

# CITYLAND

SEPTEMBER 2012

CENTER FOR NEW YORK CITY LAW

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The City Council denied an application for an unenclosed sidewalk cafe for Buschenschank restaurant at 320 Court Street in Carroll Gardens, Brooklyn. Credit: *CityLand*.

## CITY COUNCIL

### Sidewalk Cafe Permit

Carroll Gardens, Brooklyn

### Council Denies Sidewalk Cafe Permit for Court Street Restaurant

*City Council reacted to application's inaccurate architectural renderings and restaurant's history of noise complaints.* On August 22, 2012, the City Council denied [Buschenschank](#) restaurant's application for an unenclosed sidewalk cafe at [320 Court Street](#) between Degraw and Sackett Streets in Carroll Gardens, Brooklyn. The application called for 24 tables and 48 chairs fronting Court Street.

At the Council's Zoning & Franchises Subcommittee hearing, a representative of local Council Member Brad Lander and a representative of

Brooklyn Community Board 6 testified in opposition. In a statement read by his policy director, Michael Freedman-Schnapp, Council Member Lander urged his colleagues to deny the application. Lander noted that Buschenschank's application to the City's Department of Consumer Affairs had inaccurately measured the sidewalk width and had not provided enough pedestrian space between a bike rack and the proposed outdoor cafe. In addition, Lander stated that more than two dozen noise complaints about the restaurant had been registered with 311, and that the NYPD had issued the restaurant a noise violation.

Gary Reilly, chair of CB 6's Permits & Licenses Committee, reiterated Council Member Lander's concerns, pointing out that the restaurant had only *(cont'd on page 101)*

## Other Voices on Stop-and-Frisk

The *New York Times* cannot keep other voices from being heard on NYPD's stop-and-frisk policy. On August 15, 2012 the *Times* recalled the murder of Matt Shaw, a black 21-year-old college graduate who was gunned down in a case of mistaken identity. The article reported that the Manhattan District Attorney's Office had arraigned in State Supreme Court a 20-year-old gang-member as the alleged shooter. Matt's mother, Paula Shaw-Leary, went to court to witness the arraignment.

The *Times* quoted Matt's mother as saying that "I just don't like New York in the summer for children. They have nothing to do, and everybody has a gun." Not until the eighteenth paragraph did the reader learn Matt's mother's views about stop-and-frisk. "She hoped," the *Times* wrote, "that more people and politicians from African-American neighborhoods would join leaders like Mayor Michael R. Bloomberg and Police Commissioner Raymond W. Kelly in their efforts to get guns off the streets."

"Our kids are black and they're the ones killing each other," Matt Shaw's mother said.

Matt Shaw's mother's cry reveals the other side of stop-and-frisk. Among the Bloomberg Administration's strongest initiatives has been its battle against guns. Critics of stop-and-frisk like the *Times* may have their point, but voices of support like Matt Shaw's mother display an undercurrent of grass-roots support for stop-and-frisk. The NYPD's policy gets guns off the street where guns are the danger. As the *Wall Street Journal* reported on August 18, 2012, "black victims were killed by blacks 94 percent of the time."

Debate is not enlightened by such articles as appeared in the *Times* on August 16, 2012. In a four-column, two-page article the *Times* headlined that "Force" is more often used in stops in black and Hispanic neighborhoods than other neighborhoods. Force implies violence, but nowhere in the article was the term "Force" defined. The definition was buried in the key to an accompanying map. "Force" included everything from the police "putting hands on a suspect to [police] drawing and pointing firearms," a definition so broad that the value of the article was lost, but, of course, the headline remained.

Matt Shaw's mother was more direct, and provided for the *Times'* readers a human, grassroots, and persuasive rationale for Mayor Bloomberg and Commissioner Kelly's efforts to get guns off the streets.

Ross Sandler

<h3>CITYLAND</h3>			<p>.....</p> <p>The Center expresses appreciation to the individuals and foundations supporting the Center and its work: The Steven and Sheila Aresty Foundation, Fund for the City of New York, The Durst Foundation, The Charina Endowment Fund, The Murray Goodgold Foundation, Jerry Gottesman, The Marc Haas Foundation and The Prospect Hill Foundation.</p> <p>.....</p> <p><b>CITYLAND</b> (ISSN 1551-711X) is published by the Center for New York City Law at New York Law School, 185 West Broadway, New York City, New York 10013, tel. (212) 431-2115, fax (212) 941-4735, e-mail: nycitylaw@nyls.edu, website: www.citylaw.org © Center for New York City Law, 2012. All rights reserved. Printed on recycled paper. Maps presented in <b>CITYLAND</b> are from Map-PLUTO copyrighted by the New York City Department of City Planning. City Landmarks and Historic Districts printed with permission of New York City Landmarks Preservation Commission.</p> <p>POSTMASTER: Send address changes to <b>CITYLAND</b>, 185 West Broadway, New York, New York 10013-2921. Periodicals postage paid at New York, New York.</p>
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been open a short time, yet already attracted numerous noise complaints. According to Reilly, Buschenschank had been “the least cooperative of any applicant” to come before CB 6 during his tenure. Peter Janosik, a City Council Land Use Division staff member, visited the site and testified that Buschenschank’s architect had submitted inaccurate self-certified plans.

James McGown, the owner of Buschenschank, acknowledged CB 6’s concerns, but argued that his restaurant met the applicable noise ordinances. McGown claimed that the NYPD noise violation had been dismissed after an “administrative hearing.” He also claimed that the 311 noise complaints were “largely” coming from two individuals who had “a personal vendetta against me.” In addition, McGown testified that he refused Council Member Lander’s recommendation to withdraw and resubmit a modified application due to the costs associated with the process.

Chair Mark Weprin recessed the hearing without calling for a vote.

When the Subcommittee reconvened the next day, Michael Freedman-Schnapp testified that Council Member Lander had been unable to reach an agreement with Buschenschank to modify the application. According to Freedman-Schnapp, Buschenschank refused to reduce the number of tables and chairs, to limit the hours of the sidewalk cafe, and to close its large windows at “reasonable hours.” Prior to calling for a vote, Chair Weprin stated that the application should be denied because of “serious concerns” about quality of life issues raised by the local community, and because Buschenschank’s application contained inaccurate architectural renderings.

The Subcommittee unanimously voted to disapprove the application. The Land Use Committee and full Council followed suit.

Council: [Huitres NYC Inc., d/b/a](#)

[Buschenschank/320 Court Street](#)  
(August 22, 2012).

## CITY PLANNING COMMISSION

Rezoning/Text Amendment  
Hudson Square, Manhattan

### Proposed Special Hudson Square District Begins Review

*Trinity Church proposed that 18 blocks be rezoned to allow residential uses and accommodate the Church’s future development project near Duarte Square.* On August 20, 2012, the City Planning Commission certified [Trinity Church’s](#) proposal to create the [Special Hudson Square District](#) in Manhattan. The Special District would include 18 blocks generally bounded by West Houston and Canal Streets, Avenue of the Americas, and Greenwich Street. Trinity Church controls approximately 39 percent of the lot area within the proposed Special District. The area’s M1-6 zoning permits manufacturing and commercial uses, but prohibits residential uses and does not set maximum building heights. The stated goals of the Special District

include permitting the expansion and new development of residential, commercial, and community facility uses while promoting the retention of commercial and light manufacturing uses.

Under the proposal, the area’s underlying M1-6 zoning would remain, but the [Special District regulations](#) would permit residential uses, provide incentives to create affordable housing, and establish building height limits and setback requirements to reinforce existing neighborhood character. The Special District would include a residential development goal of approximately 2,200 new residential units. The proposal would also establish two subdistricts with individually tailored regulations in the southern portion of the Special District.

The Special District’s maximum floor area ratio would be 10.0 for non-residential uses and 9.0 for residential uses (up to 12.0 through inclusionary housing bonuses). Building heights would be set at a maximum of 185 feet on narrow streets and 320 feet on wide streets, which include Avenue of the Americas, and Greenwich, Hudson, Varick, and Canal Streets. New resi-



The southern boundary of the proposed Special Hudson Square District at the corner of Canal Street and Avenue of the Americas (view of Duarte Square Park). Credit: [CityLand](#).

dential development proposed on lots with existing buildings containing at least 70,000 sq.ft. of floor area would only be permitted if the new development replaced the non-residential floor area contained in the existing building. Ground floor retail space would be limited to 10,000 sq.ft. to restrict big-box stores, and bars and restaurants with a capacity of more than 200 people would need a special permit from the Board of Standards & Appeals. Developers would need a special permit from the Planning Commission to build a hotel with more than 100 rooms unless the Special District's residential development goal had been met.

The proposal would designate one block located at the southern tip of the Special District as Subdistrict A. The area is bounded by Grand Street, Canal Street, Avenue of the Americas, and Varick Street, and includes a vacant lot owned by Trinity Church and the Parks Department-controlled [Juan Pablo Duarte Square Park](#). Subdistrict A's regulations were tailored to accommodate Trinity Church's future redevelopment of the vacant lot. The regulations would allow for a 430-foot-tall building that would also include a public school component. The public school would be exempt from the floor area limits. The inclusionary housing program would not apply to Subdistrict A.

Subdistrict B would cover portions of four blocks centered at the intersection of Broome and Varick Streets. This area is near the entrance to the Holland Tunnel and features several Federal-style row-houses. The proposed regulations were designed to discourage the demolition of existing buildings and preserve the area's low-scale character. The maximum floor area ratio within Subdistrict B would be 6.0 for commercial and manufacturing uses, 6.5 for community facility uses, and 5.4 for residential uses (up to 7.2 through inclusionary housing bonuses). Maximum building heights would be set at 120 feet, with

a required setback at 85 feet.

The Planning Commission referred the certified application to Manhattan Community Board 2, which has until October 29, 2012 to review the proposal.

CPC: [Special Hudson Square District Certification](#) (C 120380 ZMM - rezoning); (N 120381 ZRM - text amendment) (August 20, 2012).

## CITY PLANNING COMMISSION

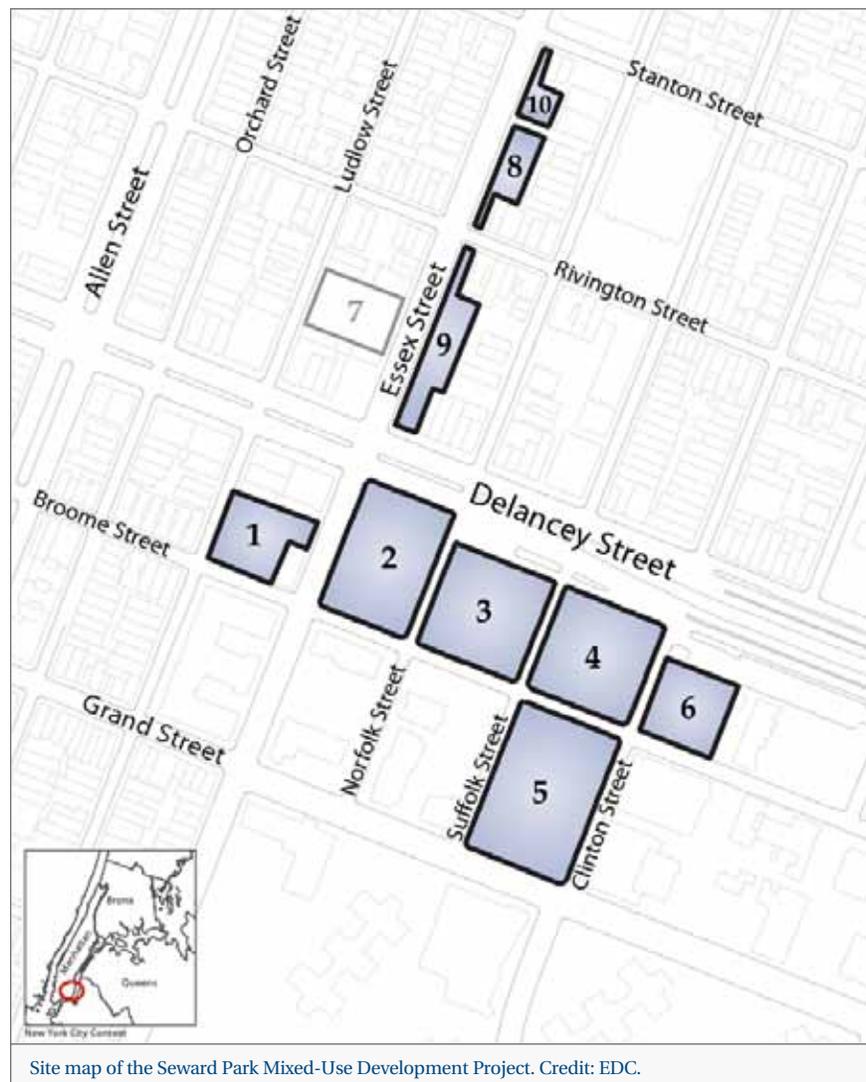
Rezoning/Text Amendment

Lower East Side, Manhattan

### Planning Commission Approves Seward Park Redevelopment Plan

*City's plan to redevelop urban renewal area in the Lower East Side*

would include 1.65 million sq.ft. of new development across nine City-owned sites. On July 11, 2012, the City Planning Commission held a public hearing on the New York City Economic Development Corporation's 1.65 million-square-foot, 900-unit Seward Park Mixed-Use Development Project in Manhattan's Lower East Side. The project site consists of nine City-owned lots on the north and south sides of Delancey Street between Ludlow and Clinton Streets. Three lots are north of Delancey Street and include the Essex Street Market building (Site 9) and two low-rise commercial properties (Sites 8 and 10). The remaining six lots are on the south side Delancey Street bounded by Ludlow and Clinton Streets and make up the proposed [Large-Scale](#)



Site map of the Seward Park Mixed-Use Development Project. Credit: EDC.

## General Development.

The lots below Delancey Street and east of Essex Street are within the 1965-created Seward Park Extension Urban Renewal Area (SPEURA) and used primarily for parking. Although the City redeveloped portions of SPEURA in the 1980s, the attempts to redevelop the project site were ultimately unsuccessful. The SPEURA designation expired in 2005, and in 2008 the City and local community entered into a long-term planning process that culminated in the current proposal.

EDC's proposal envisions six new buildings below Delancey. The proposed Large-Scale General Development site plan would allow the buildings at the southeast corner of Delancey and Essex Streets (Site 2), and the southwest corner of Delancey and Clinton Streets (Site 4) to be built up to 24 stories. The remaining four buildings (Sites 1, 3, 5 and 6) would be limited to 14 stories. The project would include 500 underground public parking spaces.

Future development of the three lots north of Delancey would be controlled by the underlying C4-4A zoning regulations. EDC's vision includes the relocation of the Essex Street Market to Site 2, across the street from its current home. The Market, however, would not be relocated until after completion of the new space. The new space would accommodate nearly twice the amount of vendors as the existing Market, and EDC would give existing vendors the first opportunity to relocate.

Sixty percent of the project's floor area would be allocated to residential uses, with the remaining 40 percent dedicated to commercial and community facility uses. The proposal's residential component includes setting aside half of the 900 dwelling units for low-, moderate-, and middle-income tenants. If the proposal is approved, the City, with input from Manhattan Community Board 3, would issue a formal request for proposals to select a developer (or developers) for the

project and identify the exact mix of uses and specific design elements for each site.

At its public hearing in July 2012, the Planning Commission heard testimony from residents both in support of and in opposition to the project. Representatives from CB 3 noted that the proposal was the result of three-and-half years of community planning, which included numerous open meetings and a large town hall-style event. CB 3 unanimously approved the proposal, but included a host of recommendations, including that the City require that each building provide a mix of affordable apartments, that all subsidized housing be permanently affordable, and that the City continue to consult with the community during the development process. Manhattan Borough President Scott M. Stringer supported the project, but offered several recommendations. Brian Cook, representing Stringer at the hearing, urged the City to continue working with the local community, and recommended, among other things, that the City reserve space on the site for a future public school.

Opponents of the plan, including representatives from the Chinese Staff and Workers' Association and Good Old Lower East Side argued that the project's entire housing component should be permanently affordable for low-income residents. Several residents and business owners reiterated the call for more low-income housing, and also claimed that the City's outreach efforts had been inadequate.

The Planning Commission unanimously approved the proposal, noting that the project site is the largest development site in Manhattan south of 96th Street. Noting that previous attempts to redevelop the area had failed, the Planning Commission praised CB 3 and the City for working for more than four years to develop a "solid consensus" on a balanced set of project goals. The Planning Commission found that

the proposal established an appropriate framework with a reasonable amount of design flexibility.

The proposal still needs to be reviewed by the City Council.

.....  
CPC: Seward Park (August 22, 2012).

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## CITY PLANNING COMMISSION

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### Rezoning

#### Soundview, Bronx

### Planning Commission Approves NYCHA's housing project in Soundview

*NYCHA-proposed rezoning would facilitate development of two eight-story buildings and 16 attached duplexes on an underutilized parking lot.* On August 22, 2012, the City Planning Commission approved NYCHA's proposal to develop a 238-unit, multi-building affordable housing project in the Soundview section of the Bronx. The 155,000-square-foot project site is on the southeastern edge of a block bounded by Randall, Bronx River, Lacombe, and Rosedale Avenues. NYCHA's 13-building Soundview Houses housing complex is north of the site, and the 205-acre Soundview Park lies to the southwest of the site. A portion of the project site is occupied by an underutilized 120-space parking lot used by the Soundview Houses.

NYCHA selected CPC Resources and Lemle & Wolff to develop the project. The project would include two eight-story apartment buildings, 16 attached two-family homes, and a total of 79 parking spaces. One eight-story building would include 85 one-bedroom units exclusively available for rent by senior citizens aged 55 and older and one three-bedroom unit for a superintendent. A second eight-story building would provide a total of 120 rental units, and include a mix of one-, two-, and three-bedroom apartments. Both buildings would be marketed to persons earning 60 percent or less of the area median income. The pro-

posed two-family duplexes would include a three-bedroom unit and a two-bedroom rental unit. NYCHA intends to make each unit available for purchase to persons earning 100 percent of area median income.

To facilitate the development of the project, NYCHA requested that the City rezone the majority of the block from R5 to R6. The R6 district's regulations would permit nearly double the allowable floor area and, rather than setting a specific height limit, building heights would be controlled by the sky exposure plane. In order to redevelop the parking lot, NYCHA needed, and obtained, a mayoral override of the zoning resolution's public housing parking requirements.

Bronx Community Board 9 recommended approval by a 20-0-5 vote. Bronx Borough President Ruben Diaz, Jr. also supported the plan, noting the importance of creating mixed-income housing opportunities in the Bronx.

No one testified in opposition at the Planning Commission's July 25 public hearing. Burton Leon, deputy director of NYCHA's Department of Development, testified that 25 of the rental units and six of the duplex units would be set aside for existing residents of the Soundview Houses and other NYCHA residents in the surrounding community and City. CPC Resources' Russell Lang testified that development of the project's first phase, which would include the two eight-story buildings, would begin in early 2013 and take 30 months to complete.

The Planning Commission approved the project, finding that the development would be consistent in scale to the adjacent Soundview Houses, and would create much needed affordable homeownership and senior housing opportunities.

The proposal still needs to be reviewed by the City Council.

.....  
CPC: Soundview Apartments (C 120173 ZMX – rezoning); (N 120174 ZCX – certification) (August 22, 2012).

## BOARD OF STANDARDS & APPEALS

### Appeal

Upper West Side, Manhattan

### BSA Approves Addition to UWS Townhouse

*Owners' plan to enlarge fourth-floor co-op violated multiple dwelling law.* In December 2010, Felix and Lisa Oberholzer-Gee sought a building permit to enlarge their 1,000-square-foot, fourth-floor co-op in a five-unit townhouse at 159 West 78th Street in Manhattan's Upper West Side. The Oberholzer-Gees proposed building a set-back, 646-square-foot rooftop addition. Buildings denied the permit because the plans violated the multiple dwelling law's restrictions on enlargements of converted dwellings. The Oberholzer-Gees applied to the Board of Standards & Appeals seeking to vary the multiple dwelling law's height and bulk regulations.

At BSA, the Oberholzer-Gees claimed that a complying proposal would cause practical difficulties because the multiple dwelling law prohibited a vertical enlargement, and a complying 234-square-foot horizontal enlargement would require a cantilevered extension blocking the light and air to the apartment below. The Oberholzer-Gees also noted that their proposal included a variety of fire safety measures, such as installing a new sprinkler system, using non-combustible materials throughout the building, and adding fireproof doors to all apartments.

Manhattan Community Board 7 objected to some design elements, but supported the proposal. The FDNY submitted a letter noting that it had no objection to the proposal.

BSA agreed to modify the multiple dwelling law regulations and allow the addition. BSA found that the Oberholzer-Gees had established that complying with the law would create a sufficient level of hardship. Citing the the proposed fire safety improvements, BSA also found



BSA approved a fifth-floor addition to a townhouse at 159 West 78th Street in Manhattan. Credit: CityLand.

that the proposal would maintain the multiple dwelling law's intent, which is to preserve public health, safety, and welfare.

.....  
BSA: 159 West 78th Street, Manhattan (83-11-A) (August 14, 2012) (Marvin B. Mitzner, for Felix and Lisa Oberholzer-Gee). CITYADMIN

## LANDMARKS PRESERVATION COMMISSION

### Landmark Designation

Fresh Meadows, Queens

### Cemetery Landmarked Despite Owner's Objections

*Despite the lack of visible grave markers, Queens cemetery found to contain sufficient historical and archaeological significance to merit designation.* On August 14, 2012, Landmarks designated the Brinckerhoff Cemetery at 69-65 182nd Street in the Fresh Meadows section of Queens as an individual City landmark. From 1730 to 1872, the site served as a cemetery for the then-rural community, including the prominent Dutch families who settled the area. A 1919 survey identified 77 gravestones and markers. However, no visible grave markers remain, and the property is overgrown with trees and shrubs.

## REBNY: Improve New York City's Landmarks Designation Process

The Landmarks Preservation Commission's (LPC) process for designating NYC historic districts is being used more and more to take the place of zoning. The designation of historic districts has been pursued to promote many different agendas: to address issues of height and scale, to stop new development and to limit development on vacant or near-vacant sites by purposefully including these sites within the boundaries of historic districts. These objectives are contrary to the intent of the NYC Landmarks Law and touch on actions specifically disallowed by that law, such as limiting the height and bulk of buildings and other characteristics governed by zoning regulations.

This continuing drift toward misusing the landmarks law as a planning tool to limit change across entire neighborhoods is evident in the [remarks by Otis Pearsall](#), a noted preservationist, at the [2011 Fitch Forum](#), a symposium on the history of preservation law:

But no one had the foresight to envision the flexibility of this law and its utility not only to preserve buildings and districts but entire neighborhoods. The neighborhood preservation idea came into vogue with Beverly Spatt, she was the one who first saw the potential here to use it as a planning tool...With 110 going on to 250 historic districts, one has step back a little bit and wonder just what exactly it is we are trying to achieve and what we are doing. Are we cheapening the brand or is this the correct thing to be doing? Until there is a mechanism here in the city to preserve neighborhoods, other than the landmarks law, the landmarks law is the name of the game and we're going to have to go charging ahead with the preservation of valuable neighborhoods through the historic districting mechanism.

The number and size of many of the historic districts that are now being designated, expanded, and proposed are indicative of this attempt to use the landmarks law to accomplish purposes for which it was not intended.

The impacts on the owners of property as well as the community as a whole are not adequately discussed or analyzed during the LPC designation process. For example, the current practice of the Landmarks Preservation Commission is to issue designation reports shortly before or even after designation. The late issuance facilitates the misuse of landmarking by providing insufficient time for property owners and interested parties to evaluate the basis of the designation and to prepare effective testimony before the LPC Commissioners at a public hearing. Also miss-

ing from the report are any guidelines describing the types of alterations that would be considered appropriate in the new district. Accordingly, we support the provision in City Council Intro 846 that would make a draft designation report publicly available at the time when the proposed district is placed on the LPC calendar. This would provide crucial information about the proposed designation to the property owners, elected officials and the public, and allow an owner a reasonable amount of time before the public hearing to evaluate the impacts on his or her property. It would also allow owners to update or correct any information in the report about their building. The current practice of releasing the designation report just prior to or after designation is too late for the public or owners to request changes or corrections because the designation decision has already been finalized.

A clear case of where the designation report revealed the faulty basis for designation was the 2010 extension of the SoHo-Cast Iron Historic District, which included properties on the west side of West Broadway, as well as Crosby, Lafayette, and Centre Streets. LPC drew the new district boundaries to incorporate a gas station and other vacant sites on the perimeter. The inclusion of these sites had nothing to do with preserving our historic and architectural heritage and everything to do with controlling the future development on the sites. As a result, LPC now can control what would be built on these sites. After the SoHo extension was designated, owners learned from the designation report that 67 properties in the extension fell into one or more of the following categories: a gas station, a vacant site, a "no-style" building, or a building that had been significantly altered. These 67 properties comprised 50 percent of the properties in the historic district extension. This information should have been available well in advance so that the owners of these 67 properties could submit testimony to the Commission contesting the overall rationale for the proposed district extension. One may reply that the Commissioners were aware of this information at the time of the designation. If so, then we believe this shows the questionable standards being used for designation.

It is time to open up the Landmarks Preservation Commission's designation process. A good first step would be releasing a draft designation report prior to calendaring to encourage more public discussion and participation in the process and to help prevent the improper use of the landmarks law.

— Steven Spinola

*Steven Spinola is president of the [Real Estate Board of New York](#).*



Recently designated Brinckerhoff Cemetery at 69-65 182nd Street in Queens. Credit: LPC.

The City foreclosed on the abandoned site in 1954, and sold the property to Joseph and Elizabeth DeDomenico. The Queens Historical Society and descendants of the Brinckerhoff family sued to reclaim the site in 1999. The DeDomenico family offered to sell the land to the Historical Society, but the group was unable to raise enough money in the time allotted. Linda's Cai Trading Inc. acquired the property in 2010.

At Landmarks [May 15, 2012 public hearing](#), wide support for landmarking was voiced by community residents, the community board, local elected officials, a descendant of the Brinckerhoff family, and preservation groups. A representative of Linda's Cai Trading opposed designation, arguing that the owner had paid taxes, possessed title to the property, and should be able to develop the land.

On August 14, 2012, Landmarks' General Counsel Mark Silberman stated that based on research and public testimony, there was "no reason to believe" that human remains were not still interred in the Cemetery. Silberman said that there was "a hope" that headstones may still be buried in the property, and added that the Cemetery had the potential to be restored or re-created. He explained that if the site were designated and the owner came forward with a development proposal, Landmarks would need to consider "what kind

of development, if any, [would be] appropriate."

Commissioner Diana Chapin said it was unfortunate that no visual evidence remained of the cemetery use, but found there was enough historical and archaeological significance to merit designation. Commissioner Margery Perlmutter concurred, but acknowledged that it might be difficult for the public to understand the property as an individual landmark without visible grave markers. Perlmutter added that any future development on the property would have to account for sub-surface conditions. Vice Chair Pablo Vengoechea supported designation, calling the Cemetery "a place of remembrance" and "sacred in many ways." Commissioner Michael Devonshire found the site an important reminder of Fresh Mead-

ows' rural history, and said that designation would create the possibility of reestablishing the site as a "spot of memory in New York City."

Prior to calling for a vote, Chair Robert B. Tierney acknowledged that the "non-traditional" designation raised some broad questions about regulation and preservation. Tierney noted that the potential to preserve the Cemetery had attracted enormous interest and community support. The commissioners unanimously voted to approve designation.

LPC: [Brinckerhoff Cemetery, 69-65 182nd Street, Queens](#) (LP-2087) (August 14, 2012).

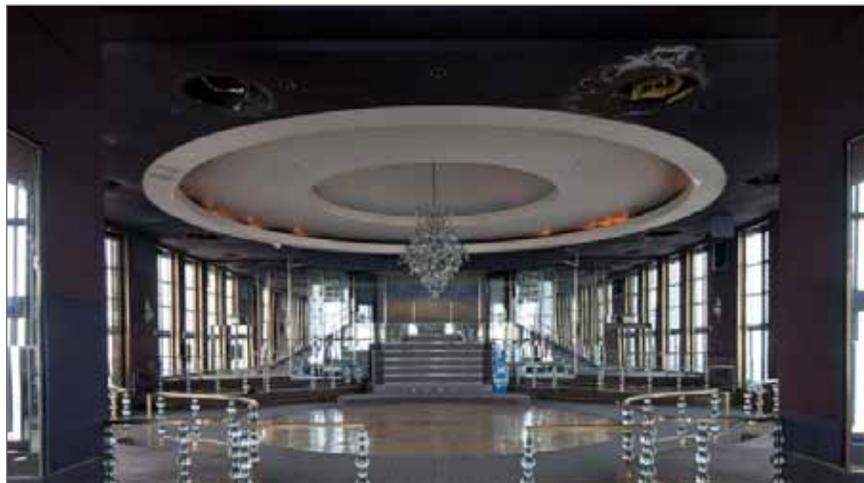
## LANDMARKS PRESERVATION COMMISSION

### Calendaring

Midtown, Manhattan

### Rainbow Room Enters Landmark Review Process

*Currently shuttered nightclub and restaurant venue on top of Rockefeller Plaza calendared for public hearing in September 2012.* On August 14, 2012, Landmarks took the first step to consider designating the Rainbow Room on the 65th floor of 30 Rockefeller Plaza as an interior landmark. The Rainbow Room has been closed since 2009, when Tishman Speyer Properties, the owner of



The Rainbow Room interior at 30 Rockefeller Plaza. Credit: LPC.

the building, evicted Cipriani Restaurants from the space.

The Rainbow Room opened in 1934, one year after the repeal of Prohibition. Described by Landmarks' staff as "streamline modern," the Rainbow Room was designed by Associated Architects, the same firm responsible for Rockefeller Center. Wallace K. Harrison acted as the lead architect and Elena Bachman-Schmidt oversaw the nightclub's interior design. The nightclub could accommodate 300 people for dining and dancing, and was known for its expansive views of Manhattan through the venue's 24 double-height windows. The Rainbow Room was conceived as an open space, without piers or columns, and it features a domed ceiling and a circular dance floor accessed by a wide descending stairway. Guests were seated on tiered platforms around the dance floor's perimeter. Crystal chandeliers and wall sconces added to the opulence of the space. The Rainbow Room was renovated and restored in 1987 under the supervision of architect Hugh Hardy, then of the firm of Hardy Holzman Pfeiffer Associates.

Chair Robert B. Tierney, led a unanimous vote to calendar the Rainbow Room for a public hearing, which is scheduled for September 11, 2012.

.....  
LPC: The Rainbow Room, 30 Rockefeller Plaza, Manhattan (LP-2505) ([August 14, 2012](#)).

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## LANDMARKS PRESERVATION COMMISSION

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Certificate of Appropriateness  
Cobble Hill, Brooklyn

### New Building and Carriage House Will Replace Walled Garden in Cobble Hill

*Landmarks suggested minor changes for proposed project at the corner of Henry and Kane Streets. On August 7, 2012, Landmarks approved a proposal to develop a four-story*



Approved design for new building at 437 Henry Street, Brooklyn. Credit: CWB Architects.



437 Henry Street's proposed rear facade and carriage house. View from Kane Street. Credit: CWB Architects.

building and two-story carriage house at 437 Henry Street in Brooklyn's Cobble Hill Historic District. The lot sits on the corner of Henry and Kane Streets, and is occupied by a concrete-walled garden. The carriage house would be built behind the main building and face Kane Street.

CWB Architects' Brendan

Coburn presented the proposal. Coburn noted that his firm had designed the three rowhouses proposed for an adjacent lot at 2 Strong Place, which Landmarks had [approved](#) in February 2012. Coburn said the Henry Street project would utilize the "same language" of brick and pre-cast brownstone materials common in the district. Both

the main building and the carriage house would feature brick facades, brownstone lintels, and fiberglass cornices. The four-story building's windows and cornice line would align with the neighboring buildings. A portion of the side wall would project slightly on the Kane Street facade to gain floor area. Mechanical equipment would be concealed within the building's attic. The building would have a slightly more modern design [at the rear facade](#), visible from Kane Street, with a two-story projecting bay window.

Coburn stated that the owner preferred a more modern building, but wanted to be sensitive to the neighborhood. Coburn noted that he had presented a more contemporary design to the Cobble Hill Association, but the Association "really didn't like it all."

The commissioners responded positively to the proposal, offering only minor criticisms on the choice of cornice material. Commissioner Joan Gerner commented that the building would be a "great addition to this neighborhood." Commissioner Michael Devonshire was "disappointed" by the choice of fiberglass for the cornice, saying it did not match the standards of the neighborhood. Vice Chair Pablo Vengoechea found that the project was appropriate, but said he would like to see more distinction between the main building and the carriage house. Commissioner Michael Goldblum urged the applicants to adopt a metal cornice, but otherwise found the proposal to be "a beautiful, if conservative, project." Commissioner Margery Perlmutter praised the applicants for their familiarity with, and sensitivity to, the neighborhood, but said "the detailing better be terrific."

Chair Robert B. Tierney led a unanimous vote for approval.

LPC: 437 Henry St., Brooklyn (13-3398) ([August 7, 2012](#)) (Architect: [CWB Architects](#)).



City is seeking proposals to reuse the drill hall space in the Bedford – Atlantic Armory in Crown Heights, Brooklyn. Credit: [CityLand](#).

## ECONOMIC DEVELOPMENT CORPORATION

### Request for Proposals

Crown Heights, Brooklyn

### City Seeking Developer for Bedford-Atlantic Armory Drill Hall Space

*Department of Homeless Services operates a 350-bed men's shelter in head house of landmarked Armory.* On August 14, 2012, the City Economic Development Corporation [issued a request for proposals](#) from developers interested in leasing and reusing a 50,000-square-foot drill hall space in the 23rd Regiment Armory at the corner Bedford and Atlantic Avenues in Crown Heights, Brooklyn. The National Guard completed the Romanesque Revival-style Armory in 1895. The Landmarks Preservation Commission designated the building as an [individual landmark](#) in 1977. Since 1982 the Department of Homeless Services has used the Armory's five-story head house as a 350-bed homeless shelter. EDC is seeking proposals to develop "neighborhood-serving uses" in the adjacent drill hall and enhance community access to the space. The se-

lected developer would control the drill hall space through a triple net ground lease, which would require the developer to be responsible for operating expenses, insurance, repairs, and property taxes.

The Armory is located on the border of Crown Heights and Bedford Stuyvesant, and is surrounded by a mix of storage, automotive, and light-manufacturing businesses along Atlantic Avenue, and apartments and brownstones to the south. The building is within an M1-1 zoning district, which permits light manufacturing, commercial, and some community facility uses as of right. Residential uses are prohibited.

The Armory's 50,000-square-foot drill hall features a mezzanine level with stadium seating and ceiling heights of more than 92 feet. The drill hall is currently accessible through the head house, but the redeveloped drill hall space is expected to be completely independent and inaccessible from the head house, which will continue to be occupied by the homeless shelter. According to EDC, proposals should also contemplate how to preserve the facility's historic character, and minimize impacts

on the active homeless shelter. Up to \$13.65 million in funding will be available to assist the developer in completing capital improvements, such as upgrading and separating the Armory's mechanical systems. The developer may also be eligible for other economic benefits, including those through the Rehabilitation Tax Credit Program, Industrial and Commercial Abatement Program, and Food Retail Expansion to Support Health Program.

Proposals must be submitted by Friday, October 19, 2012.

EDC: [Request for Proposals - Bedford Atlantic Armory](#) (August 14, 2012).

## ADMINISTRATIVE DECISIONS

Environmental Control Board  
Williamsburg, Brooklyn

### ECB Upholds \$40,000 in Fines for Illegal Signs on Bodega

*Company argued that two promotional contest signs installed at bodega were accessory signs.* On September 9, 2010, the City's Department of Buildings issued four notices of violation to Contest Promotions NY LLC for two signs installed at the New Grocery and Deli located at 175 Grand Street in Brooklyn. Contest Promotions is a promotional company that works with businesses to

promote contests and sweepstakes. The sign featured advertisements for the Nikita television program and the Topman clothing store. Directly above the advertisements, each sign featured small text for a promotional contest that read, "Free posters, while supplies last – Enter here to win great prizes." Two NOV's charged violations of the City's [zoning resolution](#) for installing advertising signs in an area where such signs were prohibited. The other two NOV's charged violations of the City's [building code](#) for illegally installing signs without a building permit while acting as an unregistered outdoor advertising company.

At a hearing, Contest Promotions argued that the signs were accessory because the lettering at the top drew observers into the bodega. An ALJ ruled against Contest Promotions, finding that the promotional text was so small that it was inconsequential. The ALJ found that the signs fell within the definition of an advertising sign as defined in the City's building code and the zoning resolution. Contest Promotions appealed to the Environmental Control Board, arguing that the signs generated traffic into the bodega and were therefore accessory signs.

The Board affirmed the decision of the ALJ and sustained each \$10,000 fine (\$40,000 in total). Contest Promotions failed to establish that the promotional signs were in-

cidental to the bodega's business, and therefore were correctly classified as advertising signs in violation of the zoning resolution. According to the Board, even if signs had been deemed accessory, the building code did not distinguish between accessory and advertising signs when determining whether a business can be defined as an outdoor advertising company. Therefore, it would not be a defense to the building code violations that the cited signs were accessory signs.

NYC v. Contest Promotions NY LLC, [ECB Appeal No. 1200088](#) (June 28, 2012) (Attorneys: Lindsay Garroway, for Contest Promotions; Susan Huot, for DOB). **CITYADMIN**

## ADMINISTRATIVE DECISIONS

Padlock Law

Gravesend, Brooklyn

### Residential Property Used for Commercial Purposes Padlocked

*Brooklyn property with two-family home was being used as contractor yard, junk salvage, and for commercial vehicle storage.* Between December 2011 and April 2012, the City Department of Buildings sent inspectors three times to 2422 West 1st Street between Avenues X and Y in Gravesend, Brooklyn. The R4 residentially zoned lot is occupied by a two-story, two-family home. The inspectors, during their visits, observed in the property's rear and side yards construction equipment and tools; wood, bricks, and plastic containers; and a commercial vehicle advertising N.B. Construction. The property's certificate of occupancy permits only a two-family dwelling, and no commercial or manufacturing uses are permitted on the property as of right. Buildings sought an order to seal the lots under [the padlock law](#) to halt an alleged public nuisance.

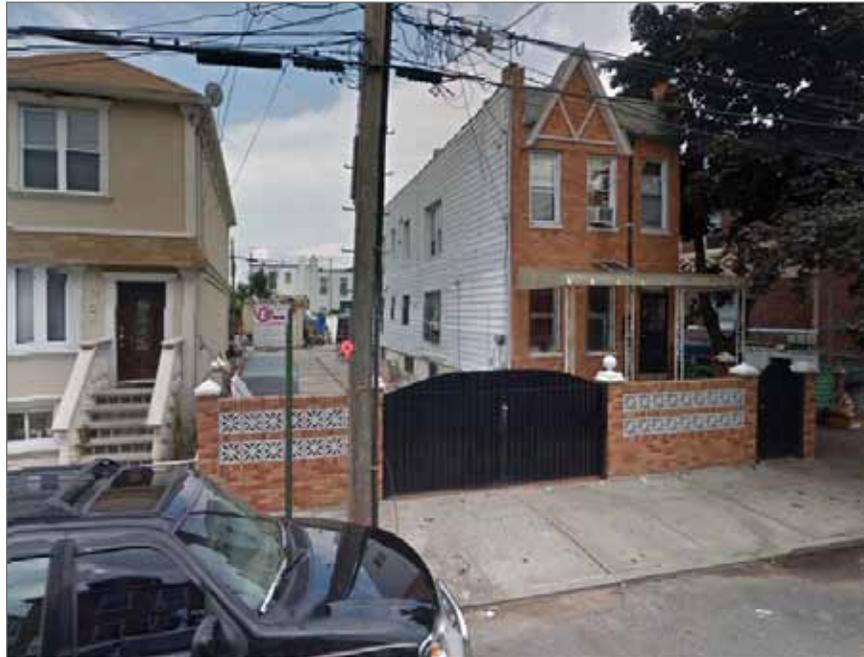
Prior to a hearing at OATH, one of the property's co-owners agreed



Illegal signs on bodega at 175 Grand Street lead to \$40,000 in fines. Credit: Google Maps.

to discontinue the illegal use. Another co-owner, Mohammed Ghuman, and BNY Mortgage Co. LLC, failed to appear at the hearing. ALJ Astrid B. Gloade credited Buildings' evidence that the owner and occupants had used the lot to store commercial vehicles, an impermissible commercial use, and as a contractor's yard and salvage storage yard, both impermissible manufacturing uses. The uses violated both the zoning resolution and the property's certificate of occupancy. ALJ Gloade recommended that Buildings seal the property in a way that would not impede on the residential portion of the premises.

.....  
*DOB v. 2422 West 1st Street, Brooklyn*, OATH [Index No. 1909/12](#) (July 24, 2012).



Residential property at 2422 West 1st Street in Brooklyn. Credit: Google Maps.

## CITYLAND PROFILES

### *City Planning's Carol Samol on Redevelopment in the Bronx and Reforming the City's Land Use Review Process*



As director of the Department of City Planning's Bronx Office, Carol Samol uses zoning tools to promote sustainable economic development in the Bronx.

She has also participated as a leader in a broader City effort to reform the City's [Uniform Land Use Review Procedure's](#) pre-certification process.

**Journey to the Bronx.** Samol grew up in the upper Ohio Valley near Wheeling, West Virginia and studied English at Berea College, a small liberal arts college in Kentucky. Berea College admits academically promising students who are able to attend for free so long as they work in some capacity for the school. After graduation, Samol moved to the Bronx where she earned a Master's Degree in Philosophy from Fordham University. Philosophy served as an extension of Samol's English studies, allowing her to expand her analytic skills. Samol searched for a practical application of her studies, ultimately developing an interest in urban planning. She attended New York University's

Robert F. Wagner Graduate School of Public Service and earned a Master's in Urban Planning. Samol says that she felt an instant and personal connection to the Bronx, the borough where she continues to reside. Ultimately, Samol knew that she would help work towards the borough's redevelopment.

**Bronx City Planning.** Samol worked as deputy director for planning and development at St. Nicholas Neighborhood Preservation Corporation from 2000 until 2002, before transitioning to City Planning's Staten Island Office. In 2006, she shifted to the Bronx Office where she became director in 2007. Samol's focus in the Bronx, as she explained, is to create a plan for a sustainable future with complete neighborhoods with economic opportunities, jobs, and affordable housing. Her role as director "is guiding the people, planning, and policies to get to that goal." One goal is to better connect the Bronx to the region. The Bronx has one of the highest reverse commute rates in the country. The Office, as a consequence, has focused on transit-oriented development to better connect Bronx residents to regional job centers such as Stamford, Connecticut and White Plains, New York.

Samol also described a variety of past and present initiatives of the Bronx Office, including recent groundbreakings for new mixed-use developments in the lower portion of the Grand Concourse. The City in June 2009 had approved City Planning's [proposal to rezone](#) the Lower Concourse's industrial waterfront area. (See CityLand's coverage of the rezoning [here](#)).

The Bronx Office was also behind efforts to change the outdated zoning along the Third Avenue and Tremont Avenue corridors. After the 1973 demolition of Third Avenue's elevated train, the corridor had remained zoned for warehouse and auto-related uses. In October 2010, City Council approved the [Third Avenue/Tremont Avenue Rezoning](#), which altered the existing zoning to allow residential uses and a broader array of commercial opportunities along Third Avenue, and expands the development potential along Tremont Avenue, the area's "downtown" shopping corridor. (See CityLand's coverage of the rezoning [here](#)).

The Bronx Office is currently studying zoning in the East Fordham Road area. The area is zoned for auto-related uses, but is a prime area for reinvestment because it

*(cont'd on page 111)*

## CITYLAND PROFILES

### City Planning's Carol Samol (cont.)

is located near the Bronx Zoo and Fordham University. Samol said that the Office is working with the community to come up with an appropriate vision for the neighborhood. A proposal is likely to enter the ULURP process in the fall of 2012.

**Pre-certification reform.** A slight downturn in the number of ULURP applications allowed City Planning in January 2011 to initiate a review of ULURP's pre-certification process. Samol took the lead in this effort. The pre-certification process can often be unpredictable and time consuming. A project could remain uncertified for years as the borough office, the environmental review division, the technical review division, and the land use review division separately reviewed the project. City Planning, to remedy the inefficiency and unpredictability of the pre-certification stage, began an initiative to reform the process in 2011, which it dubbed [BluePrint](#). With BluePrint, City Planning is seeking to reduce the time projects remain in the pre-certification stage by improving the way information is shared within the agency and creating clear guidelines for applicants.

**Information sharing.** It was apparent that there was room to improve communication across City Planning divisions during the pre-certification period. Under a new

IT system called imPACT, all application material will now be uploaded onto one online portal which permits all divisions to track simultaneously the progress of an application. City Planning can now track a proposal the moment an applicant steps into a City Planning office. A designated Pre-Certification Manager will oversee the general pipeline of projects to analyze the pace and efficiency of applications. While imPACT is currently internal to the agency, City Planning's goal is to make it publicly accessible by 2015.

**Early issue spotting.** BluePrint allows applicants to understand the review process before submitting an application. Prior to submission, an applicant must draft a Pre-Application Statement (PAS), which provides City Planning with the project's basic information such as the project site and a brief project description. After receiving such basic information, City Planning is able to assemble people from all the relevant divisions into one room to present and discuss issues and ensure a smooth pre-certification process.

**Setting standards.** BluePrint includes a set of standard operating procedures. City Planning has currently determined eight core application components that cut across all application types. These include a zoning

map of the site, a tax map, and a detailed project description. The goal is to standardize the requirements for all projects, regardless of size. City Planning has also created the Standards Coordinator position to assist in formulating standards for a variety of application categories. For example, waterfront projects will have their own tailor-made standards. Samol anticipates that standards will be in place for two-thirds of the most common application types by the end of 2013.

**Applicant portal.** As of July 2, 2012, all property owners and developers are able to access the [Applicant Portal](#) which offers details about the new pre-certification process. Currently, there are five pilot ULURP projects participating in the BluePrint process. City Planning anticipates formalizing the new process and standards through the City's public rulemaking procedure in 2013.

As Samol explained, by making the pre-certification process more predictable, people will be more likely to seek City approvals to build and invest in the City. This translates into jobs, housing, and amenities for City residents. She added, "If we can help people invest in their properties sooner, we get the benefits sooner."

— Luna Droubi

## CENTER FOR NEW YORK CITY LAW

### UPCOMING EVENTS

#### CITY LAW BREAKFAST SERIES 2012

The City Law Breakfast Series resumes this fall:

- **Friday, September 21, 2012 –**  
**Hon. Jonathan Lippman,**  
**Chief Judge of the New York State**  
**Court of Appeals**  
Speaking on "Privilege and Duty: The New Pro Bono Bar Admission Requirement in New York"

Breakfasts begin at 8:15 a.m.  
at **New York Law School**  
185 West Broadway, 2nd Floor Events Center, New York, New York

There is no charge for the City Law Breakfast Series. For updates on future speakers, and webcasts of past speakers, please visit our website at [www.citylaw.org](http://www.citylaw.org)

#### TRENDS IN NYC LAND USE AND DEVELOPMENT SIXTH ANNUAL CONFERENCE

Co-sponsored by: Center for New York City Law,  
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The New York City Law Department

**Thursday, November 1, 2012**

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**CITY PLANNING PIPELINE**

*New Applications Filed with DCP - August 1 to August 31, 2012*

APPLICANT	PROJECT/ADDRESS	DESCRIPTION	ULURP NO.	REPRESENTATIVE
<b>ZONING TEXT AND MAP AMENDMENTS</b>				
Paul D. Selver	South Street Seaport - Pier 17, MN	Rezone C2-8 to C4-8; special permit to modify waterfront yard requirements in large scale general development (LSGD); special permit to modify sign regulations in LSGD; special permit to modify use, height, and length requirements for pier buildings; authorization to modify location, area, and min. distance for waterfront access and visual corridors; authorization to modify design requirements within waterfront public access areas; chair cert. for waterfront zoning compliance as modified by the application; disposition of City-owned property	130052ZMM; 130053ZSM; 130054ZSM; 130055ZSM; 130056ZAM; 130057ZAM; 130058ZCM; 130059PPM	Kramer Levin
<b>SPECIAL PERMITS/OTHER ACTIONS</b>				
Kenneth Fisher	Ashland Pl., BK	City map change to eliminate portions of Willoughby St. and Ashland Pl.	130040MMK	Cozen O'Connor
Sandy Anagnostou	214 Starr St., BK	Special permit to construct community facility in M1-1 district	130034ZSK	Gerald J. Caliendo
Toll Brooklyn LP	363 Bond St., BK	Renewal and modification of special permit for bulk modifications; amend special permit for height and setback	130044CMK; 090048AZSK	Kramer Levin
Jay A. Segal	602-614 First Ave., MN	Mod. of a restrictive declaration for enlargement of 34-story mixed use building; mod. of special permit for enlargement	790634DZMM; 800623HZSM	Greenberg Traurig
Elise Wagner, Marcie Kesner	99 Church St., MN	Chair cert. for public plaza compliance	130039ZCM	Kramer Levin
Melanie Myers	1330 Ave. of the Americas, MN	Cert. to allow design changes to existing public plaza	130042ZCM	Fried Frank
LPC	69-65 to 69-73 182nd St., QN	Landmark designation (Brinckerhoff Cemetery)	130043HKQ	
	1715 2nd Ave., MN	New 40-seat enclosed sidewalk cafe (Midnight Express)	130041ECM	
Sweet Athens Cafe, Inc.	32-07 30th Ave., QN	New 46-seat enclosed cafe (Sweet Athens Cafe)	130035ECQ	
James V. Morri	77 Nevada Ave., SI	Proposal to build 1-family dwelling	130046ZCR	James V. Morri
Best Equities LLC	236 Richmond Valley Rd., SI	Authorization for 213-space parking facility, two retail buildings; certification to allow vehicular cross-access	130036RAR; 130037ZCR	Tamborra Architects
Ronald D. Victorio	Tenafly Pl. & Annadale Rd., SI	Cert. for school seats for 10 units	130031RCR	Ronald D. Victorio
Peter J. Calvanico	559 Ramona Ave., SI	Cert. to subdivide 2 lots, school seats for 4 units	130032RCR	
Peter J. Calvanico	356 Ashland Ave., SI	Cert. to subdivide 2 lots, school seats for 4 units	130033RCR	
James V. Morri	Pleasant Plains Ave., SI	Cert. to subdivide 2 lots into 5 to const. 4, 2-family dwellings, school seats	130045RCR	James V. Morri
David J. Darcy	446 & 450 Darlington Ave., SI	Cert. to subdivide to create 2 new lots in Special S. Richmond Dist.	130038RCR	David D. Darcy
DEP		Amended drainage plan D-11 (R-5)	130047MDR	
DEP		Drainage plan no. 4316/43F48	130048MDX	
DEP		Drainage plan no. 32SW31/32S43	130049MDQ	
DEP		Drainage plan no. 41SG48/42SW30	130050MDQ	
DEP		Drainage plan no. 41SG48/42SW129	130051MDQ	

**ULURP PIPELINE**

*New Applications Certified into ULURP*

PROJECT	DESCRIPTION	COMM. BD.	ULURP NO.	CERTIFIED
ProLogis JFK Disposition	Dispose of City-owned property	QN 13	130023PPQ	8/6/2012
Special Hudson Square District	Rezoning; zoning text amendments	MN 2	120380ZMM; N120381ZRM	8/20/2012
Tremont Crotona Child Care Ctr.	Acquisition of property	BX 3	120259PQX	8/20/2012

# BSA PIPELINE

## *New Applications Filed with BSA — August 1 to August 31, 2012*

APPLICANT	PROJECT/ADDRESS	DESCRIPTION	APP. NO.	REPRESENTATIVE
<b>VARIANCES</b>				
8-12 Development Partners	8 Bond St., MN	New res. bldg. with ground-floor retail in M1-5B district	241-12-BZ	Greenberg Traurig
Old Firehouse No. 4 LLC	113 E. 90th St., MN	Allow use as 1-fam. residence (lot coverage, distance between bldgs.)	258-12-BZ	Holland & Knight
Joseph Rabizadeh	535 W. 159th St., MN	Legalize existing parking lot	253-12-BZ	Dockery & Assocs.
5239 LLC	5241 Independence Ave., BX	Construct 1-family dwelling (vary lot width reqs.)	259-12-BZ	Davidoff Hutcher
249 Brighton Corp.	247 Brighton Beach Ave., BK	Enlarge existing bldgs with commercial and community facility uses	255-12-BZ	Eric Palatnik PC
Salmar Properties	850 Third Ave., BK	Allow use group 10A on 1st and 2nd floors	254-12-BZ	Patrick W. Jones PC
Cong. Toldos Yehuda	1621 61st St., BK	Construct house of worship (ht., setback, rear yard, parking, sky plane)	242-12-BZ	Sheldon Lobel PC
Mia & 223 St. Mgmt. Corp.	39-39 223rd St., QN	Legalize non-compliant rear yard	252-12-BZ	Richard Bowers
<b>SPECIAL PERMITS/OTHER ACTION</b>				
One York Property LLC	1 York St., MN	Permit physical culture establishment	261-12-BZ	Sheldon Lobel PC
Red Circle N.Y. Corp.	220 W. 19th St., MN	Permit physical culture establishment	237-12-BZ	Wachtel Masyr
Stuart Ditchek	1713 E. 23rd St., BK	Construct front & rear enlargements	238-12-BZ	Harold Weinberg
Solomon Friedman	1320 E. 27th St., BK	Enlarge 3-story dwelling	249-12-BZ	Lewis E. Garfinkel
Carla Zeitouny	2410 Avenue S, BK	Enlarge 1-family dwelling in R3-2 district	250-12-BZ	Fredrick A. Becker
Birta Hanono	2359 E. 5th St., BK	Enlarge 1-family dwelling in R4 district	257-12-BZ	Fredrick A. Becker
McDonald's Corp.	114-01 Sutphin Blvd., QN	Demo. existing McDonald's, const. new facility	260-12-BZ	K&L Gates
Best Equities LLC	236 Richmond Valley Rd., SI	Legalize physical culture establishment in M3-1 district	243-12-BZ	EPDSCO Inc.
<b>APPEALS</b>				
515 E. 5th St., LLC	515 E. 5th St., MN	Vary Multiple Dwelling Law requirements	245-12-A	Marvin B. Mitzner
515 E. 5th St., LLC	515 E. 5th St., MN	Appeal DOB determination that site complied with zoning	246-12-A	Marvin B. Mitzner
330 Associates LLC	330 E. 59th St., MN	Appeal determination that sign not a non-conforming use	251-12-A	Davidoff Hutcher
195 Havemeyer Corp.	195 Havemeyer St., BK	Appeal determination that sign not a non-conforming use	256-12-A	Davidoff Hutcher
Breezy Pt. Co-op.	38 Irving Walk, QN	Enlarge 1-family dwelling not fronting mapped street	239-12-A	Gary Lenhart
Breezy Pt. Co-op.	217 Oceanside Ave., QN	Enlarge 1-family dwelling in mapped street bed	240-12-A	Gary Lenhart
Breezy Pt. Co-op.	659 Highland Pl., QN	Reconstruct building in mapped street bed	247-12-A	Deidre Duffy
Breezy Pt. Co-op.	45 Tioga Walk, QN	Reconstruct building in mapped street bed	248-12-A	Deidre Duffy

# LANDMARKS PIPELINE

## Proposed Designations — August 2012

NAME	ADDRESS	ACTION	DATE
The Rainbow Room	30 Rockefeller Ctr., MN	Calendared	8/14/2012
Firehouse, Engine Co. 46	451 E. 176th St., BX	Calendared	8/14/2012
Firehouse, Engine Co. 73	655 Prospect Ave., BX	Calendared	8/14/2012
Firehouse, Engine Co. 28	436 39th St., BK	Calendared	8/14/2012
Firehouse, Engine Co. 40	1307 Prospect Ave., BK	Calendared	8/14/2012
Firehouse, Engine Co. 268	259 Beach 116th St., QN	Calendared	8/14/2012
Brinckerhoff Cemetery	69-65 182nd St., QN	Designated	8/14/2012

## Actions Taken — August 2012

### FINAL PERMITS TO BE ISSUED AFTER LANDMARKS RECEIVES CONFORMING PLANS

ADDRESS	LANDMARK/HISTORIC DISTRICT	DESCRIPTION	DOCKET NO.	APP'D
<a href="#">August 7, 2012</a>				
382 W. Broadway, MN	SoHo-Cast Iron HD	Install marquee, paint facade	13-3523	Yes
430 W. Broadway, MN	SoHo-Cast Iron HD	Install storefront infill	13-3536	Yes
58 W. 8th St., MN	Greenwich Village HD	Replace shopfront	13-0722	W/Mods
106 E. 10th St., MN	St. Mark's HD	Const. bulkhead, mod. parapet, exc. rear yd.	12-6967	Yes
110 E. 10th St., MN	St. Mark's HD	Excavate rear yard	12-7092	Yes
18 E. 16th St., MN	Ladies' Mile HD	Install infill, signage, awning	13-1886	Yes
834 Fifth Ave., MN	Upper East Side HD	Replace terrace railings	13-2743	Yes
150 E. 72nd St., MN	Upper East Side HD	Alter steps, ramp, repl. doors, mod. windows	13-4168	Yes
49 W. 72nd St., MN	Upper West Side/CPW HD	Install sidewalk canopy	13-2560	W/Mods
11 E. 75th St., MN	Upper East Side HD	Modify facade, construct rooftop addition	13-4167	Yes
237 Carlton Ave., BK	Fort Greene HD	Legalize porch removal, construct deck	13-3267	Yes
437 Henry St., BK	Cobble Hill HD	Const. new building, carriage house	13-3398	W/Mods
854 Union St., BK	Park Slope HD	Const. rooftop adds., raise parapet	13-0961	W/Mods
39-38 47th St., QN	Sunnyside Gardens HD	Legalize retaining wall	12-9685	W/Mods
<a href="#">August 14, 2012</a>				
100 Broadway, MN	American Surety Co. Bldg.	Alter facade, install infill, signage	13-0009	W/Mods
15 Rutherford Pl., MN	Friends Meeting House & Seminary	Alter areaway, intall gates, deck, shed	13-1191	Yes
2 E. 91st St., MN	Andrew Carnegie Mansion	Install electrical sidewalk vault	13-1327	Yes
307 Mott St., MN	NoHo East HD	Legalize entrances, install lights, windows	13-1857	In Part
227 Waverly Pl., MN	Greenwich Village HD	Install infill, replace fence	13-3528	W/Mods
407 W. 14th St., MN	Gansevoort Market HD	Install infill, rooftop mech. equipment	13-3339	W/Mods
135 Central Park W., MN	Upper West Side/W. 73rd-74th HD	Replace steps, alter entrances	13-1777	Yes
41 W. 75th St., MN	Upper West Side/CPW HD	Alter rear facade, excavate cellar	12-4384	Yes
50 E. 77th St., MN	Upper East Side HD	Est. master plan (window replacement)	13-3786	Yes
Columbus Ave., between W. 76th & 77th St., MN	Upper West Side/CPW HD	Install sidewalk plantings & seating	13-3174	Yes
181 Atlantic Ave., BK	Brooklyn Heights HD	Legalize storefront, HVAC equipment	12-9264	Yes
193 Congress St., BK	Cobble Hill HD	Demo. garage portion, stabilize structures	12-7271	Yes
177 Pacific St., BK	Cobble Hill HD	Legalize parapet alterations, bulkhead, install HVAC equipment, alter facade	12-9123	W/Mods
185 Plymouth St., BK	DUMBO HD	Const. adds., install infill, canopy, signage	13-1248	Yes

New Decisions Added to CITYADMIN [www.CityAdmin.org](http://www.CityAdmin.org) August 2012

CITY COUNCIL

RES. NOS.	PROJECT	DESCRIPTION	DATE
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Land use resolutions from the August 22, 2012 stated meeting not yet available

CITY PLANNING COMMISSION

PROJECT NAME	DESCRIPTION	LOCATION	ULURP NO.	DATE
Fordham University Passageway	Special permit to mod. minimum distance between bldgs.	MN 7	<a href="#">C120172ZSM</a>	7/25/2012
Highbridge Child/Senior Ctr.	Acquisition of property (child care & senior center)	BX 4	<a href="#">C120140PQX</a>	7/25/2012
Wallabout St. Rezoning	Rezoning (M1-2 to R7-1/C1-5)	BK 1	<a href="#">C110390ZMK</a>	7/25/2012
59 Walton St. Rezoning & Text Amendment	Rezoning (M1-2 to R6A, M3-1 to R7A/C2-4); zoning text amendment (apply inclusionary housing program)	BK 1	<a href="#">C100041ZMK</a> ; <a href="#">N100042ZRK</a>	7/25/2012
Wolfe's Pond Park	UDAAP by HPD (facilitate disposition of 8 1-family homes); City map amendment; rezoning (R1-2, R3-2 to R3X, est. R3X district in demapped park)	SI 3	<a href="#">C060496HAR</a> ; <a href="#">C060494MMR</a> ; <a href="#">C060495ZMR</a>	7/25/2012
Martha Washington Hotel	Landmark designation	MN 5	<a href="#">N120413HKM</a>	8/8/2012
Hotel Mansfield	Landmark designation	MN 5	<a href="#">N120411HKM</a>	8/8/2012
Yorkville Bank Building	Landmark designation	MN 8	<a href="#">N120412HKM</a>	8/8/2012
Firehouse Engine Co. 41	Landmark designation	BX 1	<a href="#">N120409HKX</a>	8/8/2012
Firehouse Engine Co. 83	Landmark designation	BX 1	<a href="#">N120408HKX</a>	8/8/2012
Gravesend Branch Library	Acquisition of property (branch library)	BK 15	<a href="#">C120271PQK</a>	8/8/2012
Firehouse Engine Co. 305	Landmark designation	QN 6	<a href="#">N120410HKQ</a>	8/8/2012
Veterans Plaza	Rezoning (M1-1 to C8-2); special permit (rear yard reqs.)	SI 3	<a href="#">C110218ZMR</a> ; <a href="#">C110219ZSR</a>	8/8/2012
New York Curb Exchange	Landmark designation	MN 1	<a href="#">N130004HKM</a>	8/22/2012
Bowery Bank	Landmark designation	MN 2	<a href="#">N130005HKM</a>	8/22/2012
Seward Park	Special permit (modify bulk regs. to facilitate development); City map amendment (establish, eliminate streets); rezoning (est. C2-5 in R8 district); zoning text amendment (modify use regs.); special permits (modify district regs. for use groups, residential & non-residential use); special permit (allow 168-space garage); special permit (250-space garage); special permit (250-space garage); special permit (305-space garage); UDAAP by HPD (1.65-million sq. ft. mixed-use development); acquisition of property; dispose of City-owned property	MN 3	<a href="#">C120228ZSM</a> ; <a href="#">C120156MMM</a> ; <a href="#">C120226ZMM</a> ; <a href="#">N120227ZRM</a> ; <a href="#">C120229ZSM</a> ; <a href="#">C120231ZSM</a> ; <a href="#">C120233ZSM</a> ; <a href="#">C120234ZSM</a> ; <a href="#">C120235ZSM</a> ; <a href="#">N120236HAM</a> ; <a href="#">C120237PQM</a> ; <a href="#">C120245PPM</a>	8/22/2012
Bowery Mission	Landmark designation	MN 3	<a href="#">N130006HKM</a>	8/22/2012
Soundview Apartments	Rezoning (R5 to R6)	BX 9	<a href="#">C120173ZMX</a>	8/22/2012

BOARD OF STANDARDS & APPEALS

ADDRESS	DESCRIPTION	ACTION	CASE NO.	REPRESENTATIVE
78 Franklin St., MN	Permit physical culture establishment (Aqua Studio NY)	App'd	<a href="#">70-12-BZ</a>	Francis R. Angelino
42 Avenue A, MN	Ext. of term (special permit for Iron & Silk Fitness Center)	App'd	<a href="#">120-02-BZ</a>	Stuart Klein
236 E. 58th St., MN	Ext. of term (retail use on 1st floor of multiple dwelling)	App'd	<a href="#">579-78-BZ</a>	Alfonso Duarte
159 W. 78th St., MN	Appeal to allow 1-story enlargement of 4-story building	App'd	<a href="#">83-11-A</a>	Marvin B. Mitzner
2368 Twelfth Ave., MN	Challenge DOB det. (signs not a legal non-conforming use)	App'd	<a href="#">24-12-A</a> ; <a href="#">147-12-A</a>	Fried Frank
1135 E. 222nd St., BX	Extension of term (auto repair shop)	App'd	<a href="#">319-53-BZ</a>	Ficara & Assocs.
876 Kent Ave., BK	Request for rehearing (variance for new building)	App'd	<a href="#">238-08-BZ</a>	Sheldon Lobel PC
1810 Voorhies Ave., BK	Reduce req'd parking for ambulatory/diagnostic facility	W/D	<a href="#">21-11-BZ</a>	Eric Palatnik PC
3960 Bedford Ave., BK	Enlarge 1-family dwelling (yards, open space, fl. area)	App'd	<a href="#">58-12-BZ</a>	Fredrick A. Becker
812 Dahill Rd., BK	Add third floor to residential building	App'd	<a href="#">5-12-BZ</a>	Moshe M. Friedman
1246 77th St., BK	Legalize enlargement to 1-family dwelling	App'd	<a href="#">191-11-BZ</a>	Sheldon Lobel PC
1089 E. 21st St., BK	Amend variance (increase synagogue floor area)	App'd	<a href="#">112-07-BZ</a>	Fredrick A. Becker
1415 E. 92nd St., BK	Ext. of term (auto repair, 2-story mixed-use building)	App'd	<a href="#">337-90-BZ</a>	Sheldon Lobel PC
1702 E. 16th St., BK	Variance for 1-story & mezzanine retail building	App'd	<a href="#">433-61-BZ</a>	Harold Weinberg
1720 Sheepshead Bay Rd., BK	Permit physical culture establishment (Bally Total Fitness)	App'd	<a href="#">87-12-BZ</a>	Troutman Sanders
215 Exeter St., BK	Enlarge 1-family dwelling (yards, open space, lot coverage)	App'd	<a href="#">193-11-BZ</a>	Eric Palatnik PC
377 Bayside Ave., QN	Building not fronting mapped street	App'd	<a href="#">18-12-A</a>	Joseph A. Sherry
409 Seabreeze Walk, QN	Building not fronting mapped street	App'd	<a href="#">17-12-A</a>	Joseph A. Sherry
5-11 47th Ave., QN	Const. 13-story residential/community facility building	App'd	<a href="#">238-07-BZ</a>	GoldmanHarris LLC

Chart continues on next page

New Decisions Added to CITYADMIN [www.CityAdmin.org](http://www.CityAdmin.org) August 2012

BOARD OF STANDARDS & APPEALS (CONT.)

ADDRESS	DESCRIPTION	ACTION	CASE NO.	REPRESENTATIVE
86-50 Edgerton Blvd., QN	Develop athletic center accessory to school	App'd	<a href="#">117-11-BZ</a>	Sheldon Lobel PC
163-02 Jamaica Ave., QN	Permit physical culture establishment (Blink Fitness)	App'd	<a href="#">64-12-BZ</a>	Rothkrug Rothkrug
15 Beach 220th St., QN	Alter, enlarge 1-fam. dwelling not fronting mapped street	App'd	<a href="#">146-12-A</a>	Gary Lenhart
31-11 Broadway, QN	Permit physical culture establishment (Club Fitness)	App'd	<a href="#">294-06-BZ</a>	GoldmanHarris LLC
188-02 Union Tpke., QN	Enlarge physical culture est., extend time to obtain C of O	App'd	<a href="#">51-06-BZ</a>	Sheldon Lobel PC
239-15 Jamaica Ave., QN	Extension of term (Gulf station)	App'd	<a href="#">292-55-BZ</a>	Alfonso Duarte
2040 Forest Ave., SI	Permit physical culture establishment (Planet Fitness)	App'd	<a href="#">37-93-BZ</a>	Sheldon Lobel PC

LANDMARKS PRESERVATION COMMISSION - APPROVALS & CERTIFICATES

ADDRESS	LANDMARK/HISTORIC DISTRICT	DESCRIPTION	CASE NO.	APP'D	ISSUED
Bryant Park, MN	Bryant Park	Est. master plan (future seasonal installations)	<a href="#">13-4440</a>	Yes	7/24/2012
22 Central Park S., MN	Plaza Hotel	<a href="#">Redesign facade, const. add to adjacent structure</a>	<a href="#">13-5134</a>	Yes	8/14/12
46 Laight St., MN	Tribeca North HD	Replace non-compliant infill	<a href="#">13-5114</a>	Yes	8/14/2012
520 Hudson St., MN	Greenwich Village HD	Replace storefront	<a href="#">13-4355</a>	Yes	7/23/2012
15 Rutherford Pl., MN	Stuyvesant Square HD	Alter areaway, install ramp, reinstall deck	<a href="#">13-5252</a>	Yes	8/14/2012
333 W. 20th St., MN	Chelsea HD	Demo. rear extension, construct rear addition	<a href="#">13-4670</a>	Yes	7/31/2012
825 Fifth Ave., MN	Upper East Side HD	Replace parapets	<a href="#">13-5270</a>	Yes	8/17/2012
47 W. 70th St., MN	Upper West Side/CPW HD	Demo. rear extension, construct rear addition	<a href="#">13-4547</a>	Yes	7/27/2012
105 W. 72nd St., MN	Upper West Side/CPW HD	Amend previous C of A (restore balcony)	<a href="#">13-3875</a>	Yes	8/2/2012
1050 Fifth Ave., MN	Carnegie Hill HD	Create new window	<a href="#">13-4502</a>	Yes	7/26/2012
25 W. 88th St., MN	Upper West Side/CPW HD	Replace windows, construct rooftop addition	<a href="#">13-5023</a>	Yes	8/10/2012
130 Clinton St., BK	Brooklyn Heights HD	Replace infill	<a href="#">13-4648</a>	Yes	7/31/2012
439 Henry St., BK	Cobble Hill HD	Replace windows, steps, new areaway	<a href="#">13-4709</a>	Yes	8/1/2012