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TESTIMONY OF STATE SENATOR BRAD HOYLMAN BEFORE
THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS REGARDING THE
REQUEST FOR A VARIANCE AT 515 EAST 5TH STREET IN MANHATTAN
CALENDAR #245-12-A

May 12, 2015

Thank you for the opportunity to submit testimony today regarding the appeal by the owner of 515 East 5th Street in Manhattan for a variance from several requirements of the New York State Multiple Dwelling Law (Cal. No. 245-12-A). Almost a decade ago the owner decided to construct two additional floors, the sixth and seventh, in violation of local zoning codes. The owner has continuously refused to bring the building up to code. I maintain my belief that this application does not warrant an allowance by the New York City Board of Standards and Appeals ("BSA") and I strongly urge you to reject this application.

At the November 25, 2014 hearing on this calendar number, the BSA ordered the owner to remove the seventh floor. The Board repeatedly offered its assistance in procuring the necessary demolition and alteration permits from the Department of Buildings ("DOB"). Despite these efforts, the seventh floor remains intact nearly six months after the Board's original demand, and no efforts have been made to begin the demolition process. This is particularly concerning given that the seventh floor addition was ruled illegal in a prior BSA calendar item, and that the owner agreed at this hearing that the floor ought to be removed in light of this determination.

Further, the owner has yet to submit floor plans for alterations to the sixth floor even though they were asked to do so twice by the Board at previous hearings on this item on November 25, 2014 and March 8, 2015. These requests were made because the existing layout of the sixth floor is not in compliance with current city zoning laws nor will it be when the seventh floor comes down. While I am grateful to the Board for rejecting the owner's assertion that the sixth floor ought to be grandfathered in under the zoning law as an "existing non-compliant condition," the owner's continued dismissal of BSA directives and insistence on being granted a waiver before moving forward with any demolition suggests that they never intended to comply with local zoning laws in the first place. This owner has a history of engaging in similar misconduct, one example including the extra floor at 514-516 East 6th Street for which they have come before the BSA in the past. I am concerned that granting a variance for the

owner to maintain the sixth and seventh floors will set a precedent for similar illegal additions throughout the City.

In addition, I find the owner's apparent disregard for the need to bring the building in compliance with the fire safety code extremely troubling. It is my understanding that tenants in this building are concerned for their safety given the recent tragic explosion in the East Village, which was the result of illegal gas activity. The outdated fire safety measures have been a matter of importance to residents for years, but I would think recent events would put this non-compliance into perspective.

It continues to be clear that the owner has no interest in complying with the law and that these decisions are ultimately putting my constituents at risk. Granting a variance for this addition sixth and seventh floors would set a dangerous precedent for similar illegal additions. As such, I respectfully ask the Board to deny the owner's request for a waiver, or at the very least, to table this calendar item pending the removal of the seventh floor as ordered by the BSA.