

State of New York     )  
                                  )ss.:  
County of New York    )

**ROBERT JAY SHOCKLEY**, being duly sworn, deposes and says:

***My Background***

1. I am a professional historic preservationist. I graduated with distinction from the University of Wisconsin, Madison in 1975, with a Bachelor's of Arts Degree in History, and a concentration in Architectural History. I also completed the coursework for a Master's of Science in Historic Preservation from Columbia University in 1980, while I was working at the New York City Landmarks Preservation Commission ("LPC") as a part-time research consultant.
2. In 1980, I was hired as a full-time survey and research staff member by LPC. For more than 35 years thereafter until my retirement from the LPC in February of 2015, I worked predominantly as a research historian, including seven years as Deputy Director of Research. At the time of my retirement, I was the LPC's senior historian.
3. I also am a property owner on the edge of the Gansevoort Market Historic District, which this lawsuit concerns, near the corner of 8th Avenue and West 13th Street -- less than three blocks from the site of the proposed project, which I understand to be the entire south side of Gansevoort Street, between Greenwich and Washington Streets.
4. During my 35½ years of employment at the LPC, I researched and authored more than 100 designation reports covering all aspects of New York City's architectural, social and cultural history, including Morningside Park, Seventh Regiment Armory Interiors, Starrett-Lehigh Building, Manhattan Co. Building (40 Wall Street), Apollo Theater, Bell Telephone Laboratories Complex, Macomb's Dam Bridge, Riverdale Historic District, and the Greenwich Village Historic District Extension. One of the most comprehensive reports I ever researched and wrote for the

LPC was the designation report for the Gansevoort Market Historic District (“Designation Report”).

5. A designation report sets forth the architectural, social, cultural and/or historical significance of a historic district in detail, and articulates how and why an area qualifies for designation under the New York City Landmarks Law. It also sets forth criteria to assist in the future regulation of the historic district. These reports, which are public record, are completed following public hearings at the LPC, at which all stakeholders can offer testimony for or against designation. At the end of the hearings, and based upon the designation report, the LPC determines whether or not to designate a particular geographic area of the City as an historic district.

6. I researched the proposed Gansevoort Market Historic District between March and September of 2003. The hearing at which testimony was received with respect to the proposed the designation of the Gansevoort Market Historic District was held on March 18, 2003. Fifty-six people spoke in favor of designation. The Gansevoort Market Historic District was designated approximately six months later, on September 9, 2003, following debate, polling and voting by the Commissioners.

#### *The Developers’ Applications for Certificates of Appropriateness*

7. As set forth above, I retired from my work at the LPC in February 2015.<sup>1</sup> Apparently, after I retired, the Developers in this case filed applications for three Certificates of Appropriateness (the “Applications”), requesting permission to, among other things, enlarge, demolish and otherwise dramatically alter the signature market buildings of the Gansevoort Market Historic District on the south side of Gansevoort Street between Greenwich and Washington Streets (“Project Block”). I further understand that hearings were held before the LPC on these

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<sup>1</sup>Although I was paid by the LPC until February 2015, my last day of work was actually in December 2014.

Applications on November 10, 2015, February 9, 2016 and June 7, 2016, and that a decision was rendered by the LPC at the end of the June 7th meeting to grant the Applications (“Determination”). In particular, the LPC granted Certificates of Appropriateness that authorized alteration of 46-50 and 52-58 Gansevoort Street; the substantial enlargement of 60-68 Gansevoort Street; and the demolition and construction of a new tall building at 70-74 Gansevoort Street. Since all of these events post-dated the date of my retirement from LPC, I obviously had no involvement in them.

8. For the reasons set forth below, I am reasonably certain, both as an historic preservationist and the author of the Designation Report, that the overall effect of the proposed development (“Proposed Development”) would: (i) severely compromise the integrity of the block that represents the quintessential character of the Gansevoort Market Historic District; (ii) contradict the very intent and purpose of the designation; and (iii) set a precedent which would endanger the continuing existence and vitality of the Gansevoort Market Historic District and potentially other historic districts throughout the City.

### ***Discussion***

9. The Project Block is very much the “heart and soul” of the Gansevoort Market Historic District. Not only is this reflected throughout the Designation Report, but further it was because of the primacy of the market buildings that a photograph of the Project Block was chosen for the cover page of the Designation Report. *See*, Designation Report dated September 9, 2003, attached as Exhibit 1 to the Verified Petition, that depicts a building (52-58 Gansevoort) near the very center of the Project Block. All of the buildings comprising the Project Block were either purpose built as one- to two-story market buildings, or were altered to that condition *circa* 1937-1942. These buildings include 60-68 Gansevoort and 70-74 Gansevoort, which buildings I understand the

Developers seek to permanently change and convert into taller edifices.

10. Aside from the cover photograph, the Designation Report carefully sets forth the historical, cultural, aesthetic and architectural values, features and attributes of the historic market buildings. This appears throughout each section of the Designation Report.

11. *First*, in the Summary Section of the Designation Report (at p. 4, emphasis added), the LPC recognized that:

the unusually wide Gansevoort Street *assumed its distinctive character of low-rise market buildings* with metal canopies ... through such new construction as the fruit/produce market building No. 46-50 ... and newly adapted structures, including No. 52-58 (formerly James C. Hoe & Co.), altered as a market building in 1937, and No. 60-68 (1880-81 tenements), reduced to a two-story market building in 1940.

The Project Block was one of the only blocks within the Gansevoort Market Historic District that was singled out in this manner. The Summary of the Designation Report (*ibid.*, page 4, emphasis added) specifically states:

Typically, commercial redevelopments of neighborhoods in New York City involved the demolition of earlier buildings for structures housing new uses. However, one of the District's unique qualities is that earlier buildings were retained and altered to market uses.

In the listings of Building Types found in the second appendix following this section of the Designation Report, at pp. 28-29, Nos. 60-68 and 70-74 are delineated as Market Buildings, not as tenements.<sup>2</sup> This is relevant since the Application for 60-68 Gansevoort Street used the “reasoning” that the Developers were “restoring” some of these properties as tenements.

12. *Second*, in the History and Development section of the Designation Report, it states at p.17, in pertinent part, that

[m]any of the buildings in the district that were architecturally adapted for market functions were properties acquired through foreclosure at the height of the

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<sup>2</sup> There is, in fact, only one tenement building left in the District that has not been cut down, 641 Hudson Street. (Designation Report, at p. 28).

Depression. Most of these buildings were functionally maximized at two stories (vacant, formerly residential, upper stories were no longer necessary): the lower story was refrigerated for produce or meat use and the upper story held offices. The unusually wide Gansevoort Street assumed its distinctive character of low-rise market buildings with metal canopies at this time, largely through such newly-adapted structures, including the vernacular style No. 52-58 (formerly James C. Hoe & Co.), altered as a fruit and produce market building in 1937 (S. Walter Katz); and the neo-Grec style No. 60-68 (five 1880-81 tenements), reduced to a two-story market building in 1940 (Voorhees, Walker, Foley & Smith).

13. *Third*, and as set forth in the Petition, in the Building Entries and Photographs section of the designation report, the significance of the buildings on the Project Block to the overall district designated by the LPC is also explicit in the detailed descriptions of the four buildings themselves on pp. 120-29. After the description of each Historic Market Building, the following language was included:

*[t]his building ... contributes to the historically-mixed architectural character and varied uses – including market-related functions – of the Gansevoort Market Historic District.*

*Ibid.*, at pp. 123, 125 and 128. The reason that this statement was included was to emphasize the central importance of the Gansevoort Market Historic District's character, design, architecture and history *as a market district*.

14. *Finally*, the Findings and Designation portion of the Designation Report specifically delineates the legal reasoning behind the designation. It summarizes the historic, cultural and architectural significance of the Gansevoort Market Historic District as a surviving market district, and details its characteristics. It also further repeats the concept "that in contrast to the typical commercial redevelopment of neighborhoods in New York City that involved the demolition of earlier buildings for structures housing new uses, one of the district's unique qualities is that earlier buildings were retained and altered to market uses."

15. As a professional preservationist intimately familiar with the Gansevoort Market Historic

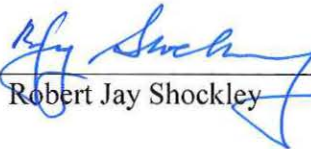
District, I am reasonably certain that the Proposed Development on the Project Block is entirely at odds with the intent of the designation, which was to preserve and protect the authentic experience of this Gansevoort Market Historic District for New Yorkers and visitors, as manifested by the historic market buildings on the Project Block.

16. In my opinion, the LPC's decision that it is "appropriate" to build a 60 foot tall faux-tenement on top of the market buildings at 60-68 Gansevoort Street and/or to demolish the existing one-and-a-half story market building at 70-74 Gansevoort Street to build a 97 foot tall faux-warehouse and the LPC's related "conclusion" that these actions constitute a "restoration" of the earlier tenement buildings represent a rank departure from the Findings and Designation of the Designation Report, as well as the underlying rationale for the designation in the first instance. While it is true that tenement buildings once dotted its streetscapes in an earlier part of its history, the only significance of these buildings to the Gansevoort Market Historic District is, as shown above, the manner in which some of the tenements were converted into market buildings to serve the market industry that developed during the latter part of the 19<sup>th</sup> Century. This district wasn't designated on the basis of the architecture of the earlier tenement buildings (most all of which had been cut down by the time this became a market district) and this district was not designated the Gansevoort Tenement District. Allowing 60-68 Gansevoort and 70-74 Gansevoort to be altered or demolished, as proposed, would destroy the very defining architectural, historical and aesthetic features of the Gansevoort Market Historic District that the designation, as outlined in the Designation Report, endeavored to protect. With these buildings altered as proposed, the key Project Block in the Gansevoort Market Historic District would become a series of intermixed, out-of-character structures that would no longer define the history of the District, its culture or architectural aesthetic as a significant marketplace.

17. In my 35 plus years as a professional preservationist at the Landmarks Preservation

Commission, I cannot recall another instance of the Commission granting a Certificate of Appropriateness under the same or similar circumstances. As a professional preservationist and a longtime New Yorker with an undying appreciation of its history and architecture, I cannot sufficiently express my concern that the historic districts and neighborhoods of New York City may suffer if the LPC's decision is allowed to stand.

18. I respectfully urge the Court to reject the LPC's Determination and ensure the continuity and integrity of New York's most precious neighborhoods and resources.

  
Robert Jay Shockley

Sworn to before me this  
31 day of October, 2016

  
Notary Public

LUIGINA MUNGIOLI  
Notary Public, State of New York  
No: 01MU6173967  
Qualified in New York County  
Commission Expires: September 10, 2019