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THE SENATE  
STATE OF NEW YORK

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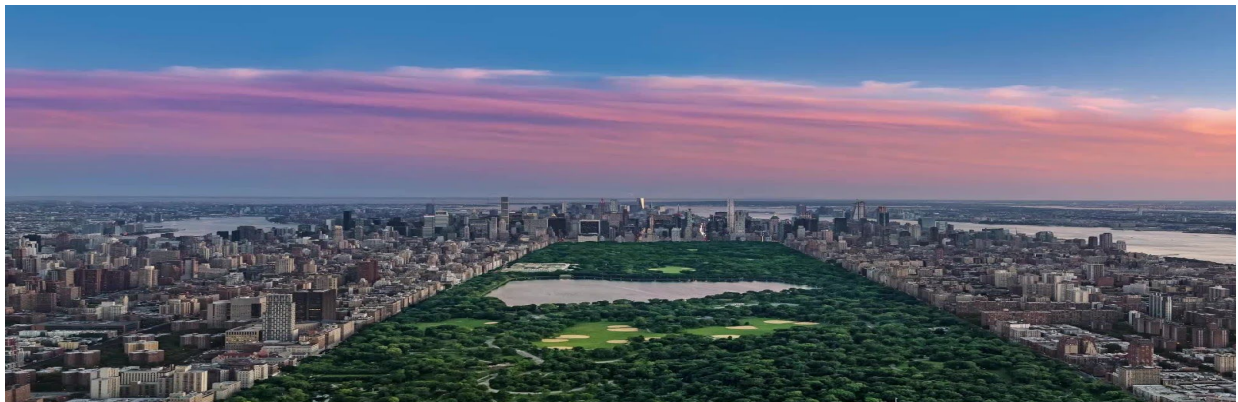
Dear Senate Colleagues:

I have introduced legislation (S.3820-A/A.5026-A), along with Assemblymember Linda Rosenthal, to close the mechanical void loophole, in which these voids are not counted in building's floor area ratio.

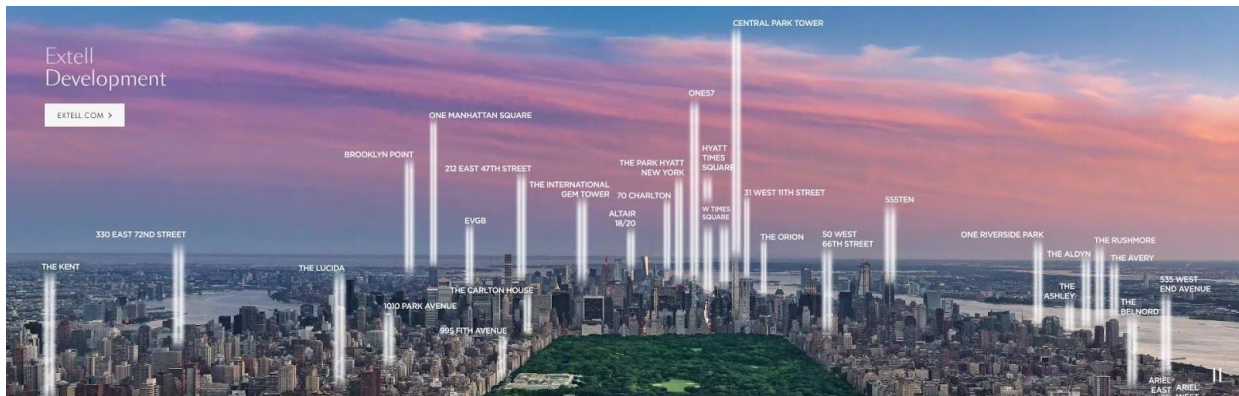
Developers are using this loophole in the multiple dwelling law to circumvent the floor area-ratio (FAR) limits that were put in as a size cap on new development in an area. When developers exploit the current law to build super towers, far taller than would otherwise be allowed by zoning, designating a huge and unnecessary amount of building space for mechanical infrastructure, like HVAC, goes against the spirit of the law. In actuality, this mechanical space is often an empty void, whose only purpose is to improve the views of the upper units, and help developers fetch a higher price on the market.

The current nature of the law excludes mechanical void space from a building's total FAR calculations. Some developers have proposed buildings that require the use of as much as 150 feet - nearly 15 stories - of total building height for mechanical infrastructure. While technically such buildings are in compliance with the letter of the multiple dwelling law, a building of this gargantuan size does not comport with the spirit of the law.

Below is the current skyline of New York City. Although there are existing skyscrapers, super towers do not dominate the skyline.



Below is the proposed skyline by merely one developer. These super towers will fundamentally alter the skyline and neighborhoods of New York City.



For a city starved for affordable housing, with nearly half the population being rent burdened, super towers filled with empty space are counterproductive. The resulting luxury towers are out of context with surrounding communities. They block our neighbors' access to light and air, cast shadows upon surrounding neighborhoods, strain neighborhood infrastructure, and raise housing prices, the cost of area goods, and services for all New Yorkers.

Affordable housing is not just a building issue. It is a neighborhood issue. These super towers will make more of our neighborhoods unaffordable for everyday New Yorkers.

Central Park Tower, for example, will stand at a staggering 1,550 feet, making it the tallest residential building and 15th tallest building in the world. Apartment prices in this super tower range from \$6.9 million to \$63 million, and it should be noted that the unit that sells for \$63 million is located on the 112th floor.

The New York City Department of City Planning has proposed a zoning text amendment that advocates and experts agree does little, if anything, to address this gaping loophole. Because of this, we must pass this legislation as a comprehensive effort to ensure that developers comply with both the letter and the spirit of the multiple dwelling law. If loopholes such as this one are given are allowed today without mitigation, your neighborhood and skyline will be compromised next. Again, 99 percent of our constituents will be disadvantaged to benefit developers and the “one percent” who benefit from their work.

I have attached a buckslip for your convenience should you decide to join me in sponsoring this legislation. Should you have any questions, please contact my Policy Director, Matthew D. Levy, at [levy@nysenate.gov](mailto:levy@nysenate.gov) or (212) 544-0173.

In Unity,

Robert Jackson