harte.

STANLEY J. HARTE, property owner.

MR. HARTE: My name is Stanley J. Harte. As a substantial property owner, may I take this opportunity to very briefly express

to you and the Commission my complete and wholehearted approval of the proposed new zoning resolution.

I have read a great deal in the daily newspapers and in various publications concerning the opposition which exists in some quarters toward the proposed resolution. Believing the opponents of the measure frequently are more vociferous in stating their position than are those who approve of same, I thought it would be in order for me to express my strong affirmative vote in favor of the resolution.

It is for this purpose that I am appearing here today.

I would like to observe that the proposed new resolution, in my opinion, is brilliant, far-sighted, and above all, necessary and essential to the future welfare of all the inhabitants of the City of New York be they property owners or not.

We are undoubtedly heading for disaster if we continue to build and develop the City along prior and present lines.

Your courage and the courage of the Commission, Mr. Chairman, and the conviction, and suggesting and fighting for the proposed changes, will undoubtedly prove itself during the years to come; and I sincerely believe that you and the other draftsmen of the resolution will earn the eternal gratitude of the citizens of our City.

For your sake and for the sake of all New Yorkers, I sincerely trust that the proposed zoning resolution will be adopted.

Thank you.



CHAIRMAN FELT: Mr. Moskowitz and then Mr. Borowitz.

GROVER W. MOSKOWITZ, DOWNTOWN BROOKLYN ASSOCIATION.

MR. MOSKOWITZ: Mr. Chairman, Members of the Commission

My name is Grover W. Moskowitz. I am the Executive Vice President of the Downtown Brooklyn Association.

In our district, I would just like to mention that the downtown area of Brooklyn, has been treated most fairly by the Commission. And, actually, the Association recognized the need for rezoning; there's no question about that, also. But to lead into it, the Association has on the list in its membership roster all of the commercial banks and savings and loan institutions in the downtown area of Brooklyn and, in addition, major retailers and other major business interests.

Now, the banking institutions in our area and, of course, throughout the City, loan billions of dollars of depositors' money to real estate owners. So, naturally, our whole economy and social structure are closely interwoven with these institutions.

It is imperative that we give consideration to the business climate of a great city as well as its physical looks. To have a beautiful city and little business would, of course, be disastrous. I have mentioned now that there is definitely a need for rezoning; however, adequate relief should be provided for non-conforming parcels of property and non-complying usages, to the end that the owners and investors in these properties may be thoroughly protected.

The new zoning ordinance should not detract from the ability of the lending institutions to grant credit and extend mortgages in a manner consistent with the laws of the State of New York.

Thank you very much.

CHAIRMAN FELT: Thank you, sir.

Mr. Horowitz.

After Mr. Horowitz, Elsa Steinert, Peter A. Canevari, Robert C. Weinberg, Robert H. Jacobs.

RAYMOND J. HOROWITZ, COMMITTEE ON REAL PROPERTY LAW OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK

MR. HOROWITZ: My name is Raymond J. Horowitz, and I appear on behalf of the Committee on Real Property Law of the Association of the Bar of the City of New York to re-affirm the Committee's support of the proposed zoning resolution.

At the previous public hearings held in March, the Association of the Bar voiced its approval of the proposed zoning resolution and recommended its adoption. This approval followed an intensive study of the proposal by the Real Property Law Committee.

The Committee on Real Property Law is composed of lawyers who participate as counsel in many aspects in the real estate, housing and planning fields in this City.

Members of the Committee are counsel to institutional leaders, governmental agencies, investors, builders, syndications, sponsors of urban renewal projects, title companies and the average New Yorker who leases an apartment or buys a home.

The Committee found in its report that the present zoning resolution does not adequately provide for the needs of the City of New York, that the present zoning resolution cannot be adequately amended by piecemeal amendments, that the proposed resolution incorporates modern zoning conceptions and provides a comprehensive, flexible instrument to assist in guiding the future growth and development of the City.

Since the March hearings, the Committee has noted that the Planning Commission has consulted with interested groups throughout the City and has painstakingly attempted to reconcile their views, without altering the basic structure and conceptions of the proposed zoning resolution.

The changes made by the Planning Commission in the proposed resolution are entirely consistent with the previous approval by the Bar Association's Real Property Law Committee. Indeed, many of the changes are improvements of the present version, and are a testament to the flexibility of the proposed resolution and an indication that it will serve in the future as a dynamic expression of City Planning.

It is essential, if our City is to grow and prosper, that it have a modern and comprehensive zoning resolution. The Planning Commission's magnificent efforts once again to re-assert the City's leadership in zoning and City Planning have full support of the Bar Association's Real Property Law Committee.

We urge the prompt adoption of the proposed resolution.

Thank you.

CHAIRMAN FELT: If you, Mr. Weinberg, is Miss Steinert present?

ROBERT C. WEINBERG: I am calling Miss Elisa Steinert, Executive Secretary of the Washington Square Association.

MR. WEINBERG: I am sorry I see had to leave and asked me to read this for you.

CHAIRMAN FELT: Would you please?

MR. WEINBERG: This is a communication from the Washington Square Association:

"The Zoning Committee of the Washington Square Association, Miss Elisa Steinert, Secretary, has studied in great length and great care the proposed zoning resolution.

"We wish in this brief memorandum to record our support of the text of the resolution and its submission by the Planning Commission to the Board of Estimate for adoption.

"Although our approval of the text of the resolution is unqualified, we wish to point out that we will submit a separate memorandum in connection with the proposed Manhattan zoning maps which involve the application of the resolution in specific neighborhoods.

"It will be most helpful if the Planning Commission would announce as soon as it adopts the resolution, the procedure for revision, especially separating the hearings for upgrading an area and maintaining existing restrictions from those urging fewer and more restrictions."

And one other thing, Mr. Felt --

CHAIRMAN FELT: Is this in the statement, sir?

MR. WEINBERG: Pardon me?

CHAIRMAN FELT: Are you continuing to read from the statement?

MR. WEINBERG: No, that is all --

CHAIRMAN FELT: The statement is concluded? I just want that for the record.

MR. WEINBERG: That concludes the statement, and the other thing, for the afternoon thing, unfortunately, nobody from the Association is able to be present, and it will therefore have to be submitted by mail or by messenger.

CHAIRMAN FELT: Very well.

MR. WEINBERG: And I, also, when you call on me, have something to say for the Local Planning Board.

CHAIRMAN FELT: Thank you.

Will you announce your name in the microphone?

MR. WEINBERG: Robert Weinberg, Chairman of the Zoning Committee of the Washington Square Association, but I also wish to speak when called on for the Local Planning Board on a slightly different --

CHAIRMAN FELT: You will be called on.

Mr. Canevari.

PIETER A. CANEVARI, representing BOROUGH PRESIDENT'S

MR. CANEVARI: My name is Peter A. Canevari. I am Chairman of the Borough President's Planning Board for Greenwich Village.

I am pleased to add my voice to those who have preceded me in supporting this new zoning ordinance. I feel it my duty not only as Chairman of the Borough President's Planning Board, but as a native New Yorker to aid any proposal which will contribute to our reputation as the world's greatest city.

We are all too familiar with our present zoning law and its thousands of amendments which have been added in a vain and feeble attempt to keep up our civic appearance.

Can you take a 1916 automobile, and by adding modern fixtures, convert it into a new car? If you tried, the result would be a grotesque mixture of Model T design with missile-age styling.

This may seem to be an extreme analogy, but are zoning changes any less incongruous when you add new trends on ancient, worn-out patterns?

Gentlemen, it is clear we need a new model. The proposed plan is that model, and we must adopt it or admit that progress is not included in our planning.

This Commission is to be congratulated for the courage and foresight you have demonstrated in attempting this frontal assault on our zoning laws.

Of course, it would be unreasonable to expect such a complex undertaking to be free of imperfections.

Like the exceptions that establish the rules, there are

naturally exceptions which we in the Village must take with the plan. However, we will rely on your judgment to incorporate our recommendations when we resubmit them later today. Thank you.

CHAIRMAN FELT: Thank you very much. Mr. Weinberg.

MR. WEINBERG: Gentlemen, as Chairman of the Zoning Committee of the Local Planning Board --

CHAIRMAN FELT: Will you state your name and whom you represent, for the record, please?

MR. WEINBERG: Robert C. Weinberg, Chairman of the Zoning Committee of the Borough President's Local Planning Board, District No. 2, Greenwich Village.

In studying the mimeographed list of changes made by the Planning Commission since the 1959 resolution as to the text, we notice at least two changes that seem rather surprising in the text, which we believe would be harmful for the downtown area of Manhattan, and we call them to your attention at this time.

One of them is the exclusion of the requirement that a twenty-foot setback be put on a manufacturing zone that is opposite a residential zone. This would remove the safety of off-street parking of trucks directly opposite the place where major cooperative and other housing projects in the South and West Village are under contemplation.

The second one is the provision which would permit, with

the permission of the Board of Appeals, auto service stations in C4 zones. That may be all right in C-4 zones out in Queens, but I believe that the application of that loosening of restrictions for downtown Manhattan is dangerous, whereas, the Commission, from this mimeographed statement, refers to very elaborate conditions under which the Board of Standards and Appeals may permit service stations in C4 districts.

We all know that the Boards of Standards and Appeals may not always be under the best possible direction, and I believe that that point might possibly be subject to revision.

The other items having to do with mapping, the Local Planning Board, as Mr. Canevari mentioned, looks forward to the opportunity of reviewing the things which they believe would down-grade the uses in the Village.

Thank you.

CHAIRMAN FELT: Thank you.

Mr. Jacobs.

ROBERT H. JACOBS, Chairman, ZONING COMMITTEE GREENWICH VILLAGE ASSOCIATION.

MR. JACOBS: My name is Robert Jacobs. I am Chairman of the Zoning Committee of the Greenwich Village Association.

On May 11, 1959, the Greenwich Village Association conveyed to you our enthusiastic support of this modern zoning proposal. Since that time, further interest and enthusiasm have been aroused through the Greenwich Village area for this new resolution.

Erroneous newspaper accounts may have conveyed the



impression that the citizens of Greenwich Village are less than enthusiastic in their support of the new zoning. I would be remiss if I did not correct this impression and express to you some of the genuine enthusiasm for this measure that animates the Greenwich Village Association, and our fellow civic organizations.

Our experience this year with the stop-gap zoning resolution which you worked so closely with us in providing, has demonstrated to us the value of appropriate zoning.

Heretofore, helpless, in the face of a building boom, run wild, destroying before our eyes, the character, the charm and social vitality of the Village, we now feel optimistic that the worst of these outrages are now being restrained.

Our experience before the Board of Standards and Appeals, where we have been active in preventing the violation of the stop-gap amendment through the granting of variances, has revealed to us the wisdom of the new zoning resolution. We believe that the new zoning, through its more realistic use classifications and careful mapping, more closely reflects the existing conditions of our City than the present zoning. And, as a result, there will be much less occasion for the requesting of variances.

The existing law fails to define clearly what conditions must be met before a request for a variance may be considered. In remedying this, the new zoning resolution will reduce the great flood of illegitimate variance requests which, in our opinion, inundates the Board every week.

A careful reading of the text today reveals that certain changes have taken place over the original submission. We regard these changes as minor in the context of the whole. We, nevertheless, strongly urge you, in the future, to let us know if and when pressure is being applied for further changes.

In conclusion, I want to say that we appreciate the thoughtful consideration with which you have met our previous suggestions, and feel proud that by incorporating some of these suggestions in the resolution, you have enabled us, on a local level, to play some part in the planning of our City.

We appreciate that a zoning resolution cannot anticipate the future to the extent that we oft times wish, and that some of our suggestions fall into that category; but we have faith that, through continued association with the City Planning Commission, we may be of help in realizing the hopes for future development that we all share.

Thank you.

CHAIRMAN FELT: Thank you.

The next speakers will be in this order: Mrs. Lena Goldstein, Juliet Bartlett and Eugene J. Morris.

Mrs. Goldstein? (no reply)

Juliet Bartlett

JULIET M. BARTLETT, representing WOMEN'S CITY CLUB.

MRS. BARTLETT: Chairman Felt, and members of the Planning Commission:

I am Juliet Bartlett, representing the Women's City Club.

The Women's City Club congratulates the City Planning Commission on its monumental and painstaking blueprint for a better City. And I want to say, before reading part of this text, that the list of indices which the Planning Commission and staff have prepared for those who wished it, has been most helpful and enabled anyone, with a little study, to ascertain just what was in the new zoning resolution.

In some respects, however, the revised zoning resolution and maps are disappointing. We regret many changes which would permit greater bulk and density, such as the higher floor area ratio for community facility buildings in residential districts, and the F.A.R. of fifteen for two new commercial categories now mapped in Midtown Manhattan. Another cause for concern is the elimination of the provision requiring the eventual termination of non-conforming industrial uses in residential districts. That's too bad.

I'll skip the paragraph on the maps. I hope you will read it; we won't appear on the maps separately.

(Regarding the new maps, although the Women's City Club had urged lower bulk for many residential areas, especially in Brooklyn and the brownstone sections of Manhattan, we find that more of the changes in residential areas have been to higher bulk districts than the reverse. It is also regrettable that the riverfront area near Greenbridge Houses has now been zoned M3, thus permitting the most objectionable industrial uses to establish there, and the shore front of the attractive residential point north of Hallett's Cove has also

now been zoned for manufacturing.)

But none of the many changes, good and bad, alters our original opinion of the general soundness and foresightedness of the document. In spite of some concessions to those who apparently would overbuild, the resolution in its revised form is a vast improvement over the existing zoning law.

The more one examines this new version and reflects upon the diverse viewpoints and interests that had to be considered, the more one is impressed by this document and the vision and good judgment that went into it.

Probably no one who reads the resolution and studies the maps will find the product absolutely to his liking, for compromise is the pattern of the democratic process. But this is, in fact, a thoroughly modern resolution under which New York City can develop rationally and healthfully for many years.

If further changes are to be made, the Women's City Club can suggest many, chiefly aiming at lower densities and more open space. But further revisions will inevitably mean further delays in adopting a new resolution and the probability of continued ruinous overbuilding under our present zoning laws. Rather than this, let us enact this revised version, which is a satisfactory compromise, if short of perfection.

The Women's City Club, therefore, urges that the latest edition of the zoning resolution and maps be adopted forthwith.

CHAIRMAN FELT: Thank you.

Is Mr. Morris present?

EUGENE J. MORRIS, representing DE MOY & MORRIS.

MR. MORRIS: Yes, sir.

Mr. Chairman, and Members of the City Planning Commission:

My name is Eugene J. Morris, and I am an attorney, a partner in the law firm of De Moy & Morris. I am also a member of the Housing Sub-Committee of the Real Property Law Committee of the Bar Association of the City of New York, and I participated in the deliberations of that body in connection with the report that was filed with this organization several months ago.

My firm is extremely active in the field of the development of housing in the New York City area. We represent a large number of builders who build conventional housing, who build middle-income housing, and who are also Title I sponsors under the Urban Renewal Program, in general.

As a result of that representation, we have had extensive experience in the effect and impact of the new proposed zoning resolution upon the practicalities of the development of housing in the City of New York.

Let me illustrate what I mean:

We are presently processing a number of Mitchell - Lama Projects in the City of New York. These projects are under both the City and the State Mitchell - Lama Programs.

In connection with those, it has become necessary for us to clear the projects which we're proposing with your Board, the

City Planning Commission, to determine whether the proposals we're making fit in with the concept of the new proposed zoning resolution.

In the course of our experience in doing that, we have found that, when a project is soundly conceived and soundly planned in terms of the controls, such as the coverage and the density and so forth, that we have no difficulty in meeting the requirements of the new zoning resolution and coming out with housing that is not only feasible economically for builders, but is good, sound planning in terms of the City's future.

Now, that's practical experience; that's not philosophising, and that's not looking at it from the viewpoint of somebody who has no investment in the City and the City's real estate. That is a viewpoint which reflects what happens with the average builder who is interested in building and constructing in the City of New York in the future and today.

And looking at it from his point of view, I can say, categorically, to this Board, that our experience indicates that the new proposed zoning resolution is soundly conceived and is a workable program that deserves the support of all of the people of the City of New York.

Thank you.

CHAIRMAN FELT: Thank you.

Now, the next group of speakers I have here:

Harry Prince, Mr. Yarish, Max Abramovitz, and Robert Kaplan.

Mr. Prince.

HARRY M. PRINCE, representing Senator MacNeil Mitchell,  
Chairman, STATE LEGISLATIVE COMMITTEE ON HOUSING.

MR. PRINCE: Mr. Chairman, and Members of the Commission:

My name is Harry M. Prince, Architectural Consultant to  
the State Legislative Committee on Housing and Multiple Dwellings,  
representing, of course, Senator MacNeil Mitchell, Chairman of that  
Committee.

I wish to again remind the Commission, if it needs remind-  
ing, which I am sure it does not, that last year, as you recall, the  
State Legislature amended the Multiple Dwelling Law and changed  
Sections 26 and 27, that makes it mandatory after July 1, 1961 that  
all multiple dwellings be designed and planned in the future on the  
basis of a floor-area-ratio ~~ordinance~~.

In other words, the principle of F.A.R., as it relates to  
multiple dwellings, is now part of the basic law affecting all multiple  
dwellings in the City of New York and in the City of Buffalo.

Senator Mitchell, on behalf of his Committee, however,  
wishes it to be known to this Commission that his Committee is ready  
and willing and at all times, of course, to fully cooperate as he has  
in the past with this Commission in any amendments to the Multiple  
Dwelling Law that may bring it in conformity with the purposes of  
this Commission.

One thing, however, does appear that needs a little study  
further by both the Commission and the Mitchell Committee, is that

you have removed from the proposed zoning resolution of the City of New York, the effective date of July 1, 1961, and now make it contingent upon the Board of Estimate of the City of New York, making it effective.

CHAIRMAN FELT: Mr. Prince, for those who are in this hearing room what we now have is, that there will still be a one-year grace period, but it will be one year after approval by the Board of Estimate.

MR. PRINCE: Yes. I appreciate that, Mr. Chairman, but the fact remains that the Multiple Dwelling Law is also effective, as you know, in the City of Buffalo.

CHAIRMAN FELT: Yes.

MR. PRINCE: And that particular, shall I say, almost inconsistency, will have to be studied very carefully by the Committee in relation to that effective date.

CHAIRMAN FELT: I might say that we are deeply grateful for the interest and consideration of your Commission in connection with the legislation passed at the last session of the Legislature, having to do with the proposed new zoning ordinance.

MR. PRINCE: Yes. Well, I just want to reiterate again the statement of Senator Mitchell when you attended the hearing last year, that his Committee is at all times most anxious to cooperate with this Commission.

I would like just personally to make one observation, if I may, as an architect and not as the official representative.



that last week, I think it was, that this Commission sat on a public hearing in relation to a hundred million-dollar proposed development for middle-income housing, covering the railroad yards in the Bronx. And yet, under the C8 provision, the zoning resolution puts that area into an industrial zone and then states that no housing can be erected in the C8 zone.

CHAIRMAN FELT: Well, Mr. Prince --

MR. PRINCE: It brings up an interesting point.

CHAIRMAN FELT: As you realize, zoning maps are changed, and it would have been almost silly for us, while those yards were railroad yards, to zone them for residence.

MR. PRINCE: Yes, indeed.

CHAIRMAN FELT: But I can assure you that very sympathetic consideration will be given to that, because we, in the Planning Commission, have been working very closely with the sponsors and governmental agencies for the development of that area for housing.

MR. PRINCE: I know it very well, since I'm the architect of it.

But, nevertheless, this question of air rights over railroad tracks is becoming an important matter, and I think that should be given some further consideration.

Thank you very much, indeed.

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

Mr. Yarish. And then after Mr. Yarish, Mr. Abramovitz and Mr. Robert Kaplan.

HARRY A. YARISH, Chairman, LEGISLATIVE COMMITTEE, BROOKLYN SOCIETY OF ARCHITECTS.

MR. YARISH: My name is Harry A. Yarish, Chairman of the Legislative Committee of the Brooklyn Society of Architects.

Since the proposed zoning resolution, which we are being asked to accept, carries with it the repeal of the present zoning resolution in its entirety, this would include the revocation of all the rules of the Board of Standards and Appeals, and all the related court decisions.

I'm a bit puzzled by this sweeping proposal and can find nothing in my experience to justify it.

Why a new zoning resolution? I am told that the present zoning resolution is forty-four years old and that it has been amended twenty-five hundred times. I would like to correct this impression.

If you will read the number of amendments, you will find that they add up to one hundred and sixty-one amendments, and not twenty-five hundred amendments.

Let us look into these allegations. To be sure, the resolution is forty four years old. To me, this means that it has stood the test of time. It has been upheld in the highest courts of the land together with all its rules and regulations.

Most of the changes had been mapping changes, not amendments to the text. The resolution can be made more satisfactory to everyone concerned by comparatively few changes. There simply is not sufficient cause to scrap the present resolution.

I agree the time has come to restudy and re-evaluate and to amend our present zoning resolution to keep up with the changing times and conditions. This can very simply be accomplished and should be undertaken with an objective, intelligent and logical approach.

It is regrettable that the City Planning Commission has not allotted proper and sufficient time to give the proposed zoning resolution a more serious and complete study. To substantiate the problem of time, you have heard here time and again said that there are many inequities, there are little faults here and there which can be taken care of later. But we have found from experience that those things, if taken care of, take a good many years.

A cursory examination will reveal that this proposal is really radical and revolutionary. It is extremely voluminous, which is due to its vivocities, its indirection, its ambiguity, and its redundancy. It is badly arranged in sequence of thought as it introduces new concepts and new formulas.

Most conspicuously, we find a lack of definitions.

I would like to stress the problem of definitions: All your construction in the City of New York emanates from -- begins with the Building Department, and where you have a law, be it zoning, building code, labor law, multiple dwelling, or what-have-you, with a lack of definitions, we have found from experience that the work is held up, progress is held up.

The Board of Standards and Appeals has been reorganized, as you all know, where new cases can be heard within four months,

were, formerly, it took about a year. With the new zoning resolution - I'm speaking of the text only with this zoning resolution as it is written now, we will again have the Board of Standards and Appeals cluttered up with cases where, again, it will take a year instead of the four months that it now takes, and, if so, as a result will hold up the progress of our building construction in the City of New York.

My study reveals that the entire plan has been developed around the Borough of Manhattan, and that the other boroughs will be made to conform to the neglect of their own individual problems.

The adoption of this proposed new resolution would definitely result in an increase in applications for variances, appeals and interpretations bringing with it an unwarranted and inexcusable delay affecting the entire economy of the City. Instead of the confusion, embarrassment and chaos that would be brought about by the proposed zoning resolution, I propose an orderly procedure which would produce favorable results with no harmful after effects, retain the present zoning resolution and its structure, amend it where it is found warranted so as to meet the new conditions in the foreseeable future so that the business of the City of New York may continue as usual. Thank you.

CHAIRMAN FELT: Thank you very much Mr. Yarish.

Mr. Abramovitz.

MAX ABRAMOVITZ, representing HARRISON & ABRAMOVITZ.

MR. ABRAMOVITZ: My name is Max Abramovitz, of the firm

of Harrison & Abramovitz, Architects. Mr. Chairman and gentlemen:

Our firm has for many years been involved in various projects throughout the City which includes numerous office buildings, housing developments and institutional buildings.

We feel strongly that the City is in need of intelligent zoning related to the future in all its phases to produce a balanced city, wherein building projects related to each other with respect to both light and air, better than heretofore, with reasonable density relationships to avoid unbalanced circulation problems as to the pedestrian and to the automobile, and to give the City a direction in its growth to permit sensible planning for the future of our municipal, recreational and traffic needs.

The controls inherent in the zoning resolution can contribute to maintaining property values and the built-in bonus aspects should encourage builders to increase the development of open spaces in our City and make it a pleasanter city to walk about in.

It is oriented to preserve and improve values and avoid the deterioration of areas we are too familiar with today. We have tested the proposed zoning resolutions on buildings we have recently completed and find that they compare favorably, and that the new provisions will enable us to produce better buildings without any hardship to owners who care to provide buildings that do not exploit site or space to the detriment of their neighbors.

This amendment has been long needed. I wish to congratulate the sponsors of it for their considerate and earnest review

of the earlier presentations, and feel that its acceptance now will open a new era of better planning with fine buildings and open spaces on a City-wide basis and contribute to a City that should belong to the people who want to live in it and enjoy it.

Thank you.

CHAIRMAN FELT: Thank you very much.

Robert Kaplan.

ROBERT KAPLAN, President, BRONX CHAPTER OF AMERICAN INSTITUTE OF ARCHITECTS.

MR. KAPLAN: My name is Robert Kaplan. I am the President of the Bronx Chapter of the American Institute of Architects.

The Honorable James Felt, and Members of the Commission:

As President of the Bronx Chapter of American Institute of Architects, I have been authorized to attend this hearing in order to lodge our protest against the approval by the City Fathers of this new zoning resolution.

1. The text of the resolution does not clearly define the rights that an owner is entitled to unless he consults one of the authors of this resolution. This will create specialists to interpret the rules and, perhaps, bypass the architect when serving his clients.

2. That the text of this resolution should not be adopted unless a new building code shall be written and made part of the new zoning laws, as our present laws are obsolete and antiquated, and

do not take into account the newer materials and modern methods of construction that are available in the building industry.

3. That this Chapter has adopted the decision of the architects' council not to go along with the Planning Commission in having the City Council and Board of Estimate adopt and approve this proposed zoning resolution.

4. That this Chapter affirms the report of our zoning committee opposing this proposed zoning resolution and, also, the zoning committee of the architects' council of the City of New York.

5. That further time be given to call in some of our prominent architects and engineers who have and are now planning and erecting some of our largest structures under the present zoning laws, and found them workable. We are fully aware of the tremendous task undertaken by the Honorable James Felt and his staff. But this new law should not be enacted at this time with the possible scrapping of great developments now on the boards of some of the biggest architects in this greatest city in the world: New York.

CHAIRMAN FELT: Thank you, sir.

Mr. Spindler. After Mr. Spindler, Max M. Simon.

CHARLES M. SPINDLER, AMERICAN INSTITUTE OF ARCHITECTS.

MR. SPINDLER: Mr. Chairman, and Members of the Commission:

My name is Charles M. Spindler. I am the Vice President of the Brooklyn Chapter of the American Institute of Architects. I am likewise President of the New York City Council of Architects.

The Council of Architects represents the entire five

boroughs in the City of New York.

As the entire -- the membership of the council is opposed to the adoption of the resolution in its present form. We don't want the members of the Commission to feel we are opposed to new zoning; we are not opposed to new zoning. We favor new zoning, but we favor a different type of zoning or not a different type of zoning, at least a document that is not as voluminous as the present document is.

If I remember correctly, we were promised a short, concise zoning law which would -- in which any man could pick up the zoning resolution and he could see what his land could be built on, how he could build on his land.

Surely, with three hundred thousand words, which our present proposal contains, it is very difficult for anybody to even attempt to ascertain what use he could put to his land.

Now, I am talking for the practicing architects of New York. There are about fifteen hundred of us here in New York, and among us and the council, who have studied this resolution, thoroughly, from the time of its start, we fail to find and we ourselves cannot interpret it, and we feel that it should be shortened, it should be made more concise, it should be adopted along the lines of our present resolution that we had. We feel that if this is done, we will be wholeheartedly in favor of it, and in its present form we cannot be other than opposed to it.

CHAIRMAN FELI: Thank you, Mr. Spindler.

Mr. Simon



MAX M. SIMON, Chairman, ZONING COMMITTEE ARCHITECTS COUNCIL  
OF NEW YORK.

MR. SIMON: Mr. Chairman, Gentlemen of the Commission:

My name is Max M. Simon. I am Chairman of the Zoning Committee of the Architects Council of New York, which Council is the Congress of the architectural organizations in all of the five boroughs of the City.

I want to take a moment, if I may, Mr. Felt, to correct an erroneous impression left by the press. In two articles appearing in the press, they left the impression that we represent only four of the boroughs of the City. That is not correct. Included in our membership is the New York Society of Architects, which has on its roster about five hundred members, all of whom practice within the Metropolitan area.

The council, at its last session, and after having studied the latest proposal of the Commission, has again voted to continue with its opposition to the adoption of the new zoning proposal. The architects of the City, who have no personal ax to grind and who, of all groups, and I say that advisedly, of all groups can be and are objective, applaud the noble objectives of the City Planning Commission. But, unfortunately, we can find very little in the proposal to satisfy these hopes. The more we study the text and the maps, the more are we convinced that the resolution merely catalogs the existing and prevailing bulks and uses throughout the City, and shows no imagination in predicting or directing trends.

What the architects find particularly painful is that so much verbiage and so much print was taken to do so little. When it was first announced that a new zoning resolution would be undertaken, it was declared that it would be a simpler and more flexible code.

The architects find this code infinitely more complex and certainly more restrictive, even if it has outlawed the so-called "cake" mold.

While it may seem, on the surface, that the floor area ratio has given the architect more freedom -- and incidentally, we're in favor of it -- it has not done so, because in the other restrictions of the open yards, recesses, et cetera, has actually put a straightjacket on the designer of our buildings.

The architect's council feels more strongly than ever that a simpler and more imaginative code could have been written, and we cannot be a party in support of the code that has been written.

Thank you very much.

CHAIRMAN FELT: Thank you very much.

Mr. G. Harmon Gurney.

G. HARMON GURNEY, Chief Architect for HOUSING OF THE  
NEW YORK LIFE INSURANCE COMPANY.

MR. GURNEY: My name is G. H. Gurney. I'm appearing here today as Chief Architect for Housing of the New York Life Insurance Company, and as Past Chairman of the Civic Design Committee of the New York Chapter of the American Institute of Architects and, incidentally, I would just like to correct the impression that has

been given here by the last two or three speakers -- that the New York Chapter of the American Institute of Architects, which represents some nine hundred of the seventeen hundred practicing architects here in New York, has given its undivided support to this proposed zoning resolution by an action of its Executive Committee. I'd just like to get that in the record.

From the time the zoning report of Voorhees Walker, Smith & Smith was published over a year and a half ago, I have been serving on a sub-committee of zoning of the Civic Design Committee. We have conducted extensive studies of the original proposed resolution, and the two subsequent resolutions of the City Planning Commission. When I say conducted extensive studies, I mean just that.

As a result of these studies, and after many meetings with the City Planning Commission, I am more than ever convinced that the proposed zoning resolution of August 18, 1960 should be enthusiastically supported by all those who are sincerely interested in the present and future development of the City as a whole.

Without question, this resolution will result in making New York City a better place in which to live and to work. It will serve as a useful tool in the orderly growth of our City and in the eventual preparation of a master plan for the City.

This resolution of August 18, 1960 now includes a great majority of the many constructive criticisms and suggestions offered regarding the original version of the resolution.

As an example: The bonuses for plazas and arcades have

been increased so as to economically encourage the opening up of the City at the street level. The increase in the size of the towers on lots under twenty thousand feet will now make it possible to provide economic towers on the smaller lots. The simplification of the density control and the more realistic square-foot areas per room in the residential districts have clarified the criticism of the original provisions of the earlier resolution.

The provisions for forty per cent towers on lots over twenty thousand square feet compare most favorably with the uneconomic limitations of the twenty-five per cent tower, which is the maximum under the present zoning regulation.

All of these changes will help provide better planning tools for future buildings in the City, and will help to open up the City at our street level for better pedestrian circulation and for more light and air.

Examination of the revised mapping for such historic areas as Greenwich Village, Brooklyn Heights and Gramercy Park indicates that the Planning Commission has recognized the importance of trying to preserve the present character of these areas. There is no excuse for any further delay in adoption of this resolution. All individuals and agencies have had sufficient time for study and opportunities to express their suggestions and recommendations.

If the proposed zoning resolution is not approved at this time, no other attempt to adopt comprehensive zoning is likely to be made in the immediate future. This will be extremely unfortunate

in a period of the immediate future, when there will be undoubtedly a vast building program throughout New York City.

I, therefore, urge that the proposed resolution of August 18, 1960 be approved and submitted to the Board of Estimate for their approval so that we can go forward with the future planning of our City and the preparation of a comprehensive master plan for future development.

Thank you.

CHAIRMAN FELT: Thank you.

Stanley H. Klein. Is Mr. Klein present?

STANLEY H. KLEIN, President, QUEENS CHAPTER OF AMERICAN INSTITUTE OF ARCHITECTS.

MR. KLEIN: Yes, sir.

CHAIRMAN FELT: I want to read the names of the following speakers:

Simon Brelnes, E. David Stoloff, and Barbara Reach.

MR. KLEIN: Mr. Felt, Chairman, and Members of the Planning Commission:

My name is Stanley H. Klein. I am President of the Queens Chapter of the American Institute of Architects.

As President of the Queens Chapter of the American Institute of Architects, I wish to express the disapproval of the proposed zoning resolution by an overwhelming vote of the chapter members. We object to the text of the resolution. It is too complicated, ambiguous and redundant and will lead to considerable confusion and legal

involvement. Most of the existing buildings will be frozen without possibility of expansion and they will exceed the new requirements in their present form.

The present zoning resolution in regard to residential districts E, F, and G, with their variations have adequate safeguards concerning areas that can be occupied, that is, the open spaces, and with sufficient yards and courts plus the limitations on bulk. That is, I am referring to your limitations like your 1.9 times area in the F zone, et cetera. These are definite limits with no sliding scale of bonuses.

I think the bonus idea is very good. The A, B, C, D zones have practically no limitations. These should have been rectified long ago, especially the C and D zones.

Furthermore, all apartment houses should have had setback requirements in all zones, plus bulk limitations.

We agree that industrial areas should be protected from encroachment by residences. A simple amendment could accomplish this. We also feel that our present list of objectionable abuses is preferred to the proposed method.

Commercial districts are badly in need of relief and hamstrung in this by improper zoning. The present zoning of 100-foot-depth business zones has been inadequate for many years.

A simple amendment and map change making all business districts one hundred fifty to two hundred feet deep would rectify this condition and also remove all business districts which are not

needed at the present time.

Parking was practically prohibited not too many years ago. Parking lots had to be obtained under very difficult conditions. The present zoning has been improved, but not adequately. The proposed zoning is much too complicated to be practical. Parking requirements that could vary with each different business use is not realistic.

The Chapter approves the aims and objectives of this proposed zoning resolution. However, we deplore the fact that it has been so late in being formulated.

In 1916, Manhattan was roughly fifty per cent built, Brooklyn, twenty per cent, the other boroughs about ten per cent. Now, Manhattan is probably ninety-five per cent built, although in the process of rebuilding Brooklyn, Queens and the Bronx, are built about ninety per cent, exclusive of the marsh lands, and Staten Island is still the only place with open spaces.

It seems rather futile to enact a zoning resolution as stringent as the proposed one, when nearly all New York City has been built. However, we do need a revised zoning resolution.

The present text is really too complicated to make it workable.

Thank you.

CHAIRMAN FELT: Thank you.

Mr. Breines.

SIMON BREINES, A. I. A.

MR. BREINES: My name is Simon Breines and I'm a member

of the architectural firm of Pomercans & Breines.

It happens that last year I was a member of the Special Zoning Committee of the New York Chapter of the American Institute of Architects which, as you have heard, made a report which we believe was fairly comprehensive -- anyway, it took us about a year, and it was published and distributed to the extent of a thousand or fifteen hundred copies in the field.

I also happen this year to be Chairman of the Civic Design Committee of the New York Chapter of the A. I. A., which is continuing its review of the zoning proposals. However, I don't want, at this time, to add to the statements that have been made by the President of my society -- of the Institute -- nor the statements of other architects in favor of the proposed zoning.

I would like merely to make a few remarks on one aspect of the whole problem which, I think, is peculiarly the province of someone like myself, a working architect.

It has been said, and not only here today, but at other times, that the proposed resolution is complicated, is cumbersome, is redundant, and various other things uncomplimentary to it. Well, these are matters of opinion, but I would like to say, that for a year and a half now, as a number of other architects seriously interested in the proposed legislation, my office has been working with the proposed legislation, and we have found, after a period of time, that what looked like a very forbidding and complicated piece of legal writing, and so forth, becomes, with experience, a workable



tool.

Now, I say that, not only at the level of the practicing architect, but I say it at the level of the men in the office on the drafting boards who, in the last analysis, have to interpret the various provisions at the working level. We have several men in my own office who now have worked with this legislation as though it were in effect for a period of a year or more, and who today feel just as at home with the proposed law as they do with the old zoning -- the existing zoning resolution with which we have been working for the past two or three generations. And I think this is a most enlightening and sobering fact for someone like myself who has been an active witness for nearly two years to the whole process of the issuing of the proposed legislation, the revising of it, and now the final draft.

You have to be close to it, you have to stick with it, and you have to use it, not merely comment and give off-the-cuff opinions about it.

We find, in my own office, that almost weekly, colleagues of ours will call us and say, as has happened last week -- I have this specific instance in mind where an eminent colleague, associated with some very large projects, called us and said, "You know, we're quite disturbed because we're in favor of the zoning as a general thing, but here we have an actual site condition, and the promise in the code that we can do a tower -- in this case it was a tower which would have been about forty-five per cent which, of course, is a

great liberalization, this ideal, this hope that you could build a tower -- cannot be realized on this site. We've been working at it for several weeks, and we can't get the thing to work out."

Well, very quickly, by asking a few questions, we found where the difficulty was and we straightened this fellow out, and he was quite happy with it, and we then began to talk about the existing Resolution which so many architects feel -- this is their home base -- this is something they can work with, but the new one is complicated.

Architects who have been working in the field will remember that in the early days of the current, of the existing zoning Resolution, it was also difficult for them to work out. And all kinds of short-cuts and abbreviations and simplifications were invented by practitioners in the field to simplify it.

We'll have to go through the same process. Those of us who have been working with it have found that it's possible to use it as a working tool; and I would like to add this, too:

Not only is it a feasible and usable piece of legislation from the architect's point of view, but there is no doubt in our mind, based on this actual experience, that the new zoning will simplify building and thereby reduce construction costs.

I won't go into the details of that, but you'll have to take my word for it that, as a realistic, practicing architect in the field, that does happen.

I would like, finally, to say this one thing, that while I'm convinced that the zoning will reduce construction costs, I am

not certain that the zoning will reduce land costs. I'm not an expert in that field, but to me it was enlightening and important to hear someone like Mr. Rose, for example, who boldly and courageously admitted that possibly there might be some effect on land costs that would be different from the reduction that we see in the building costs.

Well, if that is so, and if a slight increase in land cost is the price that we have to pay for lower densities and a greater distribution of our building bulk over the City, a more rational distribution, then I think the City and the builders and the investment people will bear that.

However, it is also possible that, as Mr. Rose said, that event may not happen and that there will be a leveling-off, in which case the greater reasonableness and economy of the new zoning might actually work out with no bad effect on land costs.

This has been somewhat rambling and possibly a more formal presentation could have been gone into in greater detail, but I felt impelled here to give you the personal experience of a working practitioner in the field, rather than a lot of opinions which I think will be revised, as these people who make them get into the actual work which will come after this new legislation is passed.

Thank you.

CHAIRMAN FELT: Thank you.

Mr. David Stoloff.

E. DAVID STOLOFF, representing BOBCLAN S. MENNELL, Inc.

DIRECTOR, REGIONAL PLAN ASSOCIATION.

MR. STOLOFF: Mr. Felt, Commissioners:

My name is E. David Stoloff. I'm on the staff of the Regional Plan Association. With your permission, I would like to read a statement of the Regional Plan Association in support of the comprehensive amendment to the zoning resolution of New York City.

The statement was prepared by Mr. Douglas S. Powell, Planning Director of the Association, who is ill today and could not make it:

"In what we recognize as a remarkable and praiseworthy evidence of democratic procedure, the City Planning Commission has again asked organizations and individuals to submit views on the proposed rezoning for New York City. The Regional Plan Association is pleased to respond to this third opportunity to speak in favor of the new ordinance and map, and to urge its prompt adoption.

"The staff of the Association has studied the latest revisions in the proposed ordinance. It notes further improvements in the language and specificity of definitions. It notes that addition of further R1 and R3 residential districts to meet needs for more precise zoning protection to existing stable neighborhoods in the City.

The staff also notes that bulk, floor area, and off-street parking requirements applying to residential districts have been further adjusted to conditions brought to the Commission's attention

in the last series of hearings.

"Similarly, provisions regulating business development have been made more flexible. Restrictions on signs have been clarified, tightened in certain instances, and in some minor situations relaxed. Bulk and open space regulations have been slightly revised to provide further inducements for adding plazas, arcades and other open spaces to the site plans of new commercial structures. Two additional C6 general commercial districts with higher permitted bulk, and floor area ratios have been included to accommodate the remarkably heavy demands for office space in central and downtown Manhattan.

"These changes were all the result of the unprecedented efforts of the Commission to adjust the broad provisions of the ordinance to the special needs and conditions brought to light in the diligently conducted hearings during the past year and a half.

"In the Association's opinion all of the most recent changes are consistent with the principles of the excellent zoning framework set down in the original and preserved through the two revisions of the proposed ordinance and map.

"THE ASSOCIATION REITERATES ITS FIRM SUPPORT OF THE NEW ORDINANCE: Having thus commented on the recent changes, the Association wishes to reiterate its firm belief that the City needs this new ordinance if it is to overcome the powerful forces of deterioration now at work in its borders.

"We here summarize the reasons for our belief that the new

ordinance must be enacted. These reasons were spelled out in greater detail in our previous statement submitted to the Commission on March 14, 1960 and appearing in your records. We refer you to that statement which continues to represent the Association's stand on the new ordinance.

FIRST: The new ordinance is a plan to bring an improved standard of living to every family living and working in New York City. It provides a realizable hope for a better tomorrow for the family that endure the indignities of slum living today -- a hope that is not assured in the present slum-producing ordinance.

SECOND: The new ordinance will help guarantee the success of the City's massive urban renewal efforts. It wipes away the threat that millions of dollars and years of renewal effort will be wasted by new intrusions of businesses and industries into renewed residential neighborhoods -- eventualities that could occur in years to come under the totally inadequate old zoning ordinance.

THIRD: The new ordinance will help New York City improve its economical position by giving a high priority to proper locations for industrial areas on key waterfronts, railroad and expressway routes -- locations preserved exclusively for high-quality and therefore high-tax-paying industries.

FOURTH: The new ordinance will help the City fight the massive transportation problem by getting cars off traveled ways and into off-street parking lots and garages required for much of the new construction envisaged for the City in the future.

"FIFTH: The passage of the new ordinance will be a signal to all municipalities in the greater New York Region that as this City steps boldly to improve itself internally, it is acting to relieve some of the suburban problems created by the exodus of population and business trying to escape deteriorating housing and working areas at the Region's core.

"CONCLUSIONS: In conclusion the Regional Plan Association firmly believes that a great future lies ahead for the City of New York and the magnificent urban region that surrounds it if the public officials and private leaders seize the opportunities to turn today's hopes and possibilities into future realities. A superb opportunity to boldly set the framework for a City of New York freed of many of the frictions of its outmoded physical patterns is now before the Planning Commission in the form of the new zoning ordinance and maps. The Regional Plan Association urges its prompt adoption as a major step toward that future."

Thank you.

CHAIRMAN FELT: Thank you.

The next three speakers will be Barbara Reach, Mr. Wheeler of Cullen & Dyckman, representing Brooklyn Union Gas Company, and Mr. Max G. Koenig, representing the Building Industry League.

BARBARA REACH, COMMITTEE ON HOUSING OF COMMUNITY SERVICE SOCIETY.

MRS. REACH: Mr. Chairman, Members of the City Planning Commission:

My name is Barbara Reach, and I represent the Committee on Housing of Community Service Society which supports the amendment of the Zoning Regulation.

Our support is based on careful study of those sections of the proposal which would affect the health and welfare of families.

For over a hundred years the Society has been devoted to strengthening family life, and to fostering conditions favorable to the growth and maintenance of good citizenship. Through the nursing and casework staff of CSS we have come to appreciate the close relationship between housing and neighborhood conditions and the stability of family life, and the physical and mental health of individuals.

Since our concern is with the effects which these zoning proposals will have on the lives of thousands of families and individuals, the Committee commends the many sound social features in the Resolution, such as

The lot area per dwelling unit regulations, which control population density by limiting the number of dwellings permitted on a lot.

The open space ratio, which regulates the amount of open space on a lot;

The minimum lot area and lot width regulations, which affect the density of development and will permit more light and air both in residential buildings and public streets.

We are interested in closer control of population density



in New York City as a means of preserving and stabilizing present medium and low density areas, curtailing extremely high densities which adversely affect normal healthy living, and preventing neighborhood deterioration.

Planning community facilities, such as schools, hospitals, clinics, and libraries would be facilitated, for future needs as well as present ones, and a heavy financial burden to the taxpayers would be lightened if such neighborhood facilities could more closely match neighborhood use. We are all too familiar with the current situation where such facilities are located in areas where there is little need of them, while areas which have an acute need for them are lacking such community services.

We are also wholeheartedly in favor of those provisions which will increase available light and air, both in residential and public buildings. The present amount of sunlight and fresh air is insufficient for the health and well-being of many thousands of people - and not just the occupants of old-law or even new-law tenements. There are many luxury apartments being built today which lack sufficient light and air.

The Committee has been closely concerned throughout its long history with the effort to achieve higher standards of living in a real sense, by providing better and more healthful living conditions. It took many years to achieve legal prohibition against construction of dwellings with windowless rooms - to obtain setback provisions for high buildings, and for the requirements for yards

and courts.

The Committee on Housing of the Community Service Society is happy to support this new major step forward, which is embodied in the Resolution before you.

Thank you.

CHAIRMAN FELT: Thank you.

Brooklyn Union Gas Company, Mr. Wheeler.

AUGUST J. WHEELER, ESQ., representing CULLEN & DYCKMAN,

MR. WHEELER: Mr. Chairman, Members of the Commission:

I'm a member of the firm of Cullen & Dyckman, and my name is Augustus J. Wheeler. We have been practicing law in the City of New York since 1847, and, of course, part of our practice has been before the Planning Commission, and in advising clients in regard to zoning.

In addition to representing the Brooklyn Union Gas Company, with many of their problems and hundreds of parcels of real estate, located in Brooklyn, Queens and Staten Island, we represent the Todd Shipyards Corporation, savings banks, commercial banks, the Protestant Episcopal Diocese of Long Island, with many churches, rectories, schools, parish houses in Brooklyn and Queens.

We represent sponsors of urban renewal Title 1 programs.

The all-comprehensive Zoning Ordinance has been turned over to staff engineers and architects of these clients. We -- and I represent them, and am here today to express our approval of your comprehensive ordinance. It's dynamic, far-reaching, forward-looking.

Let's get the job done, approve it, send it to the Board of Estimate -- we'll be there to uphold it.

Thank you.

CHAIRMAN FELI: Thank you.

Mr. Max G. Koenig.

MAX G. KOENIG, representing BUILDING INDUSTRY LEAGUE.

Mr. Chairman, Commissioners, and Members of the City Planning Commission:

My name is Max G. Koenig. I am the Executive Secretary of the Building Industry League, whose members are reputable large and small scale builders, contractors and material suppliers, whose activities have produced multi-millions of dollars of commercial and residential construction in this City, and its suburbs.

Our Organization has expressed some of its views at the earlier public hearings, and in numerous conferences with the City Planning Commission where we made constructive suggestions as to text and mapping. We are entirely sympathetic with the general aspirations of the New Zoning Proposals, that of making New York a more liveable place, providing of light, air, parks, and avoiding strangulation by great mass.

We are gratified that some of our views have been taken under advisement and have been acted on. Constructive criticism must never be condemned as opposition for the sake of opposition. In fact, the City Planning Commission was among the first to recognize the value of exploring the thoughts and ideas of those who live and derive

their daily bread from the Building Industry which is a vital force in our National economy. Indeed, by virtue of the invitation to the Building Industry to come forward and work with the City Planning Commission, vast and salutary progress has been made through the hundreds of changes in the original proposals as a result of those conferences and discussions, and we venture to predict that even after the proposals become law that considerable future change will take place in the light of actual experience and practical administration.

We are pleased that the City Planning Commission proposes to modify the harsh and confiscatory nature of non-conforming uses as originally proposed. The present modification which proposes to take gradual steps to terminate objectionable non-complying and non-conforming uses, is healthy; and we believe that reasonable administering will ultimately successfully achieve the avowed goals sought.

We are pleased that changes were made to meet some of the objections advanced since the last public hearings. Yet, if we do not blindly join in the happy and enthusiastic acclaim of the large scale builders who have their special reasons for contentment in Manhattan,

and if we fail to join the Hosannahs of social and civic groups who continually pressure for greater Government controls and unrestrained spending of vast public funds, it is because we must live and earn our daily bread in the Building Industry which must be efficient and able to produce housing consistent with the needs of people and their ability to pay for it.

Now, we should not be labelled as the "hard core of opposi-

tion", obstructionists, or opposed to change. Nor should constructive suggestions and honest criticism be looked on askance.

Our great City and indeed our enviable National economy has been built by the "little fellow" in every field of endeavor, whose progress with his bare hands has created this as a land where we can afford to live in freedom, where opportunity is available for the asking, where indeed rests the high hopes of all mankind for the future. Scratch almost any big builder, civic tycoon, or social planner, and under the surface you will find that he is just the "little fellow" who started with nothing but his ideals and his belief in the sanctity of private enterprise to create a better life for himself and his family.

We may not often be quoted in the public press, we may not be as articulate as we should be, but Mr. Chairman, our number is legion - not merely a small hard core. It encompasses almost everyone - those who have ever lifted a trowel, a shovel, a saw - those who have put a plan on paper - those who have worried late at night how to finance a payroll - those who envision a happy home - those who supply materials and services - those who pay rent - and even those who need public housing.

So - if we speak of unnecessary hardships and restrictions - outside of possibly Manhattan boro - which are evident to us in the Zoning Resolution as finally proposed, we must not merely be silent, and should cry out in the hope that our practical experience will be useful and beneficial to all.

While adoption of the Zoning Resolution as now proposed may be imminent, its practical impact will be in the specific districts as defined in the mapping, where it shows up for good or bad, and where it will affect individually. We are confident of the Commission's desire to achieve, not hinder growth.

We are pleased that private re-development in older sections and in outlying boroughs are proposed to be encouraged, permitting bulks to be raised in proper cases. We feel that more attention should be given to the realistic necessities faced in uses of smaller and inside lots, while noting the new provisions of less stringent parking and tower coverage. While greater stringency is applicable to areas of greater density, the same thinking should not be applied with equal force in both instances to the detriment of land uses.

We urge that the Commission recognize with greater clarity and sympathetic understanding, the special problems faced by the smaller scale commercial and residence builder whose endeavors are in the less than complete block and large area projects. Land is getting to be more and more scarce in urban as well as in suburban areas. Improvement and alteration of sound structures on an economic basis should be encouraged to prevent need for demolition of sound structures that have outlived their gracious or useful lives, in order to economically employ the land. Frustrating and enforced maintenance of deteriorated structures does not produce good housing and merely produces new blighted and new slums in every widening proportions. The present proposals as amended still basically limit density and

coverage anywhere from twenty-five per cent to seventy per cent. Greater latitude in alterations should be encouraged so that the land is not forced to bear unreasonable burdens which will raise building costs, and force higher and higher rents needed to cover economic costs of producing better housing.

And permit us one more observation before we close. We regretfully note that the amended proposals make no adequate provisions for an independent Board of Standards and Appeals. Where practical and unnecessary hardships were manifested, the Board has ever been a safety valve. While the City Planning Commission should be the overall authoritative, executive and administrative body, individual and special uses and cases do arise.

The Board of Standards and Appeals, as a quasi-judicial body has exercised discretionary powers conferred upon it by the City Charter to permit greater flexibility in the proper and full uses of land. The proposals as amended practically eliminates the quasi-judicial character by limiting the province of the Board, so that its potency and usefulness for practical purposes is nullified. We do not arbitrarily suggest that the City Planning Commission is or will be arbitrary in its functions and decisions, but Administrative powers and Judicial powers should not be mixed under the same head, and in the same department. Indeed that philosophy exists and prevails in the Constitution of our United States, separating the Executive and Judicial branches of Government to avoid undue concentration and similarity in thinking. We do urge that a

larger function be provided for the Board of Standards and Appeals than now is contemplated.

Adoption of the New Zoning Resolution will have the effect of throwing out completely the entire body of existing Zoning Law evolved over years of court decisions. It is inevitable that planning and construction will be vulnerable and hindered until such time as authoritative word is handed down by the courts as to the precise meaning and construction of the new Resolution.

Nevertheless present day necessities do call for bold and new concepts. It may well be that the combination of aspirations, thoughts and ideals of theory and the practical applications thereof will evolve a liveable Zoning Resolution.

Without unequivocal endorsement, we congratulate the energy and public spirit of the City Planning Commission and its dedicated Chairman in its endeavors to make our City a better place to live and work in.

CHAIRMAN FELT: Thank you.

Mr. Koenig, in view of the fact that you speak for the Building Industry, I thought you might be interested in -- I have been asked to read this into the record -- a communication which we have just received from the Building Contractors and Mason Builders Association -- this is dated September 9th -- and it is addressed to me as Chairman.

EDITH FREYER, Acting Secretary, BUILDING CONTRACTORS AND MASON BUILDERS ASSOCIATION.

"Dear Mr. Felt:

"Enclosed please find a copy of a resolution adopted by



by the membership of the Building Contractors and Mason Builders Association at the meeting of September 8, 1960.

"It is with extreme pleasure that this Association, representing seventy-eight members who number among them the largest general contractors in the city as well as influential masonry contractors, lends its support to the worth-while zoning resolution now pending.

"We wish you all success in your effort to solve the city planning and zoning problems.

(Signed) "Yours very truly Edith Freyer, Acting Secretary,  
and the resolution was passed.

"(Building Contractors and Mason Builders Association,  
September 8, 1960.

"WHEREAS, it has been approximately forty-five years since a new zoning resolution has been prepared for New York City, and

"WHEREAS, the City Planning Commission has proposed a new resolution now pending before the Board of Estimate, and

"WHEREAS, active support of this resolution by all members of the construction community is desirable in order to secure its enactment,

"BE IT RESOLVED, that the Building Contractors and Mason Builders Association supports the proposed zoning resolution now pending.) "

CHAIRMAN FELT: (continuing)  
Thank you very much.

Those who are to speak next will come in the following

order:

H. Robert Mandel, Rita Weiss, Bruce J. Gould, Gene Deane and, I called on Mrs. Lena Goldstein earlier, but she was out, so that you will follow that group.

H. ROBERT MANDEL, representing ABBOTT & ADAMS, INC.

MR. MANDEL: Mr. Chairman, Member+ of the Planning Commission:

My name is H. Robert Mandel; I am Chairman of the Board of Abbott & Adams, Inc., a prominent real estate organization. I am also an active member of the Real Estate Board of New York, who I'm happy to see is now on the side of the angels. I'm also a member of the National Association of Real Estate Boards, and other well-known real estate organizations or boards, some of which are mistakenly withholding their support.

I've been in the real estate field for over thirty-seven years.

I favor the proposed new zoning resolution for many reasons.

Our company is engaged in many extensive real estate activities in New York City. I consider, as do many other prominent realtors in New York, the importance of modern, adequate zoning for the future soundness of our City.

Those of us whose lives are mainly devoted to maintaining the real value of property, gracious living and good working conditions in this wonderful City, are dependent on the continuing stability of their surroundings. Speculation in land prices does not

provide stability. On the contrary, it encourages unhealthy trading based on unconscionable densities. Such activity is not good for the City as a whole, nor are the present zoning densities tolerable any longer.

Greenwich Village was dramatic an example as anything that I can think of, of the inadequacy of the present zoning law. It was necessary for hasty emergency action to be taken to protect this community.

The proposed new zoning resolution will provide similar safeguards for the City as a whole instead of this one community. Good, modern zoning is an essential requirement by the Federal Government Title I Program.

The Urban Renewal Administration may not be too complacent about well-planned redevelopment projects surrounded by blighted areas that continue to get worse, in the present zoning regulations.

It is also pertinent to note Mr. Panuch's recommendation, in his report. I quote:

"Adopt appropriate zoning amendments to further the City's Housing Renewal efforts."

Finally, I join with all other real estate men of good will in commending your work and in urging you to adopt this new zoning resolution as quickly as possible.

Thank you.

CHAIRMAN FELT: Thank you.

Vita Weiss, and then Bruce Gould, Jane Benedict,

Mrs. Lena Goldstein, Raymond Rubinow, Abe Soler.

VITA WEISS, Director of Housing for LENOX HILL NEIGHBORHOOD ASSOCIATION.

MRS. WEISS: Mr. Chairman, Members of the Planning Commission:

I am Vita Weiss, Director of Housing for the Lenox Hill Neighborhood Association.

CHAIRMAN FELT: A little louder, please.

MRS. WEISS: A settlement located in the Yorkville area.

Our association joins with all of the many diverse groups who are here today to applaud the Planning Commission. We offer our approval, not only for the vigorous zoning provisions themselves, but also for the masterful communication which the Planning Commission had undertaken in relation to the public, in explaining objectives and really listening to valid recommendations.

When this resolution is passed by the Board of Estimate, it will, most unusually, represent a law drafted by technicians in concert with the concerned public of the City.

Development of such mutual understanding of objectives between a Government agency and the public will surely lead to really effective enforcement.

The Commission and its staff's rational approach to modern zoning has educated the public through recent activity to master planning.

CHAIRMAN FELT: Bruce J. Gould.

BRUCE J. GOULD, representing LENOX HILL CLUB.

MR. GOULD: Mr. Chairman, Members of the City Planning Commission:

My name is Bruce J. Gould. I'm legal Chairman of the Lenox Hill Club, an independent club for Democrats on Manhattan's East Side.

Our political district extends from Third Avenue to the East River, from 53rd Street to the 80's.

The Lenox Hill Club has voiced its approval of the new comprehensive zoning of our City at all the hearings of this Commission concerned with the proposed resolution in general; Manhattan Island, in particular. We do so again today.

To be brief, our objections to the high density level mapping of Manhattan's East Side, which we have previously documented, remain. They do not deter us today for advocating the rapid adoption of the proposed resolution.

Thank you very much.

CHAIRMAN FELP: Thank you very much.

Jane Benedict.

JANE BENEDICT, representing YORKVILLE SAVE OUR HOMES COMMITTEE.

MRS. BENEDICT: My name is Jane Benedict. I am the Secretary of the Yorkville Save Our Homes Committee.

The Yorkville Save Our Homes Committee is a tenants' group, and the reason that the tenants' group has been represented

at every one of your hearings, gentlemen, in order to support the proposal, is because the tenants of New York, the citizens of New York, the average citizens, are so frequently the first victims of planlessness. We feel that the proposals of the City Planning Commission, in trying to organize a plan under which New York City may be intelligently built and rebuilt, is something which must be supported by average citizens, and that's why we have come here many times and come here again today.

In Yorkville, which has become a decimated area, where average citizens can practically no longer afford to live because of the luxury housing that has gone up, we look upon the zoning proposals as some hope for the future. We have voiced previously -- as has the previous speaker -- our previous objections to high density areas within Yorkville, areas which have even been upped in the latest zoning proposal. But despite this, and with a hope that this may still be changed, with the hope that the density areas may be lowered, despite that, we do wholeheartedly support your overall proposal because we feel that this is the hope of the people of New York City.

I thank you.

CHAIRMAN FELT: Thank you.

Mrs. Lena Goldstein

MRS. LENA GOLDSTEIN, representing BUSHWICK REAL ESTATE BOARD AND FLATBUSH REAL ESTATE BOARD.

MRS. GOLDSTEIN: My name is Lena Goldstein. I am here,

representing the Bushwick Real Estate Board and the Flatbush Real Estate Board.

I've listened very carefully to the speakers who have spoken here this morning. I, therefore, will not be repetitious in what anyone has said, only in passing, the kind of thinking that has entered into this entire overall plan of zoning.

I'm mostly concerned with the area of Brooklyn, the use of the Brooklyn properties. We cannot overlook the fact that the property owners who, in essence, have been given many names such as speculators, people who buy buildings for profit, but in the last analysis, gentlemen and ladies, are the tax bills that must be paid, or else the City has proper steps for people who cannot meet their obligations.

Now, if this plan for the Brooklyn area were to be put into effect, where there were no properties at all, it would be a very excellent, forward-looking plan. However, what about the people who still, in the last analysis, who are obligated -- this is no secret to anyone who pays taxes -- for the welfare, health and hospitals, pensions, Police Department, sanitation, rapid transit, fire, administration of justice, water supply, parks, parkways, museums, highways, bridges and sewers, docks and market, other places -- I won't go into this lengthy set of figures to explain in detail -- however, I will, say, in passing, that fifty per cent of all revenues paid for by these terrible land speculators, property owners, are here tabulated -- I'm sure it's correct -- that pays for all our expenditures; that

guarantees as the safety of operation in this wonderful Borough of Brooklyn, City of New York and the other boroughs.

I'm sure every other borough will agree with me, that we must be aware of the one who pays the bill. If it is a question that the plan can fit the requirements, as most people have given their wholehearted approval with their wonderful accolads, but with reservation as a personal guarantee, will there be title insurance as we get when we buy a piece of property as to the length of the guarantee to the conditions that we agreed to at the present time. No. There is no such money. There is nothing available to protect the people who have, with all the encumbrances of bad planning since 1916, made New York the wonder city of the world. People from all over the world have come to the City of New York to find ways and means of how to continue and branch out and be a copy of New York.

I will not be lengthy in my remarks, but, recently, on a housing survey in Toronto, Canada, I saw a planning which was excellent for areas that are looking for industry to come into the area. That plan looked like the plan we have today. You pick up any magazine, I won't mention the name -- I'll give no free plug here -- their advertisements for industry to come and locate in areas where the climate and the responsibilities will be brought to a minimum.

May I tell you, in the industry of industrials, people in our neighboring area are sitting with bated breath for this death knell for the City of New York, mainly Brooklyn, which will affect the industries who are now making it possible for these landlords and



property owners to pay taxes on the properties where these people reside. You cannot legislate against the housing trade -- I do not agree with Mr. Potefsky about grass growing in New York City. People who work a whole week and earn and support their families have many park areas allocated for them to go and see the grass. It will cost them nothing.

On the other hand, when you go into the luxury apartments, where you want the light and air provided for so badly, you have drapes drawn across every wall, covering every window, and every window locked with air conditioners humming away that if anybody would think twenty years ago that we would be happy with that buzzing, all this entire Summer the way we were, they would have at that time said "put air conditioners in the buildings instead of worrying about providing light and air for the citizens."

Grass grows in the proper allocated parks in the City, in all the boroughs. Please, in the last analysis, gentlemen, think about the people that provide the wherewithal, the workers, the many mothers who live and work in the same areas. They are not token residents who come here and do their job and then say, "New York is a good place to work in, but I don't live here."

Think of the many, many hundreds of thousands of mothers who, at the time when their children leave for school, go into the nearby factories, help along in maintaining their families, come back at lunchtime to take care of their children and then go back to work again. These mothers must also be provided for along with the

parents and the elderly people who refuse to sit back and live on pensions and sustenance of artificial help. They can help themselves if the work is accessible and nearby, and it will take many, many people off the relief rolls, which will have to flock to these rolls if the work that they are now able to do is zoned away from the areas where they live.

I thank you for your kind attention and indulgence. I hope that for the Borough of Brooklyn your plans be a -- consideration will be given, especially for Brooklyn Borough, in which I live and work and am very happy in it.

CHAIRMAN FELT: Thank you very much.

Mr. Raymond Rubincow.

RAYMOND S. RUBINOW, Chairman, JOINT EMERGENCY COMMITTEE  
TO CLOSE WASHINGTON SQUARE TO TRAFFIC, etc.

MR. RUBINOW: Mr. Chairman and members of the City Planning Commission: My name is Raymond S. Rubincow, and I appear here today because of some ten years identification with various civic groups with a continuous interest in zoning.

During most of this period I have been a member of the City Planning Committee of Citizens Union. For three years I served as Chairman of one of the Community Planning Boards established by Mayor Wagner when he was Borough President, and participated in the discussions attending the abortive Harrison, Ballard and Allen proposed zoning amendment.

For the last three years I have been Chairman of the

Joint Emergency Committee to Close Washington Square Park to Traffic, which has endeavored to lay the basis for introducing a new concept into the life of New York City - the concept of zoning for automobiles.

It is my regret that apart from one brief appearance last year to urge more restrictive treatment of off-street parking provisions, I have been unable to participate more actively in the discussions of this historic proposal, or to attend the hearings earlier this year. As some members of this Commission know, during that period I was deeply engaged in the effort to rescue Carnegie Hall from the threat of impending demolition, a threat which interestingly enough was brought to a head by the very fact of the progress of the present proposed Resolution.

Mr. Chairman, in expression of the zoning interests of the three groups I have mentioned above, I wish to add my support and to join the many other civic individuals and organizations which have expressed their belief that passage of the proposed resolution is of the highest importance to the future of the City of New York.

The substance of the proposed Resolution has been discussed and rediscussed by countless witnesses at this and previous hearings. At this late date, I do not wish to present any matters of substance in detail, but merely mention two in general terms in passing. What I should like to direct my remarks to, and single out for special comment - is the process, the civic process, through which the proposed Resolution is being presented to the elected officials of the City of New York. These closing hearings appear to me to provide the

appropriate occasion.

Before doing so, I would like to mention briefly the two substantive matters to which I made reference: actually, one of substance and one of procedure. The first is my concern that the concept of "zoning for automobiles" has not received the full consideration which I think the subject merits, and which I believe it will increasingly command.

It may be that the hearings last week on Traffic Commissioner Wiley's midtown garages proposal at least brought out some of the issues, values, and problems involved.

My second concern is the hope that this Commission may make a policy recommendation to the Board of Estimate providing for some flexible procedure by which minor bugs and objections can be taken care of during the year which will elapse before the amendment takes effect.

Today and tomorrow's penultimate hearings represent the closing phases of a long, steady civic march. That march may be said to have begun forty-four years ago - or as soon thereafter as the Zoning Resolution received its first amendment. Since then, this march has passed through twenty-five hundred amendments, the abortive Harrison, Ballard and Allen proposal of ten years ago, the launching of the Voorhees, Walker, Smith and Smith study four years ago, its publication in February 1959, and the hearings and discussions of the last eighteen months. At long last, we have come to the proposed Resolution now before us.

In this long period of preparation, the proposed Resolution has had the advantage of the technical experts of the successive consultant studies, and the constant attention of the staff and Commissioners of the City Planning Commission.

The Commission reported last December that it had held seven informal public hearings, more than seven hundred fifty conferences and meetings, and received over one thousand communications. In the nine months since, these figures, no doubt, have greatly increased. In view of all this, it can be assumed that the proposed Resolution has had the full benefits of thoroughgoing technical analysis and frequent opportunities for correction and revision.

At this point, then, it is not important to stress whatever may be the differences of opinion which still remain about the substance of so vast an undertaking.

What is important is to stress how many sectors of New York's population - builders, enlightened realtors, businessmen, professionals, architects, engineers, the press, civic leaders, political leaders and just plain citizens - have joined together in supporting the proposed Resolution.

Gentlemen, it seems to me that the wide editorial support of the last two years, the records of public statements made at various hearings by so many individuals, business, professional and civic groups - might well be said to constitute a loud clear call to the elected officials of this community that New York wants this proposed zoning Resolution.

We all know that zoning is a tool basic to the whole city planning process. We also know that a zoning amendment is not one of the most exciting of civic or public problems. Certainly it lacks the headline - catching glamour and sex appeal of such problems as traffic accidents, crime, juvenile delinquency, or narcotics addiction. For just this reason, the very fact that a loud clear call in support of the proposed Resolution has been heard - how it was arrived at - and what it signifies for the future of city planning in New York - seems to me especially worthy of comment as this long eighteen months' discussion draws to a close.

To those of us who believe that the many problems facing a city like New York will only be resolved through wide citizen participation - the happy agreement between professional experts, city officials and the citizens represented in this loud clear call in support of the proposed Resolution - is democracy at its best.

I need not remind the members of this Commission that such democratic functioning of the city planning process has not always been present in this great city of ours. We have had a fine Mayor who helped establish the City Planning Commission and then refused to allow it any real authority. We have had an able and dynamic civic builder who sat for a long time on this Commission - and who not only didn't believe in the democratic process, but also didn't believe in city planning.

We have had a Chairman of this Commission who timidly warned or forbade members of the Commission's staff against revealing

to the public too much of the mysteries which transpired behind the Commission's closed doors.

Is it any wonder, therefore, under such limiting factors as these - tightly held power, lack of faith in the planning process, and fear of public scrutiny - that we have taken so many years and twenty-five hundred amendments to reach the point where we are today, or that a technically well-based proposal of ten years ago should have died of inaction? And can we not say that the present proposed Resolution and the wide agreement which supports it, is an example of what we can - and do - achieve when we throw open the city planning process to the widest democratic participation, review and discussion.

Is it not proper for us to conclude that through such wide citizen participation - and only through it - can we arrive at the loud clear call to which we have referred.

It is for this reason, gentlemen of the Commission, that I believe that the proposed Resolution before us today marks a milestone in the civic and public life of New York. Not only because it provides us with much needed guidelines and controls for the future growth of the physical character of this city. Not only because it attempts to protect man's need for proper residential, commercial, and recreational areas. Not only because it shows awareness of the need of other values no less important to man's life: quiet, open space, more aesthetic urban composition. All these are the primary purposes for which this amendment has been developed. But, in addition to all these basic values, I believe that this

amendment marks a milestone because of the manner - the civic process - by which it has been brought to its present substantive state. It presents a great step forward in both civic participation and official maturity - a sort of coming of age of public responsibility of both the citizens and the officials.

There are those - and I number myself among them - who consider that the very essence of the city planning process lies not merely in the availability of technical competence and the funds to support its use, but even more important, in the degree and extent of citizen interest, understanding, and support of the city planning process.

I am informed by sophisticated planners that the modern concept of a master plan is less a vast urban blueprint which has a place for everything - and everything in its place - but more a continuously changing profile of citizen desires and preferences as to how they wish to live, how they wish to work, and how they wish to enjoy their periods of rest and relaxation.

If this interpretation is correct - and I hope indeed that it is - then how important is the responsibility of those who direct the city planning process to constantly hear, register, tabulate and implement such citizen preferences. And what could be more appropriate than to have the present proposed Resolution - a basic tool of any such future master plan of preferences - be itself brought before us as the result of a wide expression of citizen approval and preference.



It wasn't so long ago that this Commission suffered from inadequate funds, inadequate staff, inadequate leadership - and, indeed from internal opposition to the very planning purposes for which it was established.

In recent years, under the leadership of the present Chairman, these inadequacies have been met and overcome. In the years ahead such lacks will no longer be limiting factors to the future progress of city planning. The only obstacle to such progress in the future would be the absence of sustained interest, understanding, participation and support from an ever-increasing number of the citizens of this city.

May the members of this Commission never cease to welcome, encourage, and respond to such citizen interest and participation - and without any fears of "political" influence. The City Planning Commission was established as an appointive professional and civic body to be free from any irrelevant and undesirable political pressures. All those who know the present Chairman, know with what rectitude he interprets his responsibilities of leadership in this respect. But to say that a body is to be free from illegitimate political pressures is not the same as saying that it should not be responsive to citizen desire and citizen preferences - especially if master planning is to be interpreted as the view quoted above.

Certainly one of the results of the present loud clear call for this proposed Resolution should be to dispel any doubts by members of this Commission as to the importance to the very purpose

of their efforts of the inviting, the hearing, and the heeding of such reasoned citizen preferences.

The lesson for the citizens is no less valuable. As one citizen, I can cite three instances of which I have intimate knowledge. I refer to the efforts to close Washington Square Park to traffic, to open Central Park to Shakespeare and to save Carnegie Hall from the wrecker's ball. It was a loud clear call of citizen interest and support as we are witnessing in support of the present proposed Resolution, which was the chief reason for their success. I feel certain that citizen support will be no less successful in this instance.

There is a further lesson which may be learned from this loud clear call - which should be of equal interest to both the citizens and the members of this City Planning Commission. For a long time there has been needed in this city a broad, effective, informed and articulate citizen city planning movement. Some elements of such a movement already exist. On special occasions they have been mobilized around some common objective. But what is needed is a more widely-based and more sustained movement - a movement which would be as representative in the support it provides for other city planning issues as has been the support for the present proposed Resolution. Other cities of America have such movements. Why should New York be lacking in this respect?

In conclusion, Mr. Chairman and members of this Commission, may I express my complete confidence that the present proposed

Resolution will be passed by the Board of Estimate. My confidence is based upon a very simple faith: if New York is the democratic city we know it to be, how could the outcome be otherwise? The experts and the consultants have labored diligently to produce the substantive proposals. The members of this Commission have reviewed the technical findings, have submitted them for public discussion and criticism, and have revised them accordingly.

The citizens have participated actively in that review, discussion and criticism - and have joined together in their loud clear call of approval.

It is the glory of the democratic process that when all these things have happened - and the people have finally and clearly expressed their will - then the elected officials will respond.

Indeed, what are they elected for?

Thank you.

CHAIRMAN FELT: Thank you very much.

Is Mrs. Fried present?

Will you rise, Mrs. Fried? I have a note from you to the effect that you would like to submit this report to us and that you would prefer not to read it.

What I am going to do is to include this entire report. This is a report from the Gerritsen Beach Property Owners Association, and we will include this verbatim right in our records, Mrs. Fried.

Thank you.

MRS. FRIED: Thank you.

MRS. B. FRIED, representing GERRITTSEN BEACH PROPERTY OWNERS ASSOCIATION.

(Statement submitted by Mrs. B. Fried)

\*SUBMITTED TO: The City Planning Commission of New York City, James Felt, Chairman.

SUBMITTED BY: The Gerritsen Beach Property Owners Association, Inc., Fred Shults, President, 1 Opal Court, Brooklyn 29, New York.

Re: Provision in the comprehensive plan for zoning which states:

No marinas are permitted in a zoned residential area.

PROPOSAL: Provision be passed by Commission with more specific details added as soon as possible.

PURPOSE OF BRIEF: To make the provision more specific by stating: No yacht clubs are permitted in a zoned residential area unless members are bona-fide residents of that particular area.

REASON FOR PROVISION: The Gerritsen Beach Property Owners Association is looking for protection from the City Planning Commission for the rights of the residents insofar as we will have assurance and relief that the community will not change its character.

FACTS: 1. Lots laid out on 40 x 45 basis with courts 20 feet wide.

2. Covenants in original deeds expired in 1940, when New York City zoned southerly section of Gerritsen Beach residential, (R3) to protect the residents.

3. City of New York recently installed new water mains, sewers, paved streets, and light poles. It is the duty of the City Planning Commission to protect the interest the City of New York has shown in the area.

4. Extensive property improvement is being planned and is being made throughout the entire southerly section.

5. Gerritsen Beach is adjacent to Marine Park, the largest park in the City of New York.

6. Gerritsen Beach can be seen and enjoyed as a seaside community from the Belt Parkway between Gerritsen Avenue and Knapp Street. If it were cluttered and lined with boats, it would be robbed of part of its charm.

#### FACTORS PROMPTING ACTION BY THE GERRITSEN BEACH PROPERTY OWNERS ASSOCIATION, INC.

1. Down East Yacht Club was established in 1958 between Cyprus Avenue and Merit Court at Shell Bank Creek.

2. Cadet Yacht Club was established in 1959 between Merit and Landis Court at Shell Bank Creek. Department of Marine & Aviation did not advise the upland owner of the application for the permit.

3. The unauthorized extension of the bed of Merit Court and the extension of the sewer pipe by the Cadet Yacht Club. Due to the extension of the bed of Merit Court the residents cannot gain access to the water as there is a twenty-foot drop from the bulkhead. The Department of Marine & Aviation has ordered its removal.

4. Members who live on Cyrus Avenue, Merit Court, and Landis Court have complained at our regular meetings of excessive traffic in their twenty-foot courts, and noise from the Cadet Yacht Club. Also the garbage truck refused to collect garbage on Merit and Landis Court because they could not get through because of parked cars.

5. The residents bought property to enjoy and use the waterfront. They lived under adverse conditions of poor sewage and unpaved streets for many years. Now that these improvements have been made members of the Cadet Yacht Club and Down East Yacht Club who are not living in this area have come in to monopolize the waterfront.

6. Application has been made for a work permit from the Department of Marine & Aviation for a third yacht club between Landis and Kay Court at Shell Bank Creek.

CONCLUSION: 1. Request the City Planning Commission consider the serious character of the problem and do their utmost to protect the residents of the southerly section of Gerritsen Beach from the threat of any new yacht clubs coming in, or any existing ones from expanding.

2. The problem is located at Gerritsen Beach at present. However, it is not localized and will become a more extensive one unless precautions are taken by the City Planning Commission through the zoning laws presently in effect.

CHAIRMAN FELT: Mr. Abe Solow.

ABE SOLOR, representing BIRLOR REALTY CORP.

Mr. SOLOR: My name is Abe Solor, and as of today I am an operator and developer a builder in Staten Island.

I am one of the so-called speculative operators and developers who, some fear, are against this new proposed zoning. We are not.

This zoning proposal gives us a basis of sound planning and knowing where we are going. As far as land speculation is concerned and the values of land, which were expressed here, the value of land is based on supply and demand, and always will be that way unless we change the economic theory that has been in existence all our lives. So we have no fear of that.

I remember back in 1926, when Dave Rose came to Pelham Parkway, where I was very much active in developing that section, and he built the first buildings there which are based upon today's concept and this comprehensive zoning amendment -- I am talking about Westchester Gardens on Atlantic Avenue -- so we speculative builders, although sometimes we call ourselves investment builders, are wholly in favor this, especially as far as Staten Island itself is concerned.

I say to you, gentlemen, you did a good job, well done, and you have done something for the consumer, for the people of this City by zoning Staten Island as you did, and by the resolution in itself, wherein we will be able to build for every segment of the economy and not just for the one segment.

The only thing I am offering, gentlemen, is a constructive criticism of the effective date of the resolution in your general conditions under 11-70.

You state that this resolution will take effect one year after the date of its approval by the Board of Estimate. That is all well and good, it does what was originally intended to do, to give those under the present zoning a chance to go ahead under the old zoning as they do. But, you then go ahead and state: "After the date of approval by the Board of Estimate, applications for permits to build in accordance with the provisions of this resolution may be filed with and approved by the Department of Buildings--"

That is okay. Then you go ahead further: "--provided that no building permit shall be lawfully issued under this resolution until such effective date or thereafter."

Why should those who are willing to go ahead under the new comprehensive zoning amendment be penalized to wait and obtain building permits until one year after its approval by the Board of Estimate as against those who want to build under the present zoning concept?

I think, gentlemen, we have had enough hearings, we have



had enough studies, and I think that this amendment - the effective date should be one year after for those who want to file under the old amendment, and there should be no restriction to those who want to build under the new comprehensive zoning, after it is approved.

You would defeat the purpose and will stop, as far as Staten Island is concerned, the development of the Island for a year, and it may hurt us economically. We fear that by 1964 or 1965, when the bridge is built, we are going to lose that exploded population that we can take care of in Staten Island, the Middlesex County in New Jersey, for the simple reason that, if we are delayed with our building and we are delayed in obtaining financing, which we cannot wait for if we file a plan.

We cannot get financing effective the year after we will file our plans. We have got to arrange our financing under the present setup of supply of money for immediate use.

Therefore, I stress upon you gentlemen to change that effective date.

CHAIRMAN FELT: Thank you.

Mr. Kosse? Then Dr. Guinck, Mr. Lippe,  
Mr. Holten.

SAMUEL H. KOSSE representing THE REAL ESTATE BOARD  
OF THE BRONX.

Mr. KOSSE: Mr. Chairman, Members of the City Planning Commission, and gentlemen, my name is Samuel H. Kosse, and I represent the Real Estate Board of The Bronx. I appear here with the

support and approval of the Zoning Committee, the President of the Real Estate Board of the Bronx, the Board of Governors, and the members of the Bronx Board.

We are all in unqualified agreement that this proposed new zoning law is not good for the City of New York as a whole or the Borough of the Bronx, in particular.

During the last year and a half, I have devoted considerable time to the study of three editions of this proposed new Zoning Ordinance.

Since 1923 I have worked with the present zoning resolution and in the course of my work as a sales broker and appraiser. I would like to explain briefly why we in the Bronx disapprove of this new zoning law as presented:

I wish to respectfully submit that, if all the money and efforts which you have lavished in writing and promoting this new law had been devoted to bringing the present zoning law up to date, we would not be here presenting divergent views, nor would there be such extreme dislocation between what we foresee happening to the building industry, to the property owners, architects, brokers, industrial owners and last, but not least, the tax revenues which support our municipal plant and provide for future capital expenditures.

The zoning plan of August 18th has registered some eight hundred fifty corrections over the Voorhees Plan. Many of the corrections which have been made have leaned far toward increased floor areas in Manhattan.

On the other side, the Borough of the Bronx and the other boroughs have been decidedly short-changed. We believe that the purpose of this zoning plan was to make less dense those areas which are presently intensely crowded, and to direct the excess growth to other areas which are now lightly developed.

We believe that the City Planning Commission had departed from this course. A close study of the bulk and floor area ratio reveals an unrealistic application to the Borough of the Bronx. An R5 district allows a twenty-one per cent ground coverage for a six-story building.

An R6 district allows a thirty-six per cent coverage, and an R7 allows a forty-eight per cent coverage. This bulk is low; builders simply will not be interested in building.

The highest district we received in the Borough of the Bronx was an R8, which allows sixty-nine per cent coverage, but this district was set up in areas that are predominantly built up and, of course, no use to builders, except in the far remote future.

What can we conclude from this? This proposed zoning law is geared to subsidize housing on large plots which can be gathered primarily through condemnation. No private builder, even if he had a mind to, would be able to assemble by private purchase enough plottage to build economically under this floor area.

Resort would be to public housing or other housing with subsidies or tax abatements. In fact, if the City makes its time, it will acquire this land gratis, made useless by this law through

tax defaults.

Unless there is subsidized housing on these plots, there will be no construction and the apartment seeker of modest means would have no apartments.

This zoning document is exceedingly complicated and ambiguous as well as voluminous.

Many architects, as you have heard, have declared that they are baffled by its ambiguities, and long delays in building will ensue from litigation over definition and interpretation.

Performance standards, as written—they will put obstacles in the minds of industrial prospectors as to whether they can actually carry on their business at a location which they have selected.

Performance standards do not belong in a basic law such as this zoning resolution. It would be better to leave them to the Administrative Departments such as the Building, Fire, Health and Air Pollution Control, where the enforcement is in relation to the surrounding factors.

To impose such standards of questionable reality will only discourage the coming in of industry and send the industrial businesses to the outside areas where the climate and lures are more attractive.

While the elimination of the death sentence clause from the revision of August 18th, applicable to existing factories was palatable, there still remains the creation of thousands of non-conforming properties involving a loss in values, a harassment on account

of performance standards, and limits on the number of stories of occupancy takes place or any enlargement or expansion which a firm may want to make of its continuous land.

This plan will strip the Board of Standards and Appeals of functions which act as a safety valve against the exercise of the police power, which may be too rigid and inflexible.

Even though an application for a variance may be withdrawn they will be stripped of this power.

This new zoning law is so important, it is unfortunate that this is being offered to the Board of Estimate under the provision of Section 200 of the Administrative Code. By that Section, it is possible for this proposed law to be enacted by six of the twenty-two votes of the Board of Estimate.

For these reasons and for more reasons, the Real Estate Board of the Bronx objects to this proposed new zoning law.

I should like to add that, if our City were starting from scratch in an open field as once was done in Brasilia, or shall I say also Staten Island, the planners could freely divide the City with new districts with new concepts and new controls, but ours is a City in being which has been operating rather successfully for nearly half a century under the present zoning plan.

This has been amended very frequently and, I might say here that amendments have never damaged basic laws, because they are made to keep up with the changes.

In conclusion, I wish to emphasize that the lofty goals of

modern zoning are equally shared by the members of our Real Estate Board and other civic and professional groups which have come to object to this proposed law.

We do not believe that zoning on top of zoning can be done in a blanket plan applicable to all boroughs and all sections of the City at one stroke.

Thank you.

CHAIRMAN FELL: Thank you.

Dr. Luther Gulick.

LUTHER GULICK, Co-Chairman of COMMITTEE FOR MODERN ZONING.

MR. GULICK: Mr. Chairman, and Members of the Commission, my name is Luther Gulick, and I am a resident of Manhattan, although I have lived previously in Brooklyn and Staten Island. I come here as a Co-Chairman with Robert Dowling of the Committee for Modern Zoning. This is a temporary non-political committee made up of representatives of all of the professions and groups and citizens, and civic interests in this town, who were deeply distressed, over a year ago, at the delays that seemed to be taking place and at the lack of understanding that seemed to be general within this City as to the need for zoning, and as to the new principles for zoning, which were being woven into the amendment, and new ordinance which was emanating from your staff and technical work.

It is now six months since we had the first full-dress discussion in public of the Voorhees Walker Smith & Smith report as modified by your own studies after hundreds of conferences and

hearings.

When we met, in the middle of March, we had before us a number of groups that were vigorously in favor of the new ordinance.

We had a number that were vigorously opposed to it. The majority of the individuals who appeared were in favor of the principle, but were uncertain over the details.

Sitting here, as I have since the beginning of this hearing this morning, and having also participated in many discussions with individual groups around this City in the months that have elapsed since the March hearing, I am deeply impressed by noting that this has been a parade of people who have made up their minds almost entirely in favor of the adoption of the ordinance as it has now been finally modified and presented by you at your August -- middle of August publication.

I am distressed to see that there are still some citizens, some organized groups in this town which do not understand this proposal which, because of professional interest -- some cases -- in some cases still because of professional or economic interests feel opposed to the change and who fear the modifications that will be introduced by this ordinance.

None-the-less, the leading builders, the leading real estate operators, men of great experience have testified that there is no reason for fear; that actually the soundness of the investments in this town will be enhanced. And I must say, as I listened to those architects who have started working with the ordinance as

drafted and report that it is of benefit to them, that they can design better buildings and cheaper buildings and more appropriate buildings.

I am convinced from that testimony that those architects who have testified that their associations are fearful of the end results, I think those architects are smart enough to operate with equal success once they try their hand at this.

In any case, may I say that this is going to be settled, not on the basis of the immediate desire of any limited economic group, not on the fears of a professional group, that they do not want to change their office procedures or their methods of drawing their blueprints and other technical matters, it is going to be settled on the basis of the welfare of the people of this City.

There is a deep moral problem involved, and to hear some of the people stand here and put their fears of minor details, all of which can be taken care of over the years as we go forward under this, to put that in the scales over against the great needs of a City for future development, for light and air, for a chance for the children of this town, for sound industrial development and for the maintenance of our economic values in this community, is to me unthinkable.

Therefore, I stand here to tell you that our committee will come in with a vigorous endorsement of your specific proposal when it comes before the Board of Estimate. And that we think that no time must be lost.



The important thing now, gentlemen, is to get on with the job. This is just one step in the great job that lies ahead for the Fathers of the Government of the City of New York. We want modern zoning, we want the rest of the program that you, Mr. Chairman, have so eloquently explained, and that Mayor Wagner has presented as recently as last week, in talking to the annual convention of the American Political Science Association, which came here to New York.

So we want you to get zoning off the boards, now, and into operation so that you can start making these minor adjustments that will still have to be made, so that you can devote your energies and the energies of this town and of the civic groups and of its political leadership to the other jobs that lie ahead, some of which are far more important, in the long run, even than this extremely important piece of legislation.

Thank you.

CHAIRMAN FELT: Thank you.

There have been many dozens of communications which we were requested to make part of the record, and I have before me some communications where the senders of those communications have asked me to read their statements at this hearing. But I think it would take too much time to do so. I would prefer to give you the names of those who sent in these supporting statements, which they asked to have read, and any of you who wish to see them in their entirety -- they are available here for you.

From Mr. Theodore S. Esiler, President of the Staten Island

Savings Bank.

THEODORE S. FALLER, President  
Hon. James F. Eli, Chairman, City Planning Commission,

2 Lafayette Street, New York, New York. Dated Sept. 7, 1960

"My dear Commissioner:

"Richmond, more particularly known as Staten Island, is now New York City's fastest growing Borough. The completion of the Verazanno-Narrows Bridge will see this rate of population greatly accelerated and it becomes extremely important that this expected growth be guided in such a way that our Island becomes an increasingly desirable place in which to both live and to do business.

"The program for modern zoning being advocated by the City Planning Commission is designed primarily to achieve this objective. Reforming existing antiquated practices now in vogue on a city-wide basis is a tremendous undertaking and may unavoidably create isolated instances of hardship. These, I know, will receive the considerate attention of the Commission.

"The Staten Island Savings Bank owes, as a duty to its depositors and the community at large, the obligation of both encouraging and endorsing the efforts of the City Planning Commission.

"Sincerely yours, Theo. S. Faller, President."

CHAIRMAN ELI: Mr. Philip F. Swart, President of the  
New York Board of Trade.

Mr. S. A. Sawyer, 401 Fifth Avenue, New York, New York.

Mr. J. D. Weller, 711 Third Avenue, New York, New York.

Mr. Fred C. Trump, Avenue Z and West 1st Street, Brooklyn,

New York.

Mr. John J. Smith, East New York Savings Bank, Brooklyn,

New York.

Mr. Erwin S. Wolfson, 529 Fifth Avenue, New York, New York.

Mr. John H. Muller, Senior Vice President of the Equitable Life Assurance Society of the United States.

Mr. Richard L. Maloney, Jr., President of the New York Savings Bank.

Mr. Roy W. Johnson, Chairman of the Board of Action, Inc.

Mr. William Zeckendorf, President of Webb & Knapp, Inc.

Mr. Samuel D. Stickle, Vice President of the Great Lakes Dredge & Dock Company.

Mr. Orrin G. Judd, of Goldstein, Judd & Gurfein.

Mrs. Max Ascoli, President of the Citizens Committee for Children of New York, Inc.

Mr. William Lescaze, Architect.

Mr. Cyrus Cohen, President - Elect of the Riverside Neighborhood Assembly, Inc.

Mr. William C. Hughley, President and Director of the Liberty Civic Association, Inc.

Mr. Allan S. Marcus, Greenwich Village Home Owners Assoc.

(Statement of Philip F. Swart, President New York Board of Trade.)

Dated: Sept. 9, 1960

"Honorable James Felt, Chairman, City Planning Commission,

2 Lafayette Street, New York 7, New York.

PHILIP F. SWART (statement of)  
"Dear Mr. Felt:

"We are pleased to advise you that at a meeting of the Executive Committee and at a subsequent meeting of the Board of Directors, held last night, the following resolution was passed:

"RESOLVED, that the New York Board of Trade, recognizing the necessity for new zoning laws for the City of New York and the work done by the City Planning Commission, expresses itself in favor, in principle, of the proposed new statute now being considered provided however, that there be contained in the new law adequate right for appeal.

"Very truly yours, Philip F. Swart, President."

S.A. SEAVER (statement of)

"City Planning Commission, 2 Lafayette Street, New York 7,

New York.

Dated: Sept. 7, 1960

"Gentlemen:

"I have been a realtor for the past 35 years, having engaged in various phases of the industry, such as, construction, financing and operating. I therefore feel qualified to express my opinion in favor of the proposed new zoning regulation which is long past due. It is reasonable to say that the zoning regulation of 1916 has long since become archaic, in spite of its multitudinous amendments.

"The City Planning Commission should be complimented for its progressive approach and farsightedness, and I sincerely hope the new regulation will be enacted.

"Sincerely yours, S. A. Seaver."

J. D. WEILER  
(Statement of J. D. Weiler, Real Estate.) Sept. 7, 1960

"The Hon. James Felt, Chairman, City Planning Commission,  
2 Lafayette Street, New York 7, New York.

"Dear Mr. Felt:

"I exceedingly regret that I will be unable to attend the  
zoning hearings which will take place on September 12th.

"However, I would like to go on record that as a New Yorker,  
I am vitally interested in the welfare and progress of our city. I  
believe it is most essential that the archaic 1916 zoning ordinance  
be replaced with the proposal that is the subject of the public  
hearings next week.

"I have been in the real estate field for over thirty-five  
years, and it is my opinion that a well planned community will not  
only stabilize real estate values but will make it a much better city.

"It would be most desirable for the zoning resolution to be  
passed without delay so that our generation can derive the benefits  
therefrom, as well as the future generations.

"Sincerely, J. D. Weiler."

FRED C. TRUMP  
(Statement of Fred C. Trump.) Sept. 1, 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.

"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 five; I recognized the desirability of limiting the coverage and height to provide a sensible density.

"Shore Haven consists of a group of six-story buildings with a coverage of about thirty-five per cent indicating a floor area ratio of 2.1 compared with a floor area ratio of 2.4 under the R6 designation of this area.

"Beach Haven consists of a group of six-story buildings with a coverage of twenty per cent, indicating a floor area ratio of 1.2 which is identical with the floor area ratio under the R5 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 R6 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."

JOHN J. SMITH Statement of  
(Statement of John J. Smith, The East New York Savings Bank.)

9/1/60 "Hon. James Felt", Chairman, City Planning Commission,  
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, that it will result in a real 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."

ERWIN S. WOLFSON

(Statement of Erwin S. Wolfson.)

Dated: 8/29/60

"Mr. James Felt, Chairman, City Planning Commission,  
2 Lafayette Street, New York, New York.

"Dear Jim:

"Considering the many expressions of opinion heard in New York recently concerning the proposed zoning resolution, and particularly in view of the fact that so many of the ones I have heard have not been particularly constructive, I feel I should add my voice in favor of the proposed resolution.

"Certainly, a new law is needed.

"Although we have not had the opportunity to thoroughly acquaint ourselves with all the content of the new resolution, we have investigated those portions directly pertaining to our operations and can find nothing which is onerous and much that should make this a better City to work and live in.

"You are certainly deserving of congratulations on this endeavor.

"Cordially yours, Erwin."

JOHN H. MULLER

(Statement of John H. Muller, Senior Vice President,

The Equitable Life Assurance Society of the United States.) 8/15/60

"Dear Mr. Felt:

"This is to express endorsement of the new Zoning Resolution as recently proposed by the Planning Commission of the City of New York, and which is coming up for a hearing later this month.



"Proper land use is a major contribution to the establishment of a sound business climate and a healthy human environment. These are of principal importance to the Equitable. Not only do some ten thousand of our employees live, work and shop here, but the life insurance savings of over ten million Equitable policyholders are currently invested in companies doing business in this city to the extent of over one billion dollars."

"Since the zoning law was enacted in 1916, there have been major changes in the forces affecting community development and redevelopment which have imposed on the City of New York problems with which the existing law was not designed to deal. Also, during those forty-four years there has been marked improvement in general planning concepts. It would therefore appear that the continued piecemeal amendment of the present law will leave it inadequate in the face of the new matters to which it must now be applied."

"The proposed new law reflects the evolution that has taken place in this field since 1916. It provides a comprehensive and flexible instrument with adequate standards to assist in guiding the future growth of New York City. It goes a long way toward solving the urban problems of this area."

"Very truly yours, John H. Muller."

R. L. MALONEY

(Statement of R. L. Maloney, Jr., President, New York Savings Bank.)

Dated: Aug 21, 1960

"Hon. James Zelt, Chairman, City Planning Commission,  
2 Lafayette Street, New York 3, New York.

"Dear Commissioner Felt:

"I wish to take this opportunity to express my wholehearted endorsement of the modern zoning proposal which the City Planning Commission has prepared for the City of New York.

"Aside from the obvious benefits of light, air and open space which the residents of our City will derive from the new proposal, I look upon this modern zoning code as a long-awaited opportunity to be strengthen many areas of this City in terms of sound financial investment.

"As a banker interested in the welfare of my depositors and the economy of the City in which they live, I look upon the desirable features of the new zoning code - such as logical and compatible land use, sensible limitations on bulk and density and adequate provisions for parking and off-street loading - as sound assets in considering long-range investment in the growth and development of New York City.

"The City Planning Commission is to be commended for its competence and leadership in preparing this much needed zoning reform and standing firmly behind it despite the kind of opposition that customarily develops whenever progressive legislation is introduced. I want you to know that you can count on my support in your efforts to achieve modern zoning and I am sure that enlightened financial interests throughout the City are equally delighted with the prospect of better zoning and more comprehensive planning for New York.

"Sincerely, R. L. Maloney."

ROY W. JOHNSON, CHAIRMAN, BOARD OF ACTION, INC. (Telegram)

"James Felt, Chairman, New York City Planning Comm.

2 Lafayette St. NYC.

Dated Sept. 4, 1960

"Modernization of New York's Zoning Ordinance will affect cities all over the nation. As New York in 1916 ultimately led most other American cities to adopt zoning, the arduously and carefully prepared new ordinance will stimulate other cities to review and modernize their zoning principles. Final approval of the pending ordinance will be an historic occasion for persons everywhere who recognize modern zoning as a vital tool for making our cities good places in which to live well and earn an ample livelihood.

"Roy W. Johnson, Chairman Action Inc."

WILLIAM ZECKENDORF

(Statement of William Zeckendorf, President, Webb & Knapp, Inc., Telegram.)

Dated Sept. 6, 1960

"James Felt, Chairman City Planning Commission, 2 Lafayette Street, NYK.

"Dear Mr. Felt. Have fully and carefully reviewed all of the advantages and the so-called disadvantages inherent in the new proposed zoning bill which presently stands before the Board of Estimate for consideration. I have concluded as follows:

"1. The long term interests of the City and its inhabitants will be definitely improved.

"2. The present trend towards strangulation will have been checked.

"3. Ultimately property values across the board will enjoy

greater stability and for that reason eventual improvement of such values.

"4. The City will definitely be a better place in which to live than if we don't have the modifications presently proposed.

"5. There is sufficient latitude for hardship case modification so that the bill should prove workable.

"For the foregoing reasons I strongly urge the passage of the Zoning Act.

"William Zeckendorf, Pres. Webb & Knapp, Inc."

SAMUEL D. STICKLE

(Statement of Samuel D. Stickle, Vice President Great Lakes

Dredge & Dock Company.)

Dated: Sept. 9, 1960

"Mr. James Felt, Chairman, City Planning Commission, Department of City Planning, 2 Lafayette Street, New York 7, New York.

"Dear Mr. Felt:

"It was my intention to be present at the hearing on September 13th to express, on behalf of our company, appreciation for the consideration your Commission showed in your review of our request of April 4, 1960 to change the proposed zoning of our property located on the north side of Richmond Terrace between Lake and Van Name Avenues, Staten Island, New York.

"I regret that business requires my being out of town the next part of next week, and I am taking this means to express our appreciation for your favorable decision on our request, and for the courteous treatment which we received from your people.

"Will you please read this letter at the hearing so that

in any become part of the record.

"Very truly yours, Samuel D. Stickie."

ORRIN G. JUDD

(Statement of Orrin G. Judd, of Goldstein, Judd & Guafagnoli)

Honorable James Felt, Chairman, City Planning Commission,  
7 Lafayette Street, New York 7, New York. Dated: Sept. 9, 1954

"Dear Chairman Felt,

At the hearings last Spring I expressed my approval of the proposed amended zoning ordinance for the City of New York, speaking on behalf of the Lawyers Committee of the Committee for Modern Zoning, the Hill Women Civic Association of Brooklyn and myself as a citizen.

"It is not necessary to take your time with a second personal appearance, but I hope you will include in the record of this Fall's hearings my reiteration of my belief that the amended zoning ordinance should be adopted. The numerous changes which have been made since the original proposal carry out your desire to meet all legitimate needs of the City, and avoid any serious hardship on property owners who may be affected.

"The revision of the 1916 zoning ordinance should not only reduce congestion in the future, but encourage sound residential and industrial construction and make for a better City in which to live.

"Respectfully yours, Orrin G. Judd."

MRS. MAX ASCOLI

(Statement of Mrs. Max Ascoli, President, Citizens Committee for Children of New York, Inc.) Dated: Sept. 9, 1954

Honorable James Felt, Chairman, City Planning Commission,  
7 Lafayette Street, New York 7, New York.

"Dear Mr. Felt: The Citizens' Committee for Children would like to once again be on record in support of the rezoning resolution proposed by the City Planning Commission and subject to hearings September 12 and 13, 1960.

"Since as an organization we are primarily interested in children, we consider the zoning of the City vitally important in achieving our objective of a safe and healthy place for children and families to live.

"We are enclosing the statement made before you at your hearing in March by the Citizen's Committee for Children in support of the resolution and hope that we will be officially recorded on this matter at the hearings September 12th and 13th. \*(see below)

Cordially, Marion R. Ascoli, President."

WILLIAM LESCAZE, F.A.I.A. Architect. (Telegram.) Sept. 9, 1960

"James Felt, Chairman, City Planning Commission, 2 Lafayette Street, N. Y. C. I appeared at the hearing on March 14, 1960 and strongly recommended at that time the approval of the proposed zoning. Since then I have examined the August 18th draft and especially the revisions which the Commission did make as a result of previous hearings. The Commission should be commended for its honest and conscientious analysis of the suggestions which were offered. A zoning resolution should be, as this one is, a joint community job. I am convinced that the proposed zoning resolution as revised will immeasurably contribute to the growth and the health of our beloved city and I again recommend its immediate passage.

William Lescaze, F.A.I.A. Architect."

\*(see communications at end of hearing on text)

CYRUS COHEN, President - Elect, Riverside Neighborhood  
Assembly, Inc. Dated: Sept. 9, 1960.

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

"Dear Mr. Felt:

"On behalf of the Riverside Neighborhood Assembly I wish  
to commend you and the City Planning Commission for your positive  
contribution in providing a modern zoning resolution for the City of  
New York. The need for better zoning and more comprehensive planning  
has been felt here, especially, on Manhattan's West Side, and we offer  
our wholehearted support in furthering your efforts in this regard.

"We recognize that there are those who will seek to delay  
the adoption of your proposed resolution. May we urge you to weigh  
these objections against the overwhelming needs of the City and the  
welfare of its residents and act promptly to enact this vital reform.

Sincerely yours, Cyrus Cohen, President - Elect."

WILLIAM C. HUGHLEY, President & Director, Liberty Civic  
Association, Inc. Dated: Sept. 9, 1960.

"Mr. James Felt, 2 Lafayette Street, New York, New York.

" Dear Mr. Felt:

"This is to inform you that our organization is in favor  
of the proposed zoning code. We feel that it is adequate protection  
for home owners.

"Sincerely yours, William C. Hughley, President & Director."

Marcus (statement of)  
Lippe

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ALLEN S. MARCUS, GREENWICH VILLAGE, CITY ISLAND CIVIC ASSOCIATION

10000 Avenue A, City Island, New York 7, New York.      Dated: Jan. 9, 1960

Dear Commissioner Felt:

The board of the Greenwich Village Home Owners Association is an active real estate support of the City Planning Commission and its various proposals. The GVHOA, formerly known as the Ladies Home Owners Association, reaffirmed its support for the proposed new zoning, held a \$5,000 and attended by about 700 apartment owners. The support was unanimous.

I am writing as an individual, being an Honorary Officer of the GVHOA, since our President, Mrs. Joseph Brock, is in Europe.

"Thank you for the superb job you are doing for our City."

"Very truly yours, Allen S. Marcus."

CHAIRMAN FELT:

These and the letters which we have been requested to read into the record, and they will be in the record. I thank you, the names of those who have sent them in.

The next speaker is Mr. Henry J. Lippe, representing City Island Civic Association and City Island, Bronx.

HENRY J. LIPPE, representing City Island Civic Association and City Island, Bronx.

MR. LIPPE: Commissioner Felt, and members of the Commission. My name is Henry J. Lippe, and I am the Chairman of the City Island Civic Association and on the Zoning Commission.



Commissioner Felt and Commissioners, this association wishes to go on record in favor of the new zoning resolution issued August 18, 1960. We feel that the opponents of this resolution are doing so in bad faith.

Since 1916 this group has been taking advantage of every weakness of the old law to create slums throughout the City. For those money-mad groups we must have a new zoning law so that we can live in a city that we can be proud of. This opportunity that we have received is not one that we receive very often in New York, and comes only once in a quarter of a century or half a century, and once it is missed, it is almost impossible to get a second turn at bat.

Mr. Felt and staff, you and the City Island Civic Association and all the other civic associations and departments can help the growth of this city. We have the brains, the talent, the imagination and we can do it. We hope desperately that this unique opportunity we have today, with the fine thinking that has gone into the new zoning resolution, will not be passed up.

It is a good plan, and we should be proud of it, and we should forget the self-seeker who is in the minority, who represents nobody, who has failed to show us a single thing that is really wrong with the resolution.

If there is an individual hardship for individual pieces of property which can be demonstrated by evidence, they can always be dealt with as a variance under Article 7, Section 72, 21 to 24, in your new ordinance.

Just a little social conscience today, just a little sense, just a little acceptance of our obligations to the future, and we will find we have a wonderful investment in the long-range welfare of City Island.

We believe that everyone has a right to defend their interests, but we are afraid that their propoganda is not of true importance to the four thousand seven hundred home owners zoned B3, who pay 3.8 per cent more in taxes than the combined M1, C1, C2 and C3 zoning of the Island.

Some people, even today, think that zoning will hurt real estate. They were dead wrong in 1916 and they are dead wrong now. Good zoning is the best insurance real estate can have.

Good zoning is the only insurance ordinary people have for good living.

Good zoning is the only road toward solving our intolerable traffic problems in City Island.

Good zoning would provide adequate parking; it would put certain set limitations on the sizes of buildings so as to prevent overcrowding, over-taxing of our services, and transportation facilities.

I say to you gentlemen that it is imperative that decisive action be taken on this new resolution without further delay, or we shall forever lose the opportunity.

There is an urgent need for rezoning in New York City for the well being of its citizens.

We have a Planning Commissioner, a Mayor, a Board of

Estimate who recognize the need. We commend you in your good sense, your patience, your objectivity and your thoughtfulness. We hope you will continue your consideration of all reasonable problems and press the Board of Estimate for an affirmative action on behalf of the pending resolution for which the City Island Civic Association heartily endorse and support.

Thank you very much for your time.

CHAIRMAN FEEL: Thank you, Mr. Lippe.

Mr. Arthur C. Holden.

ARTHUR C. HOLDEN, F. A. I. A.

MR. HOLDEN: Mr. Chairman, and members of the Commission:

My name is Arthur C. Holden, and I am a practicing architect and community planner, working under the firm name of Holden, Eagen, Wilson & Corser.

Before I proceed with the brief statement I have prepared and which I brought with me, I want to correct what appeared to be a misinterpretation of the attitude of the architects of this City. It was represented that the Architects' Council had the right to speak for all the architects of the City. Well, the New York Chapter -- The New York Chapter is the oldest chapter of the American Institute of Architects and it represents the architects that have the highest standard of public service, as well as technical competence.

The New York Chapter, a few weeks ago, because it was throttled, and felt it was throttled by the attitude of the Architects' Council of New York, voted to withdraw from the Architects' Council

and assert what they believed to be good for the architectural profession; good for the real estate of New York and good for the people of New York.

We emphatically endorse the proposals of the City Planning Commission. I want to make that clear, that any organization that proposes to talk for all the architects of New York and say that we are opposed cannot so state, because the American Institute of Architects, New York Chapter, deliberately withdrew from the Architects' Council so that we could speak out.

Now, since 1934 to 1938, when I served on Mayor LaGuardia's Mayor's Committee on City Planning, I have known the need for a comprehensive revision of our Zoning Ordinance. I have supported every attempt at intelligent revision since then, but never before have straight thinking citizens been in a position to urge so wholeheartedly that the Board of Estimate should endorse the current recommendations of the City Planning Commission.

In urging adoption of the proposed ordinance, I want to make three brief comments:

First, that the reduction of bulk is needed.

Second, that the large-scale planning is needed, and next, on the economic implications of the proposed ordinance, as contrasted with the existing ordinance.

I believe, first, that the City needs greater restriction upon the allowed bulk of buildings than permitted under the original ordinance, as amended, and it should be evident that the floor area

ratio is the most sensible and effective means yet devised for bringing this about, and that is impossible under the old law.

I am in favor, No. 2, as soon as we have had some experience with the new ordinance, of concentrating upon the improvement of Section 25-00 of Chapter 5. This, in my mind, is exceedingly important. This is the section which is entitled "Large Scale Residential Developments."

Section 25-00 permits deviations from restrictions as they affect individual zoning lots when areas in excess of twenty acres or three acres with five hundred dwelling units are developed under single ownership of control.

I would like to see this phrase "single ownership of control" changed to read "under single ownership or under co-ordinated group control, secured by agreements through covenants running with the deed or other special regulations, satisfactory to the Commission."

Here is the answer to those who cry out that the ordinance is heavily restrictive against owners of small plots of land. If such owners enter into agreements with representatives of neighboring properties arranging for co-ordinated planning and for group design by a whole block or for a whole neighborhood, then bulk and intensity of use may be averaged over the area so planned.

The City is already conducting a pioneer experiment of this nature on the west side of Manhattan where, under the supervision of the Urban Renewal Board, covenant restrictions equivalent to those proposed in the new Zoning Ordinance may be made applicable in advance of

the enactment and date of effectiveness of the proposed Zoning Ordinance.

My third point has to do with the economic effect of zoning. It has been charged by a certain group who are active in the real estate field, that the proposed ordinance will make housing more expensive because of greater restrictions on bulk than the present ordinance.

This is the contention of only a small part of those who are interested in real estate. It is representative of those who buy and sell or hold land for the profit that can be secured by continuous land turn-over.

This group ranges from the sharpest traders and speculators down to a certain type of hypocritical landlord and even some home owners.

I allude to the type of home owners who live in a neighborhood with the spirit that they do not give a continental about their neighborhood and who are quite ready to sell or rent for the highest profit obtainable, and do not want to be restricted by zoning because they know a certain few people can always make money out of making a nuisance of themselves, irrespective of the majority who regard property ownership as a blessing and a responsibility.

Let me give you an example: Such people want a zoning ordinance that lets them take advantage of others. This is done by holding property undeveloped or developed less desirably or less expensively than their neighbors. Therefore, their property can

be sold just a little cheaper than surrounding properties, but it can be held for any price this type of owner can get.

Now, if a large amount of bulk is permitted or congestion is permitted, this type of owner can hold property for a price that can only be justified by over-crowding the land or by over-crowding the building itself.

Hence, by holding land for a high price, the tendency is started which practically compels those who purchase land to put as much as is permitted upon the land. This seems to me the fundamental economic reason for the reduction of allowed bulk which our City Planning Commission is recommending.

It is a reason which is understood by those in the real estate field who are interested in producing better grades of residence -- and I cite those men like Mr. Rose, who spoke this morning on this point -- and our friend from Staten Island.

It has not been possible to do this under the present ordinance, because of the economic pressures that I pointed out, which favors land speculation rather than the production and management of desirable housing.

Thank you.

VICE CHAIRMAN BLOUSTEIN: Mr. Arthur Walsh?

ARTHUR A. WALSH, Executive Secretary of the BRONX CHAMBER OF COMMERCE.

MR. WALSH: Mr. Vice Chairman Bloustein, and members of the City Planning Commission:

My name is Arthur S. Walsh and I am the Executive Secretary of the Bronx Chamber of Commerce. I am also authorized to speak for the White Plains Industrial Association, the Pleasant Avenue Merchants and Businessmen's Association, the Southern Boulevard Chamber of Commerce, the West Farms Chamber of Commerce, the Fordham - Concourse Merchants Association.

The concept of zoning as it pertains to City Planning had its beginning in this great metropolis in 1916. The zoning amendment evolved was the creation of architects, engineers, real estate boards, chambers of commerce, civic organizations, property owners, and public spirited citizens who were conscious of the need of a plan to develop in an orderly and sensible fashion the growth of our City to protect our resident population, to provide for industry and commerce and to assure our people that this City would have all the amenities requisite to the -- and I quote "comfort, convenience, prosperity and other aspects of the general welfare."

Its acceptance was a foregone conclusion since all affected parties participated in its creation. We are unalterably opposed to the proposed comprehensive amendment for the following reasons:

The presently revised edition of the proposed comprehensive amendment was issued publicly on August 18, 1960, exactly twenty-four days ago. This action on the part of the Department of City Planning was calculated and deliberate.

July and August is vacation time because it is slack time



for most commercial enterprises and it is darn hot. The owners of more than eight hundred thousand parcels of real property in greater New York have not had the opportunity to know what impact this imposed zoning resolution will have on their properties.

It is doubtful if more than two per cent of these property owners have any knowledge or comprehension as to the effect this steal-away program will have on their equities.

We protest the emphasis on the apparent present and future land needs to the exclusion of simple justice to the multitudes of thrifty citizens who are home owners; to the thousands of firms who provide job opportunities; to the investor in real property, and also to the average citizen who just wants to earn a living.

We have no quarrel with the zoning proposal which would assure that the right things go in the right places as it refers to use.

We question the judgment, however, of the Commission on the matter of bulk and intensity of development, since we find that the text maintains the status quo in Manhattan to the exclusion of the four peripheral boroughs.

In other words, Bronx, Brooklyn, Queens and Richmond are accused of wide open spaces, beautifully landscaped, all at the expense of the unfortunate investors in these step-child boroughs.

To jump the present zoning resolution, which a few of us can now understand and with which all of your City agencies are familiar, would be catastrophic.

The imposition of a text book concept of zoning on a City having three hundred twenty years of glorious history is the height of folly. We have a good zoning resolution now which could be revised to incorporate such features as a one-map plan. We cannot afford the luxury of a plan which stifles the Board of Standards and Appeals; a plan which abrogates more than forty years of judicial opinions, Board rulings and Administrative decisions of the Planning Commission itself.

We thought, therefore, that we wish to be recorded as opposing the proposed comprehensive zoning amendment.

Thank you.

VICE CHAIRMAN BLOUSTEIN: Mrs. Daniel Hollyer, please.

MRS. DANIEL HOLLYER, ASSOCIATION OF VILLAGE HOME OWNERS.

MRS. HOLLYER: Mr. Chairman, members of the Commission:

I am Mrs. Daniel Hollyer and I represent the Association of Village Home Owners. Our organization is composed of property owners who own homes in Greenwich Village and who have deep and stable roots in that community. We have a long time been concerned with the sound development of our City, and we are particularly concerned with the development of Greenwich Village, with the preservation of the human scale of the Village, and with the preservation of its historical and cultural character.

For these reasons, and many related ones, I go on record for our organization as emphatically endorsing the principle and the text of the proposed zoning resolution, and we most emphatically

support its very prompt passage through the Board of Estimate.

Our organization is able to speak for the urgent need for passage of this resolution from a very recent experience.

Greenwich Village is known throughout the United States and internationally, as well. Its drawing power and attractiveness brought to it very recently a wave of exploitation and speculation which threatened to destroy those very values which had created the property values in the first place.

Further, pianless saturation in our area was halted, barely in the nick of time, by an emergency zoning regulation.

The Association of Village Home Owners is eager, therefore, for the early passage of the proposed zoning resolution which will make permanent its population density controls and the bulk type and use controls as put forth in the text.

We believe the plan to be a tremendous technical achievement, and we also commend Commissioner Felt and his associates for their imagination, courage and persistence in the face of traditional resistance to obstacles.

We are in favor of plans' farsighted preoccupation with the light, air and elbow room. We are glad that it prevents the destruction of neighborhoods by blighting conversions.

We are for its more sensible and alert controls on variances.

One of the things that has been noted and impressed our organization is the personal consideration Commissioner Felt and his

staff have given to suggestions.

Incidentally, our organization has one very valuable suggestion to make with reference to West 8th Street, which we will discuss later. In the meantime, we urge swift and successful passage of the zoning resolution.

Thank you.

(Applause.)

CHAIRMAN FELT: Thank you, Mrs. Hollyer. John Taylor?

JOHN TAYLOR, AMERICAN INSTITUTE OF PLANNERS.

MR. TAYLOR: I am actually speaking for Douglas Power, who is unable to be here. He is the president of the New York Chapter of A.I.P.

VICE CHAIRMAN BLOUSTEIN: What is A.I.P.?

MR. TAYLOR: American Institute of Planners.

And we would like -- the American Institute of Planners would like to reinstate its wholehearted support for the resolution, and we will send you a detailed statement at a later time. That is it.

Thank you.

VICE CHAIRMAN BLOUSTEIN: Thank you, Mr. Taylor.

Eugene T. Lynn.

EUGENE T. LYNN, BRONX BOARD OF TRADE.

MR. LYNN: Mr. Vice Chairman, members of the Planning Commission:

I am Eugene T. Lynn, representing, as Executive Secretary,

the Bronx Board of Trade, Incorporated, an organization of over one thousand members founded sixty-six years ago.

Our Committee on Planning and Zoning has given intensive study to the proposed comprehensive amendment of the zoning resolution of the City of New York, and in the limited time that has been allotted -- and we are hopeful that we would come down to this hearing in favor of this proposal -- but we find that there have been so few changes made in the first proposal that we are compelled to voice the same objections to this proposal that we presented in our statement made before you gentlemen at a public hearing in City Hall on March 15, 1960.

The Bronx Board of Trade never stands in the way of progress; it realizes the necessity for modern zoning in our great City. We feel strongly that this can be best accomplished for the good of all by retaining the present, existing zoning resolution with necessary revisions.

The adoption of a completely new substitute resolution would upset the very large existing body of law which is the result of over forty years of interpretation and application of the present resolution.

We believe that it is possible to improve upon the present framework and that beneficial changes can be made within that structure.

We would therefore respectfully wish to be recorded as opposed to the proposed comprehensive amendment of the zoning resolution of the City of New York.

VICE CHAIRMAN BLOUSTEIN: Thank you.

Mel Osborn Most.

Kenneth Milnes.

Carl Hauptman.

Mrs. Leonard Small.

Mrs. William Scott.

Edgar Tafel.

Eugene Victor.

John Diether.

John Westergaard.

Harry Bram.

HARRY BRAM, speaking for himself.

MR. BRAM: Commissioner, Vice Chairman, members of the  
Commission:

My name is Harry Bram. I am located at 16 Chambers Street. I am a realtor, member of the Real Estate Board of New York, but not in accord with the suggestions passed on by the Governors of that Board.

I have listened carefully to previous speakers, and at this moment understand that actually no one has sounded a key note to the dangers which may come with the zoning change.

This new zoning resolution, it seems, is merely the shuffling of the cards to create chaos so that most people will lose their investments.

Those real estate owners who are for the change are too

well-beeled or possibly have received favorable results on the new zoning resolution.

Real Estate is a dangerous, hot potato to tamper with. Who knows what lurks in the minds of men and women?

Men in high places, when investigated very often fall flat on their faces.

A newspaper article recently stated that the City Planning Commission hoped that builders of the City of New York would emulate the Chase Manhattan Bank Building.

Now, gentlemen, isn't that brilliant?

Personally, I hope the foundation of that building is better than the qualifications of the bank. I have found it so.

I do really hope you gentlemen have minds of your own, in this matter, and as need be will separately oppose this resolution.

I am definitely, as you see, opposed in every respect to the proposed zoning plan which, in my opinion, is an injustice, imposition against respectable property owners throughout the City of New York.

Civic organizations and clubs and what-have-you really have no place here unless they own property.

One would think they are called specially to appear, because I have been present at hearings where they appear and continue to appear in practically nonsensical appearances.

New York City requires no new zoning resolution, any more than the United States needs a new Constitution. And I dare say we

have people who would like to change the Constitution of the United States.

Our City has a zoning resolution which has been workable, is workable and will be workable by proper amendment. And I mean proper amendment when necessary, and I show you at least one that is a blockbuster.

Gentlemen, to come through with this Utopian edict at this time is ridiculous.

I have always looked for the best, and as time galloped on, all I had been able to detect is the worst, with plenty of lip service at greater cost.

The City Planning Commission has evidently embarked upon a mission to make things big out of things that are small, which will not work. The big man won't be able to hold out too long, even though he comes in here so well-heeled with his property built to the sky on every inch of the ground, without parking spots, with every perfect investment, to say, "go ahead and put it through."

You gentlemen seem to forget that approximately, about 1950, the City of New York became the owner of a preponderance of property throughout the City of New York -- as a result of State legislating, which was intended; primarily, to hasten the payment of taxes. But most of the owners could not pay the delinquent bills, so the City took over in rem.

We seem to forget that condition still exists and is in operation, and a lot of people probably are not paying their taxes



again, and you are going to keep buying it, and selling it -- to who? To some of these well-heeled guys who finally lose too.

That time would have been the time for you to strike, gentlemen, or nobody could have questioned a give away program of City land. After all, an agency of the City, two agencies of the City, all the agencies of the City can be liberal, give it away, but private people cannot afford to have property that they own played around with. They have an investment that they made for a condition that exists when they made the investment, and that is most important for you people to have in mind.

The statement that there are too many amendments cluttering the present resolution is, possibly, correct. But this is the fault entirely of yours.

You people adopt so many resolutions, creating so many amendments that it maybe does clutter the books. But leave it alone, we have it. Correct it, make some changes that will stand without changing and rechanging, and you have done that too.

I do not go along with your thought of less building and more ground. For the longest time parks, playgrounds and even schools, as hotels, have not been safe for men, women and children to enter and exit without risk of life.

Therefore, it is necessary to point out the possible danger which may result from less building and more ground. Besides, you cannot guarantee builders who, let us assume, would go along with your idea of less building and greater open space, that they would

not be policemen with some new departmental ruling, serving them northward with notices to maintain their own Police Department, to police some greater ground.

Hasn't it, gentlemen, always been the pattern to trap property owners and keep them trapped -- and let me tell you, I would like anyone of you to tell me it is not so.

A very important necessity in this City would be co-ordination of the various City departments, and you are deaf to that request. Do you know why? Because nobody knows nobody in this City.

We have so many cities, they all ought to run different flags on the municipal building.

Just as a tough nut to crack, gentlemen. But since the City Planning Commission services the capital budget, I would like to delegate it to you. The proposed zoning resolution really adds up to nothing, other than more chaos, which all property owners resent and I can't understand so many people for it. They must be hitting jackpots in this new resolution.

Take that into consideration, too, especially these people who are in a hurry to build. They can't wait for the year that this jackpot will strike them. They want to work on it immediately.

Listen! As I suggest to the people who are being hurt, they are the people who are paying the bills:

Resolutions were passed, without opposition from interested parties, who failed to appear at hearings at the proper time, but this proposed resolution is opposed strenuously, so why have you been so

intent to put it over.

The Board of Estimate is supposed to be waiting for it. I don't know what we are yelling about.

Now, gentlemen, I cannot conclude without calling your attention to a very interesting fact: It happened last Thursday, any time after 9:30 a.m. in the Hotel Statler-Hilton, the Real Estate Department held a sale in auction -- Board of Estimate -- and it was on seventh, eighth and ninth of this month, September. It is so close that you realize I really caught something.

The auctioneer, after reading the terms and conditions of the sale set out to call the attention of the audience to items 307, 308, 309, 310 and 311 of that sale, which was in the Borough of Brooklyn. And he made this announcement:

"I have been requested to announce that the lands within those items have been changed from E to D1 area."

The people heard that, and this was the result:

Item 307, which was set for \$6000, brought \$18,200.

Item 308, which was -- had a minimum upset price of \$58,000, brought \$74,500.

Item 309, upset price \$25,000, brought \$93,800.

Item 310, \$35,000, brought \$83,100.

Gentlemen, let's not kid each other. Before these things went up on sale, it had to have an upset price by, I take it, some expert in the Appraisal Division somewhere in the Real Estate Department of the City of New York. To make the change from E to D1, it

had to go through this Commission. And, gentlemen, I don't think you even know what you were rubber-stamping then, honestly. Because I am sure that you couldn't do these things.

This thing was downgraded for the purpose of hoodwinking a bunch of people so they could build houses cluttered together, all party-walled -- just think of it -- so the City could be the beneficiary of money.

Now, are we going to do -- let's not kid each other. This thing is serious business.

We have wasted a lot of time and money. If you drop it now, at least we are not going to be forced to watch you people any longer.

Here, I pick up an item, it cannot be disputed, the dog-gone thing has happened already. Even the Board of Estimate, when it stoops low, you have got to examine the folks and wonder if they fractured their chins.

Now, in conclusion, I can say let's not play around with this thing. Don't pass it on to the Board of Estimate. It is serious business.

Real Estate is the hottest potato that ever confronted the City. Everytime an investigation takes place somebody has to be put on the spot.

I think most people are honest, but probably too ambitious.

To put through this resolution is going to be equivalent -- blindly -- to what I just showed you.

Gentlemen, I couldn't attack this resolution in any other form or shape. I plead with you, do not let it go too far.

Thank you.

CHAIRMAN FELT: I have just received by messenger a letter which I have been requested to read. It is from the Midtown Realty Owners Association, Inc. It is addressed to the City Planning Commission.

ABRAHAM K. KAUFMAN, MIDTOWN REALTY OWNERS ASS'N, INC.  
(Statement read by Chairman Felt):

"City Planning Commission, 2 Lafayette Street, New York,  
New York. Dated: Sept. 12, 1960

"Attention: Hon. James Felt, Chairman.

"Re: Proposed Zoning Resolution.

"Dear Mr. Felt:

"This communication is addressed to you in support of the Proposed Zoning Resolution, the subject of final hearings on September 12th and 13th.

"When this Resolution was initially proposed, our Association retained the services of an expert to analyze same with particular emphasis on the impact of the Resolution on commercial property and on the so-called Garment Area of Manhattan.

"A detailed analysis was made of the specific sections affecting each of our buildings. This analysis was in turn submitted to the owner of each property. In several cases, a further and detailed study was made of particular properties, which study indicated in depth, the impact of the Resolution.

"As a result of these studies, a rather complete report was submitted to you followed by several conferences. At these conferences we received adequate assurance that certain revisions would be made in the final text modifying those sections of the Resolution which appeared to require attention.

"In addition, certain map changes in the Proposed Zoning Map were also made.

"The final revised Resolution, having now been submitted and being the subject of hearings before your Commission, it is our considered judgment that this Resolution deserves complete support.

"Obviously, no Resolution with as broad a scope as this could ever be a perfect document. Experience shows that our great and ever-changing metropolis requires a continuing willingness to adopt changes and modifications as circumstances demand in our growth.

"The attitude of the present Planning Commission, expressed so often to us through its Honorable Chairman, has evidenced to our satisfaction a keen interest and willingness, once the Resolution has been adopted, to improve and modify the Resolution wherever and whenever revision or clarification becomes advisable.

"Accordingly, I propose to submit to our Board of Directors for their formal approval a Special Resolution embodying the above thought in support of the adoption of the Proposed Zoning Resolution.

"I have no doubt of its approval and, in view of the hearings on September 12th, I, as President of the Association, wish to transmit to you the approval and support of the Organization

"You and the City are to be congratulated on this ambitious undertaking.

"Cordially yours, MIDTOWN REALTY OWNERS ASS'N, INC.,  
Abraham K. Kaufman, President."

This is signed by Robert Kopple, Executive Vice President.

Mrs. Irene C. Kellner.

IRENE C. KELLNER, representing herself.

MRS. KELLNER: Mr. President, and Zoning Commissioners:

I am Irene C. Kellner. I own a piece of property on Gun Hill Road, northeast corner, which had been zoned right along for business, and I purchased it from the City. The last seven years I have been paying in rent and taxes over one thousand dollars a year.

CHAIRMAN FELT: I am obliged to interrupt for this reason:

I think you may have to wait a bit longer. We are concluding now with statements made on the Resolution as a whole, then we proceed with the mapping of the Bronx. So, please be patient with us.

MRS. KELLNER: This is my own personal property I am speaking of.

CHAIRMAN FELT: We will call upon you in due course.  
Please be patient a bit longer.

I know you have been here for a while. We are now at the conclusion, I trust, with those who wish to speak on the Resolution as a whole; that is, the text of the Resolution, then we proceed with the mapping of the Bronx.

A VOICE: I wish to speak on the subject.

CHAIRMAN FELL: Your card will undoubtedly be called. If I do not call your card, we will then ask those for whom we have no cards to step forward.

Miss Nozma Larson,

Miss Larson, is your statement on the Resolution as a whole?

MISS LARSON: It is for myself. Possibly I shouldn't speak either.

CHAIRMAN FELL: Is it on a particular piece of property?

MISS LARSON: For my own property.

CHAIRMAN FELL: You will have to wait a bit longer.

Allen A. Blaustein.

ALLEN A. BLAUSTEIN, Zoning Chairman for the FLATBUSH CHAMBER OF COMMERCE and PARK SLOPE CIVIC LEAGUE.

MR. BLAUSTEIN: Mr. Chairman, and members of the Commission: My name is Allen A. Blaustein, I am Zoning Chairman for the Flatbush Chamber of Commerce and Zoning Chairman for the Park Slope Civic League, which is known as a council.

Just a short month ago I forwarded a copy to the Chairman of the Planning Commission, repeating my objections in my letter to him in regards to the proposed zoning resolution. I am still vehemently opposed to the Commission's proposed confiscatory, very low floor area ratio of only one half the area of the lot for R1, R2, R3 and 7/10ths of one per cent for R4, and one to 1.25 for R5, and



2.25 for R6, which is entirely wrong, will be unworkable if adopted, as this very low floor area ratio is only about one quarter of the present liberal floor area ratio permitted under the present zoning resolution for one and two-family highly restrictive residential areas on large lots.

The accompanying schedule, which I have already forwarded to help the Commission, shows that the present building areas, the floor area ratio permitted under the present zoning law is in comparison to your proposed, very low, unworkable floor area ratio.

Also enclosed, then, is a fifteen-year old intelligently worked out liberal floor area ratio, conceived after much study, coincided with the then bulk status quo of all the zoning areas of our City.

This practical and workable schedule was the brain child of the Citizen's Zoning Committee, comprising then all the civic, trade, commerce and industry and banking, realty organizations led by Mr. Henry Davenport, Chairman, with Robert Dowling, who spoke here previously as Vice Chairman, in cooperation with Mr. Hughley, then member of the City Planning Commission, now deceased.

The Zone 4 area ratio worked out technically and coincided with the building status quo is the only intelligent method of arriving at a practical building floor area ratio in its application to our presently built up urban portions of our City.

If we are to encourage orderly progressive building construction, in order to enhance our economy, the Planning Commission's

proposed F. A. R.5 will just do the opposite, encourage work stoppage, do irreparable financial harm detrimental to our commerce and industry.

To help your Commission to solve the perplex crux of your difficult zoning problem of the proposed, unworkable, impractical floor area ratio, I have sent you and also have here the accompanied sketches which I will read later, so that in your deliberation and your study for the low floor area ratio in question, you will have before you something concrete to actually evaluate carefully floor area ratio by comparison.

In your proposal, it is entirely wrong, going to extremes to prohibit one or two-family dwellings to two-story maximum height only.

You and your Commission members know, or should know, that most one or two-family dwellings today are built two stories on basement, some two-story basements and particularly in areas near seashores, such as Canarsie, Flatbush, Coney Island, Brighton, Sea Gate, Sheepshead Bay, due to the ground being only a few feet below waterline -- above waterline --

We recommend that the maximum of two stories be replaced by maximum of three stories and basement, since necessary garages, playroom, laundry, are generally occupied in basements.

Particularly, I make the recommendation, where lots are very small, less than twenty five hundred square feet. If that is not done, a person will not be able to build an economical building, and with lots fifty-six feet deep and fifteen feet wide, where

there are thousands of isolated such lots throughout the City, will become buildingless, since you require a thirty-foot yard and a fifteen-foot setback on a fifty-six-foot lot.

You will have only about a fifteen-foot deep building.

I therefore request that the study that I forwarded should show that all the floor area ratios of lots less than five thousand square feet should be raised, so that all the four boroughs, outside of Manhattan, who are not in our position because of this one subject in question, would be -- we feel that the Commission is doing the right thing to help them, and they would acquiesce and go along with the resolution so that it could become law, after most of these people are assured that this will be done.

Also, it is very impractical to state that rear yards shall be a certain depth. Under your proposal, it states, in part:

"No rear yard shall be required on interior yards less than fifty feet in depth."

This is wrong. To be consistent, the present zoning law states, in part, that it is fifty-five feet in depth because a through lot shows, under the section in question, that no rear yard is required on a through lot that is one hundred ten feet long.

That may have been a typographical error.

Zoning division between lots and blocks should not be in the middle between blocks, but between rear lot lines as in the Chicago zoning law, which I have before me, states, in part:

"Particularly where blocks and lots are over one hundred

feet in depth."

Example -- We have Ocean Parkway, the lots are an average of one hundred twenty-five feet, one hundred fifty feet in depth, while its adjacent lots on East 7th Street and East 5th Street are only one hundred feet in depth.

Also, the lots on Ocean Parkway have a thirty-foot setback by the Park Department, and that is a detriment. So they cannot build on that portion. So, therefore, since these Ocean Parkway lots are very valuable property for large apartment houses, more should be permitted to be built on them, because it will become economically unsound to erect a large building.

So, therefore, I recommend, as the zoning law of Chicago, which ours is almost an exact copy, should have the division lines be marked one hundred twenty-five feet or one hundred fifty feet in depth on Ocean Parkway, and similarly streets such as Eastern Parkway and other parcels in question.

CHAIRMAN FELT: Mr. Blaustein, in connection with the balance of your presentation -- we do not want to shorten your time -- if you could confine yourself to the resolution as a whole in the text rather than to go into mapping.

MR. BLAUSTEIN: This here is the text portion that comes before the map. The map I will talk on tomorrow.

It is entirely wrong also to require side yards of eight-foot widths for your one and two-story buildings which are built on lots less than thirty-foot widths, because Chicago or some other city

required it.

This mandatory and arbitrary proposal requiring an entire -- other cities requiring is entirely impractical to apply to thousands of New York City lots less than twenty-five feet in width.

This eight-foot side yard provision should be lowered to three and four feet minimum width as now under the present zoning law, to coincide with the thousands of isolated, small lots, twenty-five-foot and less that have not been built up.

And if this goes into effect, all the lots which are zoned in R5 will not be able to put up buildings, because it requires a thirteen-foot lot width of eight on one and five on another.

Now, I will go into the actually intelligent schedules shown on buildings permitted in the floor area ratio under the present zoning resolution in comparison to the proposed confiscatory laws of the proposed comprehensive zoning amendment.

Now, I will run down in the present zoning law of A: it permits seventy-five per cent area on an interior lot of ninety per cent on the corner, which would permit a tremendous building under the proposed R1, R2, R3, only one half the lot is permitted.

Now, therefore, these one half lots running down for the entire list of all zoning in our boroughs is entirely out of line and not conceived in a workable manner to have builders actually build.

Under B, the sixty-five per cent permits eighty per cent on the corner.

Under C, it goes all the ways down, but under the proposed

floor area ratio in R1, R2 and R3, they are now substituting the other B, C, D, E and F zone, where it would be a loss of two hundred per cent on the floor area ratio on all these buildings.

Like Park Slope, which is in the B zone, permits sixty-five per cent.

Now, there is a misconception. People who come from Manhattan who think -- they imagine that a floor area ratio is a new concept to New York City. Probably these architects and bankers and builders have never built in the four boroughs outside of Brooklyn. They -- the zoning for floor area ratio has been in existence for maybe fifteen years in the four boroughs outside of Manhattan.

Now, in an E zone, they are permitted a floor -- after present regulation -- the E zone, 1.9: Permitted floor area ratio for an interior, 2.5. For a corner, under the proposal, it only permits .5.

In other words, it is a loss of four hundred per cent under the proposed resolution of floor area ratio to the present fine, workable and liberal zoning law for a twenty-foot or twenty-five-foot lot.

Going down to E1 and E2 and G, go all the ways down, each one of these ratios four times more than this proposed .5, which was just copied from the Chicago Zoning Resolution and not intelligently worked out.

I notice that in your resolution you work out fine schedules of how many rooms and what-not, and so-on, which was not necessary actually to work out.

The working out of the actual area of a small building to go on a small lot, which is less than five thousand square feet for the entire four boroughs of Manhattan was more essential than is this here flat .5, which will actually retard building, and the City will lose financial income, and property owners will have to sell their land to somebody else.

I, therefore, recommend that this Commission give further study to the recommendations that I made in reference to raising the floor area ratio of all lots less than five thousand square feet, in order that a person can actually build a building.

Now, all through Park Slope, which is built up solidly with apartment houses and brownstone houses, it has been a floor area ratio of four, is presently in a B zone, which occupies sixty per cent, sixty-five per cent, rather, of the area.

Under this proposed resolution, which is zoned for 1. to 1.25. In other words, you are confiscating legal floor area ratio of about twenty-one hundred per cent there.

The Chicago Zoning Law gives it four, and we are giving it only two.

In other words, people will not be encouraged and demolish their old brownstones to replace with fine buildings. I think that if this Commission bent a little effort -- and I would like to work with Mr. Smith because I sent you two copies, Mr. Chairman, one to give to Mr. Smith -- I would like to come in and work up a schedule. And I am sure that if this schedule were worked up equitably enough

for all the small lots in the four boroughs outside of Manhattan, I believe that this resolution, after the discussion and proper treatment is assured, that this will be done.

You have these people coincide with you and they will hop on the bandwagon and will favor the entire thing.

CHAIRMAN FELT. Thank you.

Ms. Swanke.

ALBERT H. SWANKE, representing Office of ALFRED EASTON POOR

MR. SWANKE: Mr. Chairman, Commissioners.

My name is Albert Swanke. I am a partner in the office of Alfred Easton Poor, Architect.

I should like to speak on the application of the zoning resolution as now proposed to a specific piece of property in midtown Manhattan, where a client of ours had, over the years, assembled a property of some twenty-five thousand square feet for the erection of an office building contiguous with his existing building.

The present zoning now in effect would have allowed, or would now allow a total area for construction of approximately five hundred thousand square feet for this plot. As it is presently zoned, under the amended zoning resolution, it is in a C6, C7 zone, which, although it will not allow five hundred thousand square feet area, it will allow four hundred and fifty thousand square feet of area of space more usable and more merchandisable than the five hundred thousand that he could build under the present zoning.

For that reason ...



CHAIRMAN FELT: Are you speaking on mapping or on the text in general?

MR. SWANKE: Application of text in general to a specific mapping.

CHAIRMAN FELT: All right.

MR. SWANKE: For that reason, we and our client feel that the new zoning puts his property to better use than the zoning now in effect.

And it is for that reason that I, as an individual architect, and for my firm, strongly endorse the zoning resolution now under consideration.

CHAIRMAN FELT: Thank you.

Is Mr. Albright present? Mr. Tom Albright?

Mr. MacLachlan?

State Senator James L. Watson?

JAMES L. WATSON, State Senator, 21st Senatorial District, New York City, representing UNITED DEMOCRATIC LEADERSHIP TEAM.

SENATOR WATSON: My name is James L. Watson. I am State Senator, representing the 21st Senatorial District.

I have merely come here today to present Commissioner Felt with a letter endorsing the amended zoning resolution.

Some time ago, in the Winter of this year, I appeared here on behalf of the <sup>United</sup> Democratic Leadership Team, which is composed of the Democratic Leaders of the 11th, 12th, 13th and 14th Assembly Districts, with recommendations as to changes in the zoning resolution, which is

under consideration.

We presented a brief to every member of the Commission, and I verbally presented a brief to the Commission.

I am happy to have this opportunity to say to the Commission that the recommendations which we offered at that time, after careful study on our part and after a careful study on your part, were to a large part accepted for our community and extended on a city-wide basis.

For that reason, it is a great pleasure for me, on behalf of the United Democratic Leadership Team to wholeheartedly endorse the amended zoning resolution and hope for its speedy acceptance.

Thank you very much.

CHAIRMAN FELT: Thank you, Senator.

Mr. Bergier.

ARNOLD BERGIER, representing GREENWICH VILLAGE AREA.

MR. BERGIER: My name is Arnold Henry Bergier. I am representing two groups today: the Save the Village Group of Greenwich Village and another group in Greenwich Village called the Neighborhood Rally.

The latter organization is a very new group formed primarily because they felt that the Save The Village group wasn't militant enough, militant the way the Village has been.

Perhaps I should explain that Greenwich Village is something like France was before DeGaulle took over there many different shades of opinions.

There are many ways of solving problems they think, but basically we all want the same thing in Greenwich Village.

Greenwich Village, we feel, is one neighborhood where living conditions are such that we think it would be an advantage if all New York City could live the way people live in Greenwich Village.

There is a neighborly village feeling there; you know your neighbor. There is a graciousness to life in Greenwich Village which cannot be found in areas where you have tremendous group apartment buildings.

There is an intimacy and charm in Greenwich Village which we think in terms of new buildings, perhaps the best pursued, if new buildings were to follow the same principles of open spaces, trees, grass, parks, and places where people can get to know each other, and consequently we endorse the zoning proposals. We hope that you can get it through with all possible dispatch.

However, there is one aspect of the text which I find I would like to discuss very briefly, because of its lack of inclusion rather than because of something we really object to.

The laws of the State of New York of 1956 gives the cities of New York State the power to protect any works of art, historic buildings, neighborhoods, places of public interest where they are deemed essential to the community.

And as far as I know, I do not believe any attempt really has been made, as yet, on the part of the City Administration to recognize what really amounts to a mandate of the people of the State of New York.

I hope that during this period of grace, after what we presume will be the passage of our zoning resolution, that these laws recognizing the necessity of preserving the character of the neighborhoods, will be incorporated into the new zoning proposal.

I cannot conceive of a planning body failing to take proper account of the past as well as the future, and proper account of the present.

I would like to also state, by the way, when I listened to the gentleman talk about building more buildings and more buildings, and how the zoning proposal is supposed to strangle new building, I sometimes wonder if these people realize that build for buildings' sake is not necessarily a good thing.

In Greenwich Village we have had experience, because we, as a community, have taken the trouble to find out about new building. We discovered that some of the brand new buildings going up are not nearly as good as the old buildings, which are being torn down.

Witness some rather lurid cases, where one of the buildings is falling apart on the new tenants within the space of a year after its erection.

Building for buildings' sake is not necessarily a good thing. We feel the zoning proposal will be a very fine thing if it also discourages some of the old fashioned commercial architects who haven't an ounce of imagination, who put up all their new buildings each one looking exactly like the other.

We hope that if the new zoning proposal is considered

ruinous by some, it will indeed prove ruinous and allow those with a little imagination to take over and put up some new buildings in New York City.

As far as the self-interest of some of the groups who have expressed themselves here, I would like to commend you on your fairness in listening to them. I would like to caution you, however, that you might just as well fall flat on your face as to lean too far over backwards.

I hope that we can recognize the fact that self-interest, although it has a place in the lives of every one of us, the interest and welfare of the people of the City of New York should be paramount.

I can only say that I hope we can get with it as soon as possible.

Thank you very much.

CHAIRMAN FELT: Arthur Feistel?

Is Mr. Feistel present?

(No answer.)

Samuel Whinston?

SAMUEL A. WHINSTON, representing self.

MR. WHINSTON: My name is Samuel A. Whinston, and I represent myself. I am with the firm of Solenbeck & Goldman.

Mr. Chairman, and members of the City Planning Commission:

I respectfully request that you give further consideration to increasing the bulk in virgin lots where the differential in grades run thirty, forty and even sixty feet from one grade to another, or from one street to another.

These virgin lots have never been touched since the City was formed, and prior. However, they can be built on if you would increase the bulk situation.

While this condition may prevail in all of the boroughs, I have specific reference to plots of this type that are located on the following streets and avenues:

You have Greystone Avenue, Waldo Avenue, Palisades Avenue, Johnson Avenue, Cappy Street, Kingsbridge Road, Edsel Avenue, Sedgwick Avenue, Riverdale Avenue, Kingsbridge Terrace and Jerome Avenue; these plots that have been passed by in the past because they were very uneconomical to build.

The conventional builder would not touch them because there were better lots available. However, these lots that I mentioned are very well located, located some on the Hudson River, some on the Harlem River, some overlooking the Parkways.

You have got others in the condition where, if the bulk is kept at the point that you have put them at, that they will not be built on because they will still remain uneconomical.

As a case in point, I want to bring to your attention what happened Tuesday of last week at the public auction. A plot in the City of New York, in Manhattan Island located on Overlook Terrace, where the subway station of 184th Street entrance was just one hundred feet from the plot, fifteen thousand square feet was sold for ten thousand dollars.

There were several hundred builders, speculators, operators,

brokers in the audience, and nobody wanted it.

The upset price was ten, there wasn't a bid there. A speculator took the plot at ten thousand dollars, in Manhattan, with elegant transportation, shopping, schools, paved streets, sidewalks, curbing and everything you have.

Now, somebody had to have that plot, it never had been touched. The differential between Overlook Terrace and Fort Washington Avenue is such that, if you are going to restrict it further, it will in time revert back to the City.

As I said, I have been selling lots to the builders -- conventional builder of multiple dwellings, and while I wrote you when the first resolution was submitted and I have your letter that you would reconsider the request, there has been no change in all of these plots.

VICE CHAIRMAN BLOUSTEIN: Mr. Whinston, we are aware of the particular plots you called our attention to, but that deals with the individual plots where you do have that change of grade and you do have a situation that perhaps may call for special treatment when the matter comes before the Commission in a mapping change.

What we would like to know is whether or not, recognizing the situation does exist and that may require a map change, do you favor the text of the present resolution?

MR. WHINSTON: I do, with the suggestions I have made.

VICE CHAIRMAN BLOUSTEIN: Thank you. We are aware, you see, that there are these situations which involve individual parcels such as you yourself have called our attention to. But after the passage of the Resolution, we can entertain these applications for map changes.

We have done that with every parcel in which we have been asked to initiate a zoning change, and we have given consideration to it.

The situation will not differ at all after the passage of the Resolution.

MR. WHINSTON: What I am trying to say is that I would like to see these plots built. I do not want this to remain. I do not want them thrown back into the laps ---

VICE CHAIRMAN BLOUSTEIN: We agree with that; but you do favor the text of the Resolution?

MR. WHINSTON: I do; but I think, in lots of that type ---

VICE CHAIRMAN BLOUSTEIN: We will have to deal with each parcel individually. We cannot write into the text any formula that will take care, as a matter of right, the situation you call attention to.

MR. WHINSTON: Thank you.

CHAIRMAN FELT: Daniel L. Master?

Roger Starr? Is Mr. Starr present?

ROGER STARR, CITIZENS HOUSING & PLANNING COUNCIL.

MR. STARR: I am present, but I have nothing to say at this time; even though the microphone is open, I will restrain myself from making comments at this time.



My name is Roger Starr, from the Citizens Housing & Planning Council. Exerting great self control, I am simply going to stand mute because my organization has already spoken for the record. Thank you.

CHAIRMAN FELT: Thank you, Mr. Starr. Mr. Amster?

JAMES AMSTER, representing EAST 49th STREET ASSOCIATION.

MR. AMSTER: Mr. Chairman, members of the Commission, my name is James Amster, and I am the president of the East 49th Street Association, Inc.

Last March 15th, I had the honor to appear before you to express the approval of my Association of the proposed new zoning Ordinance. Representing, as we do, a community of brownstone houses and small residential buildings, it was hardly surprising that we fully supported residential zoning protection.

We ask only that the Commission grant us more stringent protection, which request we are pleased to note was favorably received.

The East 49th Street Association has asked me to appear today to express our continued support of the new zoning, and our thanks for your interest in our problems. Other than this, we have only one comment to offer: Not only does the Association favor the enactment of this new zoning ordinance, but it urges that no further delay be tolerated.

Our City, and my community, want and need this law, and we urge you to press forward with your work as rapidly as possible. Thank you.

CHAIRMAN FELT: Thank you very much.

Is there anyone else who wishes to speak on the resolution as a whole? Will you step forward, Madam?

MRS. NATALIE LENNEMAN, RIVERDALE NEIGHBORHOOD AND  
LIBRARY ASSOCIATION:

MRS. LENNEMANN: Good afternoon, gentlemen. I am Mrs. Lawrence J. Lennemann, and I am appearing here today principally as an officer of the Board and in behalf of the Board of Directors of Riverdale Neighborhood and Library Association, located at 5522 Mosholu Avenue, New York City.

The Riverdale Neighborhood and Library Association is a service organization with an active membership of approximately two thousand people, which has served the community for more than eighty-five years.

The Neighborhood House, as it is popularly known, is non-sectarian, non-political and non-profit.

We represent no special interests, but attempt to represent that which we believe is in the best interests of the citizens of Riverdale as a whole, and by doing so contribute to the greater community of New York.

In supporting the new zoning ordinance, we do so on the basis that the purpose of zoning is to keep people from doing things that seem eminently desirable from their own point of view, but which hurt the community of which they are a part or of which their buildings are a part.

Secondly, it is well to remember that vigorous and restricted zoning has never destroyed real estate values. This charge was first

made in 1916 when our present inadequate Zoning Ordinance was proposed and disaster was prophesied. And, thirdly, the true and lasting fiscal soundness of the City depends on the efficiency and success of the City as a whole; it cannot last if we base it on inflated land prices created by permissive over-building.

We feel that today in New York we are permitting construction, particularly in our residential districts, that is hurting our City. It is overcrowding our facilities, taxing our schools, and creating in scattered centers the same kind of congestion that has hurt some once highly desirable sections in our central city, now on the decline.

In 1954 this organization supported the proposals of the Riverdale Community Planning Association, whose efforts brought into being an intelligent and orderly plan for the growth of the Riverdale Community. We are advised that the New Zoning Ordinance, particularly as it affects Riverdale, is substantially in accordance with the old zoning.

We wish to stand firm in supporting the principal of the need for a new zoning ordinance in New York City.

Thank you for permitting us this opportunity of appearing before you at this hearing to express our point of view with regard to the proposed ordinance.

Thank you.

CHAIRMAN FELT: Thank you. Is there anyone else who wishes to be heard on the text of the Resolution?

ALVIN J. BURNETT, Attorney for McLAUGHLIN & STERN,

17 Pine Street, Manhattan

MR. BURNETT: My name is Alvin J. Burnett. I am an Attorney with McLaughlin & Stern, New York City. We represent University - 8th Corporation. This Corporation is an affiliate of Samuel Minskoff & Sons, owners and builders throughout the City since 1897.

I understand special circumstances may exist which will be taken into consideration when the resolution is promulgated, and my purpose here is to highlight one of these special situations.

University - 8th Corporation is the lessee of twenty-three separate parcels of property which comprise the block bounded by East 8th Street and East 9th Street and University Place. The landlord is the trustee of the Sailors Snug Harbor in the City of New York.

The lease was made March 1, 1955, and requires that University - 8th Corporation build on the site a large modern apartment building. The rent payable under the lease was negotiated on the basis of the zoning law as it then existed in 1955. Obviously, the number of apartments which can be contained in such a building will have a direct bearing on its income.

Last Spring, the City, on its own motion, rezoned the area

from 13th Street down to Washington Square, including the property owned by University - 8th Corporation. The effect of this rezoning was to reduce the area on which a building can be erected, thus decreasing the number of apartments which could be contained in such a building.

Following this result, University - 8th Corporation's architect made a computation of the number of units which can now be built in the proposed apartment building. Although there is now a substantial diminution in rental income, it is not enough to prevent our client, Samuel Minskoff & Sons, as builders, from going ahead with the venture.

The computation was based upon a fourteen-story and pent-house apartment house on the University Place site and an eleven-story building on the 8th to 9th Street sides on a plot of forty thousand five hundred square feet approximately, of which eleven thousand five hundred are now in a residence district and the balance in a local retail district.

Prior to March 1960, when there was a rezoning, there were approximately three hundred thirty-six thousand square feet of usable area exclusive of the cellar, in which there could be provided eight hundred ninety-five rooms.

After the March 1960 amendment, the number of usable square feet was reduced to three hundred twenty-eight thousand, and the number of rooms available to eight hundred seventy-two.

However, if the proposed zoning law is passed, the usable

square feet area would again be reduced to approximately two hundred twelve thousand and the number of rooms available down to five hundred fifty-four, or a loss of three hundred forty-one rooms.

This reduction is proposed without giving to the owners of property in this location any credit or allowance for the reduction in the area already made by the City last Spring.

We submit the result is highly unfair and especially so with respect to University - 8th Corporation, which made a contract five and a half years ago to pay a certain rental based upon the then existing law. It has not been able to commence building since University - 8th Corporation acquired the property subject to a number of leases, some of which are still in existence and do not terminate by their terms until December 1963.

It is the position of University - 8th Corporation that the entire area from 13th Street to Washington Square, which was the area rezoned by the City last March, should be exempted from the provisions of the new resolution or, alternatively, that some credit or allowance be made for that property so that it will at least be in proportion to other comparable areas of the City.

It is also respectfully requested that the grace period between the enactment of this proposed new resolution and its effective date, during which a builder can start construction and avail himself of the present law, be extended for at least two years or, in any event, much more than the ten months period which we understand the proposed law contemplates.

The present draft does not make it clear whether, in order to take advantage of that grace period, a builder need only file plans with the Building Department or must within that period also obtain the Building Department's approval of the plans and the issuance of a building permit.

If the new law will require the approval of plans and the issuance of a building permit, all within a ten-month period, no one will be able to comply because the Building Department does not have a large enough staff to process all the plans that will be submitted.

It is also respectfully suggested that the ten months then be extended to at least two years, if only to allow the Building Department to process the applications and plans and in order to make the method of operation workable.

In conclusion, it is our understanding that the situation which I have outlined here is one of a special circumstance, which will be taken into consideration before the plan is finally promulgated.

Thank you very much.

CHAIRMAN FELT: Thank you very much.

Is there anyone else who wishes to be heard on the resolution as a whole before we go into the mapping of Bronx and Manhattan?

Does anyone else wish to be heard on the resolution as a whole?

(No response.)

In other words, we have heard from everyone in this chamber who wishes to be -- or wished to be heard on the resolution as a whole?

CHAIRMAN FELT: If no one else wishes to be heard, Madame Secretary, will you please make the necessary announcement?

SECRETARY MALTER: We will now continue the hearing on the proposed zoning maps for the Borough of The Bronx.

(The hearing on the text concluded at 3:45 P.M. on Monday, September 18, 1960)