

Alida Camp
Chair

Will Brightbill
District Manager



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The City of New York
Community Board 8 Manhattan

April 18, 2019

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

The Honorable Carl Heastie
Speaker, NYS Assembly
LOB 932
Albany, NY 12248

The Honorable Andrea Stewart-Cousins
Majority Leader, NYS Senate
188 State Street, Room 907, LOB
Albany, NY 12247

RE: Resolution Supporting A5026 and S3820 regarding the definition of floor area and what is excluded in the measurement of floor area.

Dear Governor Cuomo, Speaker Heastie, and Majority Leader Stewart-Cousins,

At the April 17, 2019 Full Board meeting of Community Board 8 Manhattan, the Board adopted the following resolution by a vote of 37 in favor, 0 opposed, 1 abstention, and 1 not voting for cause:

WHEREAS, in recent years, several buildings have been completed using tall, inflated mechanical or structural floors to elevate upper story units above the surrounding context and improve their views; and

WHEREAS, the NYC Zoning Resolution presently allows floor space containing mechanical equipment to be excluded from the floor area calculation and does not specifically identify a limit to the height of such spaces; and

WHEREAS, at the February 22, 2019 CB8 Land Use and Full Board meeting, the Board approved a resolution in support of an Application by Department of City Planning to modify residential tower floor area provisions in ZR 23-16 relating to Mechanical Voids in Residential Towers (N 190230 ZRY); and

WHEREAS, the resolution passed by CB8 called for the closure of additional loopholes that were not addressed in the Text Amendment, including unenclosed mechanical voids or stilts, gerrymandered zoning lot mergers, outdoor and unenclosed spaces, amenities, and other building areas not used for accessory building mechanicals that have inappropriate floor-to-floor heights; and

WHEREAS, the NYC Department of City Planning has agreed to study these loopholes over the next year, but over that time more buildings will be built that take advantage of these loopholes; and

WHEREAS, Assembly Member Linda Rosenthal and NY Senator Robert Jackson have introduced legislation to amend the Multiple Dwelling Law to refine the definition of floor area and what is excluded in the measurement of floor area; and

WHEREAS, this legislation aims to ensure developers are building within the intention of the multiple dwelling law by closing existing loopholes; and

WHEREAS, this legislation imposes restrictions on the size of allowable mechanical voids, and among other restrictions, sets a ceiling height cap of 12 feet before inclusion in floor area calculations, and ensures that balconies, terraces, and other unenclosed spaces will be counted towards a building's total floor area;

THEREFORE, BE IT RESOLVED that Community Board 8 Manhattan supports A5026 and S3820 regarding the definition of floor area, and calls on the New York State Legislature to schedule a hearing for these bills.

Sincerely,

A handwritten signature in black ink that reads "Alida Camp". The signature is written in a cursive, flowing style.

Alida Camp, Chair

cc: Honorable Bill de Blasio, Mayor of the City of New York
Honorable Carolyn Maloney, 12th Congressional District Representative
Honorable Gale Brewer, Manhattan Borough President
Honorable Liz Krueger, NYS Senator, 28th Senatorial District
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District
Honorable Ben Kallos, NYC Council Member, 5th Council District
Honorable Keith Powers, NYC Council Member, 4th Council District