



**TESTIMONY REGARDING CITYWIDE
MECHANICAL VOIDS TEXT AMENDMENT**

Item No. 40, N 190230 ZRY

March 13, 2019

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Good afternoon commissioners, I am testifying on behalf of **Village Preservation**, *the Greenwich Village Society for Historic Preservation*, the largest membership organization in Greenwich Village, the East Village, and NoHo. The rampant and increasing abuse of our zoning text by developers using fake mechanical voids to inflate the size and height of their buildings is a serious problem which needs to be addressed immediately.

Unfortunately, the Voids Text Amendment the Department has proposed would not only do little if not nothing to solve the problem, it could arguably make it worse.

Even a layperson can look at this proposal and see how full of loopholes it is; developers will have a field day with it. It explicitly allows one 25 foot tall “mechanical floor” every 75 feet, regardless of whether or not the floor serves any function whatsoever meriting zoning exemption. It allows unlimited voids to be added to buildings to increase their height, so long as they are unenclosed. And it allows developers to continue to include an unlimited amount of enclosed mechanical void space without it counting towards zoning square footage, as long as a fraction of the building is dedicated to commercial space, and the mechanical void is labeled as serving commercial, rather than the residential, uses.

What’s so particularly disheartening and disingenuous about this proposal is that it would be so easy to produce a fair, clear, and rational proposal which actually did address this shell game being played increasingly frequently with our zoning. The Commission could for example set an appropriate limit for the percentage of a building which can count as zoning-exempt mechanical spaces, and any amount which exceeds that could count towards the zoning. The Commission could define what is necessary mechanical equipment for a residential building, and only allow such equipment and the volume necessary to house it to be exempt from zoning, no longer allowing endless voids or unnecessary equipment to count. The Commission could place reasonable limits on the heights of floors, or even of buildings in residential areas, to prevent this kind of abuse. It could make

sure these limits apply to mixed-use buildings and not just purely residential ones. And certainly it could raise the required distance between mechanical floors from a meager 75 feet to something much more reasonable like 200 feet.

Unfortunately, this proposal does none of these. It seems almost by design to accomplish nothing, while explicitly enshrining in the zoning text that voids which serve no purpose other than to subvert zoning and inflate the size and height of buildings are perfectly legal, so long as they are labeled “mechanical space” and wear the fig leaves proscribed in this measure.

New Yorkers deserve better. We deserve real measures to ensure the integrity of our zoning regulations, and ones that prevent, rather than abet, flagrant flouting of the rules.