



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

Testimony On St. Marks Place Air Rights Transfer

[Brad Hoylman-Sigal](#)

September 24, 2020

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Read Senator Hoylman's testimony with Assembly Member Deborah Glick on air rights at 3 St. Mark's Place:

Thank you for the opportunity to testify today regarding the proposed transfer of 8,386 square feet of air rights from the landmarked 4 St. Mark's Place (Hamilton-Holly House) to the site across the street at 3 St. Mark's Place. If approved, this transfer of air rights could result in the construction of a ten story building at the corner of St. Mark's Place and Third Avenue in Manhattan's East Village neighborhood that will be entirely out of character on this historic block with mostly 4 and 5 story buildings. We join Community Board 3, Manhattan Borough President Gale Brewer, neighborhood preservationists, and residents in strongly urging you to vote against this application.

This application also proposes to modify the height and setback requirements of ZR Section 33-432 of the zoning code which would allow the developer to penetrate the maximum front wall height and sky exposure plane. And, while the proposed agreement would create a fund for the ongoing maintenance of the historic Hamilton-Holly House, we believe that 5% of the sale is trivial in relation to what the community is being asked to accept. We have deep reservations regarding the terms of the transfer for this project and the legitimacy of a change to the zoning resolution that will facilitate the construction of a building with about twice as many stories as others on this historic block.

We fully support the sentiments raised by Manhattan Borough President Gale Brewer in her February 2020 ULURP recommendation and by Community Board 3 in their December 2019 resolution opposing this application, as well as residents and neighborhood preservationists who have expressed concerns, including the Greenwich Village Society for Historic Preservation and the East Village Community Coalition. We thank them for their advocacy. The importance of community input cannot be understated and our community has spoken out against this proposal, which would degrade the unique character and rich cultural history of our neighborhood.

While the developers may be willing to allocate an amount for perpetual maintenance of the Hamilton-Holly House, there does not exist a guarantee that further development will not put the historic house at risk. Moreover, while the plan to help fund the preservation of the historic Hamilton-Holly House is represented as the public benefit, it does not account for the broader context of this neighborhood whose unique character is constantly threatened by development pressures.

In recent years, this neighborhood has been impacted by zoning changes that are leading to the overdevelopment of office space and taller buildings that are out of context within this historic area. If the Council approves the developer's wish to transfer air rights to build a tall structure at the entrance to this historic street, it could inspire further out-of-context development on St. Mark's Place.

Even without the additional square footage that would be awarded if this air-rights transfer is approved, at 42,000 square feet, 3 St. Mark's Place will still be significantly larger than the surrounding buildings. This will already be a tall building for the block, and approving the transfer of air rights would allow an even taller and more out of context building to be built.

We always have reservations with projects that are approved contingent upon an air rights transfer in exchange for the restoration or improvement of a notable building. Historic buildings are frequently purchased and improved within the bounds of LPC regulations without the need for a community to accept a taller structure. Furthermore, we do not want to create precedents that would encourage developers to use air-rights transfers, as rare as they may be, to build taller structures that siphon light and air from historic, low-rise neighborhoods.

At a time when the commercial office market is in a pronounced downturn in New York City and throughout the country because of the COVID-19 pandemic, we feel that a zoning text amendment creating new office space of this size is unwise. In other ULURPs involving a transfer of development rights predicated on real estate market trends which seemed attractive at the time, we have found that the shifting economic realities look less attractive to developers who then invoke alternative options and obviate the concessions made for local communities. We are concerned something similar can happen here.

The Hamilton-Holly House should be preserved on merit for being a notable structure in our community that represents an important part of New York City history, not necessarily because a sale of air-rights made that possible. For these reasons we ask that you vote against this application. Thank you.