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Illustration Courtesy: CityLaw/Jeff Hopkins.

NYLS STUDENT ARTICLE

Signs and Billboards: What's Legal and What's Not?

by Andrew Thompson

Sign installation in New York City triggers regulations governing location, size, illumination, and construction. The New York City Building Code and the New York City Zoning Resolution are the two main bodies of law governing signs in New York City. The Building Code regulates the construction and maintenance of signs, such as permissible construction materials, and is primarily concerned with public health and safety. The Zon-

ing Resolution, while implicating issues of public health and safety, also encompasses aesthetic considerations. Restrictions on the size, height, surface area, and illumination of a sign are intended to promote a distinctive look in that zoning district, while striking a balance between the desires of society and the rights of property owners. For example, an illuminated sign that may be a desirable tourist attraction in Times Square, becomes a nuisance in a residential neighborhood.

The Zoning Resolution's rules differ depending on whether a sign is accessory to the business at that location, or is an advertising sign. An advertising sign, as defined in Zoning Resolution (*cont'd on page 143*)

Ed Koch: Happy 88th Birthday

Ed Koch celebrated his 88th birthday at a party/reunion held at Gracie Mansion on December 12, 2012. He is, as he says, still relevant. Ed Koch broadcasts his current opinions in regular blogs, movie reviews, political broadsides and letters. But if you really want to know Ed Koch, read his first two books, *Mayor* and *Politics*. Koch wrote *Mayor* shortly after losing his 1982 run for Governor against Mario Cuomo. *Politics* followed one year later. The two books present New York City politics with unforgettable characters, raw and revealing stories of politicians entertainingly told, and an insider's view of a city experiencing a decline in population, a rise in crime, a city budget in crisis and a political establishment still expecting to whack up the municipal pie. Koch reveled in detailing these demands and, of course, his dominance over them.

Law students who were born after 1990 have no personal recollection of the Koch Administration. When they read *Mayor* and *Politics* the books reveal unfamiliar territory to them. Everyone they know today favors middle-class values, rides the subways, and brings dates to the Meatpacking District and the Lower East Side. Borough Presidents are figureheads, political bosses are unknown, and Disney has always been the biggest attraction in Times Square.

Two features of the books stand out for the students. The first is the humor revealed in the political confrontations described by Koch. We who were around know that Ed Koch was the equal of any professional story teller, but that comes as a surprise to students today who see few politicians who can either be revealing or funny about their governmental business.

The second surprise is the story of how Koch, without the pedigree of many of his rivals, rose to dominance in politics. The students read carefully the stories of Koch's early years in Greenwich Village grappling with such issues as noise on MacDougal Street, street corner oratory and club house elections. They come to realize the potential for themselves if they are willing to demonstrate the same drive and ambition that were so evident in the young Ed Koch.

We all like to reread the books too. It is like listening to Ed Koch re-tell his wonderful stories over and over. And they are always relevant.

Ross Sandler

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Article 1, Chapter 2, Section 12-10, directs attention to a business or product sold elsewhere that is not accessory to a use located on the zoning lot. In order to be classified as an accessory sign, the sign's content must meet the standard of "accessory use" as defined in Section 12-10 of the Zoning Resolution. Section 12-10 has three requirements for accessory use: (1) the use must be conducted on the same zoning lot as the principal use to which it is related, except accessory docks and off-street parking or loading; (2) the use must be clearly incidental to, and customarily found in connection with the principal use; and (3) the use must be in the same ownership as the principal use or be operated and maintained on the same zoning lot substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the principal use. If any of these three elements are missing, the sign will be considered an advertising sign. If a sign does not fit into either the definition of advertising or accessory, the sign is regulated as accessory sign.

Residential Districts

The Zoning Resolution bans advertising signs from residential zoning districts, but allows for the limited installation of accessory signs. The Zoning Resolution also permits "for sale" and "for rent" signs twelve square feet or smaller, along with Community facility flags, banners, or pennants. Signs indicating off-street parking are allowed so long as they do not exceed two square feet per entrance or exit. Community facilities are defined as uses listed in use groups 3 and 4, which include non-commercial art galleries, colleges, trade schools, convents, adult care facilities, golf courses, health centers and houses of worship. A complete list of uses and their corresponding group number is available in Appendix A of the Zoning Resolution.

Illuminated accessory signs in residential districts are only au-

thorized for hospitals and other health-related facilities. These signs, however, are not allowed to flash and must be limited to the lesser of 25 square feet per street frontage or 15 percent of such street frontage in feet. The Commissioner of Buildings must also make a determination that the hospital's illuminated sign is oriented in a way that minimizes the amount of light projected onto nearby residences. Additionally, illuminated hospital signs must also conform to the same general regulations as any other sign in a residential district. For example, no sign in a residential district is permitted to extend beyond the street line by more than twelve inches or rise above the ceiling of the ground floor, or 20 feet above the curb level, whichever is lower.

For buildings containing residences, the Zoning Resolution allows one nameplate measuring one square foot or less per dwelling or room unit to identify the name and address of the occupant or permitted occupation. For multiple dwellings, apartment hotels, permitted non-residential buildings or structures other than hospitals and related facilities, the Zoning Resolution permits one identification sign measuring up to 12 square feet to indicate name and address of the building or the name of management. For community facilities other than hospitals and related facilities, this restriction is relaxed for a bulletin board not exceeding 16 square feet. For a sign on an awning or canopy, the lettering used cannot exceed 12 inches in height.

The Zoning Resolution even shields adjacent residential districts from the view of advertisements displayed on vessels plying waterways. Such vessels may only display signage that directs attention to a profession, business, commodity, service, or entertainment conducted by or sold aboard the vessel.

Commercial Districts

Regulation of accessory and advertising signs is far more com-

plicated in commercial districts. Accessory signs in commercial districts are limited by how high the sign may be affixed to a building, by how much it may project from the building, by how big it may be in relation to the lot's street frontage, and by illumination restrictions. Generally, the greater a building's street frontage, the larger an accessory sign that will be allowed.

Advertising signs, on the other hand, are allowed only in C6-5, C6-7, C7, and C8 commercial districts and not allowed at all in the other commercial districts. Since both accessory and advertising signs are permitted in these four commercial districts, the distinction between the two signs is less important than in C1 through C6 commercial districts where advertising signs are prohibited. In C1 through C6 commercial districts, a legally conforming sign could be rendered illegal simply by changing the content of the sign from advertising one's own business to advertising the business of another.

Manufacturing Districts

Manufacturing districts impose less restrictive regulations upon accessory and advertising signs than do residential or commercial districts. The three manufacturing districts (M1, M2, and M3) generally allow both accessory and advertising signs, with a maximum sign surface area for each zoning lot based upon the lot's street frontage. To calculate the sign area, the length of the zoning lot's street frontage is multiplied by six for a non-illuminated sign, or by five for an illuminated sign. The resulting number is the total allowable square feet of permitted signage, before applying additional restrictions. For example, although a lot with 300 feet of street frontage should be allocated 1,800 total square feet of non-illuminated signage per the formula, the Zoning Resolution imposes a maximum ceiling of 1,200 square feet of non-illuminated signage. Signs in manufacturing districts are further limited

if they are in proximity to nearby residences or joint living-work quarters for artists. Such signs may not interfere with the reasonable use and enjoyment of the residence, may not flash, and are limited to no more than 750 square feet per non-illuminated sign and 500 square feet per illuminated sign.

Arterial Highways and Parks

Since 1940, New York City has banned advertising signs (i.e., billboards) within 200 feet of an arterial highway, and within view of a public park of one-half acre or more. Accessory signs in residential, commercial, and manufacturing districts, however, are allowed within 200 feet of an arterial highway or within view of a public park, but must be reduced in size. The Department of Buildings maintains a list of the City's arterial highways and parks larger than one-half acre. Since 1999, the Department of Buildings has required applicants seeking an accessory sign permit to list the names and distances to any relevant arterial highways or public parks and to agree to maintain the sign as an accessory or non-commercial sign.

In the early 1980's, Congress, in amendments to the Highway Beautification Act, encouraged states to restrict the use of advertising billboards near interstate highways by conditioning the receipt of certain federal highway funds on enforcing sign restrictions. When it became clear that enforcement of billboard restrictions would be impracticable in New York City, the City grandfathered all signs near highways that complied with the federal standards even if they did not comply with the local Zoning Resolution. Many of these grandfathered signs are still in use today.

By the late 1990s billboard advertising had become so profitable that a sign's revenue could actually exceed the maximum fine the City could impose on a violator. In 2001, in an effort to control billboard proliferation, the City passed legislation

that increased the maximum allowable fine for a violation to \$25,000 per day. The threat of large fines put the bite back in the City's bark. For example, in 2012 the City settled with 598 Broadway Realty Associates and Colossal Media Group for \$250,000 after the companies repeatedly painted illegal signs on a building within a landmarked historic district without a permit.

Sign Permit Process

Sign installation may additionally require a Department of Buildings permit. There are three types of DOB sign permits: construction permits, electrical permits, and illuminated sign permits. Generally, a construction permit is required for signs larger than six square feet unless the sign is to be painted. If the sign requires electricity, the applicant will also have to get an electrical permit. Additionally, an illuminated sign permit is required for any illuminated sign. The illuminated sign permit must be renewed annually and requires the payment of a separate fee. The application for both the construction permit and the illuminated sign permit must be filed with the Department of Buildings' Borough Office in the borough where the sign is located.

If the building is landmarked or located within a historic district, the applicant will also have to file an application with the Landmarks Preservation Commission. Landmarks issues three types of permits: a permit for minor work, a certificate of no effect on protected architectural features, and a certificate of appropriateness. A permit for minor work can be obtained only if the proposed sign does not require a building permit (i.e. a painted sign, or a sign smaller than six square feet) and will not disturb the protected architectural features of the landmarked building. A certificate of no effect can be obtained where construction of the proposed sign requires a building permit, and such construction will not disturb the protected architectural features. If the pro-

posed sign will disturb the protected architectural features of the building, however, the project requires a public hearing at Landmarks before the Commission may approve a certificate of appropriateness.

Once all relevant permits are approved and issued, the applicant will need to find a Department of Buildings-licensed sign hanger to hang the sign. Buildings' website maintains a current list of licensed sign hangers along with their license numbers, license expiration dates, and contact information. In addition to hiring a sign hanger, the applicant must also consider whether it needs a special or a master sign hanger, depending on the size of their sign. Special sign hangers are limited to signs that are 150 square feet and 1,200 pounds or less on the outside of a building. Master sign hangers have no limitations on the size or weight of a sign they may hang.

The Appeals Process

There are two main ways in which the issue of accessory versus advertising signs can appear before a court or administrative agency. The first is a notice of violation, which can be issued by the Department of Buildings' Sign Enforcement Unit. The cited party may appeal the NOV to the Environmental Control Board for a hearing.

The second major way for a sign issue to appear before a court or administrative agency is through the appeal of a Department of Buildings decision, either rejecting an application for a sign permit or by Buildings revoking an earlier permit. In either of these cases, the sign owner must first appeal to Buildings' Borough Commissioner. If the Borough Commissioner refuses to allow the sign the applicant may then appeal to the Board of Standards and Appeals. Adverse decisions by the BSA or the ECB are appealed through an article 78 petition to the Supreme Court.

Three recent cases are examples of instances where property

owners argued that what appeared to be an illegal sign was a legal accessory sign.

In *NYC v. 335 Madison Ave LLC* (May 19, 2011, ECB Appeal No. 1000984), Emigrant Savings Bank posted signs on the windows of its ATM lobby. The signs portrayed an image of Benjamin Franklin with text that read, “A dollar saved is a dollar earned” and advertised “DollarSavingsDirect.com,” a related but separate legal entity from Emigrant Savings Bank. On October 24, 2009, the Department of Buildings’ Sign Enforcement Unit issued 335 Madison Avenue nine violations for illegally displaying advertising signs without a permit in a commercial district that did not allow advertising signs. In contesting the violations before the ECB, 335 Madison Avenue argued that the signs were legal accessory signs because they related to banking, the principal use of the zoning lot.

The ECB disagreed. The principal use of the zoning lot was as an office building and the signs lacked a connection between the building and DollarSavingsDirect.com. The message of the signs was not that customers could create a DollarSavingsDirect.com account in the building, but rather that customers could go online and register. This is the core of an advertising sign—that it directs attention off the zoning lot.

In a second case, *NYC v. Hyatt Equities, LLC*, the Grand Hyatt Hotel hung a large Starbucks sign on the side of the hotel. The sign was four times larger than Hyatt’s own sign and read “Thanks for voting us #1 Best Coffee. We love you, too. It’s not just coffee, it’s Starbucks along with the “Zagat #1 rated” logo. Like 335 Madison Avenue, the Hyatt was located in a commercial zoning district that did not permit advertising signs. On September 18, 2009, Hyatt was cited with three violations. Hyatt appealed the violations, arguing that the sign was an accessory sign, since the hotel had a supply agreement with Starbucks that

required the hotel to use Starbucks coffee in its restaurants, banquets, and room service areas.

The ECB ruled that the Starbucks sign was not an accessory sign. The ECB noted that the principal use of the building was as a hotel, and that the sign did not mention the availability of Starbucks coffee or other products being available in the hotel. Further undercutting the claim that the sign was an accessory sign, Hyatt’s supply agreement with Starbucks revealed that in 2009 the hotel was paid \$47,100 for hanging the sign on its facade. To characterize this arrangement between Starbucks and Hyatt differently would circumvent the clear economic reality of the transaction: that Starbucks paid for advertising space on the side of the Grand Hyatt Hotel.

The last case involved a claim that two signs were permitted non-conforming—or grandfathered—signs. In September of 2009, 12th Avenue Realty Holding Corp. applied to Buildings for a non-conforming accessory sign permit for two 1,200 square foot signs adjoining its small warehouse property along the Henry Hudson Parkway. The application was denied because 12th Avenue Realty failed to demonstrate that the accessory signs were erected before an amendment to the zoning resolution on February 27, 2001 reduced the maximum accessory sign size to 500 feet where the sign is within 200 feet of an arterial highway or park. Additionally, a grandfathered sign requires continuous use with no interruption of such use for more than two years. Buildings ruled that 12th Avenue Realty was unable to demonstrate that the signs were continuously used as accessory signs after February 27, 2001.

On appeal to the Board of Standards and Appeals, calendar numbers 24-12-A & 147-12-A, 12th Avenue Realty was unable to convince the BSA that its signs were even accessory signs. From about 1999 to 2008, Tommy Hilfiger Corporation had used the warehouse for the lim-

ited purpose of storing products and later for storing display fixtures. After May 1, 2010, Wodka, LLC leased the premises for staging promotional activities. Both Tommy Hilfiger and Wodka used the adjoining signs to advertise their products, but not to direct any customers to the warehouse. Thus, the small building at 2368 12th Avenue looked more like a “sham” warehouse intended to justify the use of the site solely for advertising.

Andrew Thompson is a student at New York Law School, class of 2013.

CITY COUNCIL

Disposition

Lower Manhattan

City Council Rejects Sale of City Property in Hopes for an African Burial Ground Museum Despite Mayor Disapproval

Council Member Charles Barron leads the City Council's rejection of 22 Reade Street sale in support of the site being used for a potential African Burial Ground Museum. On November 13, 2012, the City Council unanimously rejected the disposition of City-owned property at [22 Reade Street](#) and approved of the disposition of City-owned property at [49-51 Chambers Street](#). The City’s Department of Citywide Administrative Services (DCAS) proposed the sale of the properties in order to reduce underutilized and inefficient City-owned space, better accommodate City employees, and save the costs of renovation and maintenance on aging buildings. The buildings were offered as an unrestricted sale through a Request for Proposals on April 23, 2012. The RFP also included [346 Broadway](#), which was [approved](#) for disposition in September, 1998.

22 Reade Street currently contains the offices of the Department of City Planning and the City Planning Commission. The building is directly



View of African Burial Ground National Monument, 22 Reade Street building in the background.
Credit: CityLand.

adjacent to both the [Ted Weiss Federal Building](#) and the [African Burial Ground National Monument](#). 49-51 Chambers Street – the [Emigrant Industrial Savings Bank](#) – contains not-for-profit organizations and various city agencies, including Manhattan Community Board 1. Both properties are located within the [African Burial Ground and the Commons Historic District](#), which is bounded by Broadway, Duane, Lafayette, Centre, and Chambers Streets. The district was designated by the Landmarks Preservation Commission in 1993 after the bodies of over 400 African and African-American slaves were found and excavated during construction of the Ted Weiss Federal Building in 1991.

Manhattan Borough President Scott Stringer and Manhattan Community Board 1 disapproved of the sale of both properties unless certain conditions were met, including the reissuance of the RFP. The Community Board requested that the sale of the buildings be restricted to require community infrastructure needs such as school seats, affordable housing, and affordable commercial not-for-profit space. The Community Board also requested that the status of a parking lot on Chambers and Elk Streets, directly

adjacent to the 49-51 Chambers Street building, be clarified in a re-issued RFP. The Community Board also noted its concern that the RFP was released before the dispositions were certified by City Planning.

On August 8, 2012, the City Planning Commission held a hearing on the dispositions. Theresa Ward, Chief Asset Management Officer for DCAS, testified that the dispositions of all three properties would save the City \$100 million over 20 years. She stated that the community's concerns could be addressed with potential developers through the RFP process.

Chair Amanda M. Burden questioned Ward about development plans for the parking lot at Chambers Street, noting that the lot is within the African Burial Ground Historic District. Ward replied that the parking lot was included in the RFP but only to generate ideas for that space and any development on the lot would face further environmental review. Commissioner Irwin G. Cantor questioned the seeming urgency of the proposal. Josh Gelfman, Senior Vice President at the City's Economic Development Corporation, responded that the City would like to close the deal by spring 2013 in order to fund reloca-

tion of the city agencies housed in the buildings. Local Council Member Margaret Chin testified that while she supported the City's effort to generate revenue, she was concerned over DCAS's failure to incorporate the community's needs during the proposal process. City Planning [approved](#) the proposal on [September 19, 2012](#) by a vote of 11-1-0, noting that the Manhattan Borough Board must approve of any terms of a sale of the properties pursuant to the City Charter, section 384(b)4. Commissioner Anna Hayes Levin voted "no" on the proposal, stating that while she believes "these inefficient and obsolete buildings should be sold," the proposal lacks public policy considerations other than sale at the highest price.

At the City Council's Planning, Dispositions and Concessions subcommittee hearing on November 13, 2012, representatives from the Borough President's office and the Community Board reiterated their position against the dispositions and urged the Council Members to require community uses in the RFP. Joey Kara Koch, Deputy Chief Asset Management Officer for DCAS, explained the agency's proposal and read a letter from Deputy Mayor Cas Holloway, which promised to reserve at least 10,000 sq.ft. of community facility space.

Following DCAS's presentation, Council Member Charles Barron made an impassioned statement, urging his fellow council members to vote against the sale of 22 Reade Street based on the [African Burial Ground and the Commons Historic District](#). He recounted the historic struggle over the African Burial Ground, beginning with the battle to properly honor the bodies of New York's enslaved population. Barron then reminded the subcommittee of the current congressional effort to expand the national monument into an African Burial Ground International Memorial Museum and Educational Center. A bill to create the international



22 Reade Street. Credit: CityLand.

museum, [H.R. 784](#), was introduced into the House of Representatives in 2011 by [Congressman Jerrold Nadler](#). The bill seeks to honor the estimated 20,000 enslaved Africans and African-Americans still buried within the historic district by authorizing the Secretary of the Interior to acquire property adjacent to the [African Burial Ground National Monument](#) to build an international museum. Council Member Barron called DCAS's failure to mention the adjacent African Burial Ground, and the potential to sell the 22 Reade Street site for the museum's use, disrespectful. Council Member Jumaane D. Williams echoed Council Member Barron's concerns and also urged his colleagues to vote against 22 Reade Street's sale. After a brief recess, Council Member Chin proposed a resolution to bifurcate the disposition proposal in order to allow council members to disapprove the sale of 22 Reade Street and approve the sale of 49-51 Chambers Street. The subcommittee unanimously voted for the resolution. The Land Use Committee followed suit and voted for the resolution,

with Council Member Leroy Comrie commenting on the administration's failure to inform the council members of all of the pertinent aspects of the proposal.

On November 13, 2012, the full City Council voted in favor of the resolution to disapprove the sale of 22 Reade Street and approve the sale of 49-51 Chambers Street by a vote of 42-0-0.

However, the mayor vetoed the Council's rejection of the sale. On November 27, 2012, the City Council Land Use Committee voted 18-0 to override the mayor's disapproval of the City Council's rejection of the disposition of 22 Reade Street. The full City Council subsequently voted 48-0 to do the same. As per ULURP, a two-thirds majority vote was required to override the mayor's disapproval. Several council members expressed disappointment in the mayor for his disapproval. Council Member Vincent Ignizio criticized the mayor's decision to negotiate the sale so late in the approval process.

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Council: Civic Center Plan ([C 120267 PPM](#) – disposition) (November 13, 2012).

CITY COUNCIL

Landmark Designation

Fresh Meadows, Queens

The Landmarking of Brinckerhoff Cemetery Approved By Full Council Vote Despite Property Owner's Opposition

Owner of vacant former cemetery site claimed she purchased the lot to build a home for herself, not knowing of the property's history, and was not competently represented throughout the landmarking process. On December 6, 2012, the New York City Council's Land Use Committee voted to recommend approval of the designation of the [Brinckerhoff Cemetery](#) as a New York City Landmark. The property, at [69-65 182nd Street](#) in the Fresh Meadows neighborhood of Queens, was [designated by Landmarks](#) on August 14, 2012. The full City Council voted to approve on December 10, 2012.

The property served as a burial ground from 1730 to the early 1870s. The remains of members of the Dutch families that originally settled the area were interred there. A professional survey from 1919 identified 77 gravestones and markers. The City foreclosed on the property in 1954, and it was subsequently purchased by Joseph DeDomenico. The Queens Historical Society and descendants of the Brinckerhoff family sued to reclaim the site in 1999, claiming that the City had improperly foreclosed on the property. DeDomenico offered to sell the site to the Queens Historical Society, but the Society was unable to raise sufficient funds. In 2000, the New York City Landmarks Preservation Commission calendared and held a hearing on the site's potential designation, but did not take further action. Linda's Cai Trading Co., Inc. (Linda's Cai) purchased the property in 2010.

On May 15, 2012, Landmarks



Current view of Brinckerhoff Cemetery lot. Credit: John Weiss (2012).



Brinckerhoff Cemetery in 1927. Credit: Queens Library.

held a hearing with wide support for designation voiced by members of the Fresh Meadows community and preservationists. (See *CityLand's* past coverage [here](#)). Among the elected officials who testified in favor of designation were State Senator Tony Avella, Assembly Member Grace Meng, and Council Members James F. Gennaro and Mark Weprin. A member of the Brinckerhoff family also testified in favor of protecting the space. A representative of Lin-

da's Cai flatly denied that there were any human remains at the site, and stated that the owners held title to the property, paid taxes, and should be able to develop the lot as they saw fit. On August 14, 2012, Landmarks' General Counsel Mark Silberman stated there was no reason to believe that human remains were not still interred in the cemetery. The Landmarks Commission approved the [designation](#).

At the Council's Landmarks

Subcommittee hearing on October 23, 2012, Chair Brad Lander read a statement from Council Member Gennaro urging approval of the designation. Representatives of the Fresh Meadows Homeowners Civic Association also testified in support of the designation, as did the Historic Districts Council's Simeon Bankoff, who stated that the cemetery served as "the last link this area of Queens has to its colonial past." Chair Lander said that despite overwhelming community support, he would table a vote on the matter so that the property owner could testify before the Subcommittee.

The Subcommittee met again on November 26, 2012, where the property owner, Le Dan Cai, spoke through her attorney and interpreter, William Zou. She stated that she had purchased the property as part of her "American dream to have her own house in the United States." She said "I really have no idea what's going on but I really want to build a house." Le Dan Cai said her attorney's title search did not unearth information that a cemetery was on the property, and had she known, she would not have bought the property. In response to a question from Council Member Maria del Carmen Arroyo, Cai stated that if the Council rejected the designation, she would respect any human remains on the property, and would be willing to erect a monument memorializing the site's history as a burial ground, though she still intended to develop a portion of the lot.

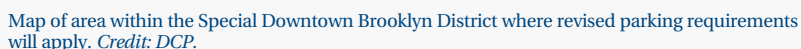
Zou further testified that Cai had not been competently represented throughout the landmarking process, had already spent approximately \$200,000 on the property, and characterized her as a "victim." Zou asserted that the property was composed of two lots, only one of which had ever been used as a cemetery. He said Cai was willing to compromise by only building on that portion of the property. Zou questioned the integrity of Landmarks' evidence that human re-

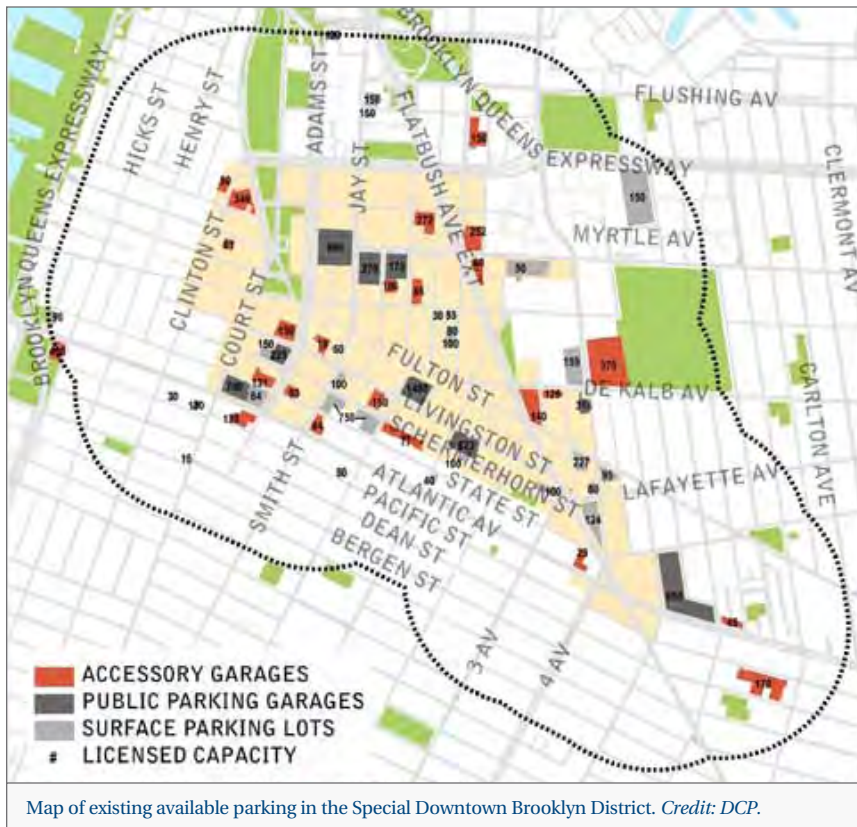
At the Subcommittee's meeting on December 4, 2012, Council Member Dan Halloran stated that he looked up the property on the City's Automated City Register Information System ([ACRIS](#)), which he called "basic due diligence" for anyone considering purchasing a property. The property's ACRIS file indicated that the lot was "non-residential vacant land." Halloran further noted that the site was purchased through a shell company that owned nine other properties in the City, which indicated to him a very sophisticated buyer. Halloran found Cai's testimony at the November meeting disingenuous and urged his fellow subcommittee members to vote for designation. Halloran also criticized Landmarks for allowing the designation to "languish" for twelve years. Council Member Gennaro stated that the memorandum the Subcommittee received from Landmarks indicated that all of the lot had been used as a cemetery. Council Member Leroy Comrie said the cemetery "rises above the level of anything we've seen" in terms of meriting landmark protection. Chair Lander also recommended approval of the designation, having given the matter "very thorough consideration."

Council: Brinckerhoff Cemetery
([N 130043 HKQ](#) – landmark designation) (Dec. 6, 2012).

The District is generally bound-
ed by Tillary Street to the north, At-
lantic Avenue to the south, Clinton
Street to the west, and Ashland Place

At the heart of the proposal is a reduction in the amount of accessory parking that residential developers are required to provide for its tenants. Accessory parking is parking spaces provided for users of a specific building. Accessory parking spaces account for ten percent





of the total available parking spaces in Downtown Brooklyn, with 90 percent of spaces in public garages and lots. DCP proposed that developers of new residential buildings be required to provide accessory parking spaces for at least 20 percent of its total units, instead of 40 percent as the [Zoning Resolution](#) currently requires. The DCP's proposal would eliminate accessory parking requirements for affordable housing units in an effort to encourage new developers to include affordable housing in developments. The proposal also states that developers may satisfy accessory parking requirements by providing off-site parking in a public or accessory garage within 2,500 feet of its development. The proposal would also seek to facilitate additional public parking by allowing all accessory parking garage owners within the District to offer unused spaces to the general public or as off-site accessory parking for new developments. Owners may also build up to a 225-space public parking garage below street level as of right. The proposal fur-

ther imposes new technical rules for public parking garages, including stop sign and speed bump requirements at exits.

Brooklyn Borough President Marty Markowitz and Brooklyn Community Board 2 approved of the proposal with some conditions and urged that the accessory parking reduction requirement apply only to developments with an affordable housing component.

On September 19, 2012, the City Planning Commission heard testimony mainly in support of the parking requirement revisions. The speakers included various business organizations and residential developers with existing developments and upcoming projects in the District. The speakers generally agreed that the present parking requirements made development unnecessarily expensive given car ownership rates and usage. Supporters also stated that ground floor retail development is hindered because underground accessory parking is too expensive or impossible due to subway lines, leading many

developers to place accessory parking garages at street level. Council Member Letitia James also spoke at the hearing in support of the revisions but expressed doubt as to the proposal's ability to truly incentivize affordable housing. On October 17, 2012, City Planning [approved](#) the proposal, noting that reduced parking requirements alone are unlikely to spur affordable housing without a developer's participation in the [Inclusionary Housing Program](#).

On November 26, 2012, the proposal was heard by the Council's Zoning & Franchises Subcommittee. Council Members Stephen Levin and Letitia James focused their discussions on the benefit the proposal bestows on developers without also providing much-needed affordable housing and community facilities, such as a public school. James and Levin expressed the importance of managing the residential growth the District has seen since the entire Downtown Brooklyn area was [re-zoned in 2004](#). They asked whether the extra space that existing accessory garages will have when parking requirements are reduced can be utilized for affordable housing or community facilities. Purnima Kapur, Brooklyn Borough Director of the DCP, testified that many existing buildings are at the maximum allowance for [floor area ratio](#), which would preclude conversion of parking areas to affordable housing units or community facilities. Kapur stated that the [Inclusionary Housing Program](#) is the best incentive the City has to spur new affordable housing.

The Subcommittee closed the hearing and laid the vote over until its next meeting on December 4, 2012. The Land Use Committee voted on the proposal on December 6, 2012 and the full Council voted to approve the proposal on December 10, 2012.

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Council: Downtown Brooklyn Parking Text Amendment ([N 120384\(A\) ZRK](#) – text amendment) (November 26, 2012).

CITY COUNCIL

Designation

Lower East Side, Manhattan

Former Ridley & Sons Department Store Buildings Designated as an Individual Landmark, Approved By Full Council

Lower East Side department store, closed since 1901, approved for designation after adjacent property removed from consideration. On December 6, 2012, the New York City Council's Land Use Committee voted to approve the designation of the former [Edward Ridley & Sons Department Store Buildings](#). They voted to approve the landmark designation after its Council's Subcommittee on Landmark's, Public Siting & Maritime Uses hearing on December 4, 2012. Located at 315-317 Grand Street and 319-321 Grand Street, the buildings had been designated by the Landmarks Preservation Commission on [September 11, 2012](#).

Ridley & Sons was established in 1848 by Edward Ridley, and grew to become the largest department store on the Lower East Side. The adjoining properties at 315-317 and 319-321 Grand Streets were commissioned by Edward Ridley's sons



Edward Ridley & Sons Department Store.
Credit: Christopher D. Brazee (2012).



Rendering of Edward Ridley & Sons Department Store in 1886. Image Courtesy: LPC.

in 1886 as part of the store's expansion. The classical revival-style structures were designed by architect Paul F. Schoen. Schoen used a combination of brick, stone, and cast iron facades. 319-321 Grand Street's rounded corner, where Grand and Orchard Streets meet, served as a major entrance and was intended to increase the store's visibility from trolley cars traveling west from the Grand Street-Williamsburg ferry. By 1889, the store employed about 2,500 people, including many women, local residents and recent immigrants. The store closed in 1901 due to failing sales. In the early 1930's, Allen Street was expanded and the building next to 315-317 Grand Street was demolished making it the new corner building. A new west wall was erected with tan brickwork in the Art Deco style by architect John N. Linn.

The Landmarks Preservation Commission held its first hearing on Ridley & Sons on June 23, 2009. Four people testified in support of designation, including then local Council Member Alan Gerson, the Bowery Alliance of Neighbors and the Historic Districts Council. A sec-

ond hearing was held on June 22, 2010 in order to consider whether to include 59-63 Orchard Street as part of the Landmark designation. Two representatives of the owner of 315-317 Grand Street and 59-63 Orchard Street spoke against the designation. On September 11, 2012, the Landmarks Commission approved designation without the inclusion of 59-63 Orchard Street. Chair Robert B. Tierney said this gave the Commissioner an opportunity to save one of the few cast iron buildings on the Lower East Side and a surviving reminder of the "heyday" of the Ridley department store. The owner, Alfred I. Goldman, changing his stance, now favored the designation.

On December 4, 2012, prior to the Subcommittee vote, Council Member Brad Lander questioned what issues surrounded the inclusion and subsequent removal of 59-63 Orchard Street from the Landmark proposal. Jenny Fernandez, Director of Intergovernmental and Community Relations for the Landmarks Preservation Commission, stated that the property on Lot 16 (59-63 Orchard Street) was not part of the original buildings on Lots 14

Could Sandy have Stopped the ULURP Clock?

On October 25, 2012, the City Council Land Use Committee voted in favor of both the West Harlem rezoning plan and the Chelsea Market expansion plan with modifications. (See *CityLand's* past coverage [here](#)). The full City Council was originally expected to vote on these plans on October 30, 2012. However, Hurricane Sandy forced this vote to be delayed two full weeks.

Under the [Uniform Land Use Review Procedure](#) (ULURP), when City Council review is triggered, the Council has 50 days to act on an application approved by the City Planning Commission. If the Council does not modify the application, or does not disapprove of the application within that time period, the Council is deemed to have approved the decision of the City Planning Commission. On November 13, 2012, the City Council approved both plans with the modifications. Fortunately, this vote was held just before the 50-day review period was set to expire. What would have happened had Hurricane Sandy prevented the Council from modifying these plans?

It is reasonable to assume that many members of the City Council and local communities would not have been pleased if these plans were approved automatically without the Council's modifications. For example, one modification earmarks funds to the Robert Fulton Houses for affordable housing in Chelsea.

ULURP and the Council review process, which are found in Sections 197-c and 197-d of the [NYC Charter](#), do not explicitly mention how the review clock can be extended. However, the Council can amend the Char-

ter by local law subject to certain limitations without being subject to a voter referendum, as many Charter amendments require. The Council passed such a law for a similar circumstance in 2001. Following the aftermath of September 11, 2001, the City Council passed Local Law No. 58. This law extended the review periods for every phase of the ULURP process for all applications pending prior to September 11, 2001. The City Council extended its own review period for 45 days subsequent to September 11, 2001.

September 11, 2001, was, and hopefully always will be, a unique circumstance. It is still unclear when the Council has the power to extend the ULURP clock without being subject to a voter referendum. According to some City government employees, Hurricane Sandy could have triggered the same action by the Council. However, it is not believed that the Council would simply be able to extend the clock when it missed the deadline on a particular application for less pressing reasons, for example, a lack of consensus. That type of an extension of review time would seem to fall outside the scope of a unilateral amendment to the Charter by the Council.

In the end, Hurricane Sandy did not affect the ULURP process. Instead, the City has been able to focus their attention on the many citizens that were unfortunately affected by the hurricane.

— *CityLand Staff*

Brian J. Kaszuba, Managing Editor

and 15 (315-317 & 319-321 Grand Street) and only dated back to the 1930s. It was determined after further research and review, that Lot 16 did not warrant landmark consideration. Mitchell Grubler and Joyce Mendelsohn of the Friends of the Lower East Side, nonetheless, spoke in favor of designation at the Council hearing.

The Landmarks Commission and both City Council committees voted unanimously for designation of the two Grand Street sites. The full City Council approved the designation on December 10, 2012 by a vote of 46-0.

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Council: Edward Ridley & Sons Department Store ([N 130075 HKM](#) – landmark designation) (December 6, 2012).

CITY PLANNING COMMISSION

Rezoning/Special Permits
Clinton, Manhattan

Durst Mixed-Use Development on Hudson River Re-Enters ULURP, Awaits CPC Approval

99-year ground lease hinders owner's ability to provide permanent affordable housing. [Durst Development LLC](#) proposed a mixed-use, Large-Scale General Development (LSGD) project on multiple lots in Manhattan adjacent to the Hudson River. The property block is bounded by West 57th and West 58th Streets, and Eleventh and Twelfth Avenues. The west side of the block is cur-

rently a vacant lot, while on the east side of the block is [The Helena](#) – a residential and retail building also owned by Durst – and a [Manhattan Mini Storage](#). On the surrounding blocks are the former [Interborough Rapid Transit \(IRT\) Powerhouse](#) to the north, now operating as a Con Edison steam station, and car dealerships and a City Department of Sanitation garage to the south.

The development plan includes a new 35-story, pyramid-shaped building at [625 West 57th Street](#). The building's facade would gradually slope upward, with the peak of the building on the north-east corner of the lot. The middle of the building will boast an open-air courtyard for residents. The new mixed-use building would provide

714,000 sq.ft. of residential space with 753 rental units, 48,000 sq.ft. of ground floor retail space, and a 285-car accessory parking garage. Durst plans to make 20 percent of the building's units affordable, totaling 151 units, for a period of 35 years. The plan also includes a new two-story community facility building for a children's day care center in the middle of West 58th Street. Finally, the plan includes the conversion of the [Manhattan Mini Storage building](#) on the northeastern corner of the block to residential, retail, or community facility uses. A mid-block, north-bound access drive is proposed between West 57th and West 58th Streets to provide entrances to the new building's lobby and the parking garages of both the new building and The Helena.

A previous LSGD proposal was approved by City Council in 2001 and The Helena was constructed in 2004 pursuant to those land use applications. Between 2001 and the current application, buildings were demolished on the western side of the lot. A public school was proposed for the site in 2008 but the development was not pursued. Durst made a modified LSGD proposal and asked for land use actions to

fit the current plan, which includes the rezoning of the mid-block section from [M1-5](#) to [C6-2](#). The rezoning would allow residential uses to match the rest of the block, which is zoned [C4-7](#). Modifications to special permits and a restrictive declaration from 2001 would allow the developer flexibility within zoning height, floor area distribution, and setback requirements in order to facilitate the unique design of the new building and allow for more residential units than originally proposed.

Manhattan Community Board 4 voted to disapprove of the proposal unless modifications were made. The Community Board's chief concern was over the proposal's affordable housing units, urging Durst to make them permanently affordable. The proposal does not provide public open space and the Community Board asked that the mid-block access drive become open pedestrian space by widening the sidewalks and adding planters and benches. Additionally, the Community Board asked that the amount of parking spaces be reduced to 163 and that if a child care tenant cannot be found for the community facility space, Durst consult with the Community Board to find a suitable replacement.

Finally, the Community Board was concerned about the barrenness of West 58th Street, given that the IRT building has little pedestrian activity and Durst's proposal calls for the new building's mechanical and maintenance uses on that side of the development. Thus, the Community Board requested that Durst enliven West 58th Street with ground floor retail space.

Manhattan Borough President Scott M. Stringer approved of the proposal, noting that the new development would make "a considerable contribution to the waterfront." The Borough President noted that Durst has a 99-year ground lease of the site, which does not include the ability to provide permanent affordable housing. Therefore, the Borough President did not recommend permanent affordability, but requested that 20 percent of any residential units in the Manhattan Mini Storage building be made affordable. The Borough President asked that Durst look into facilitating safe access to Hudson River Park via West 59th Street, the closest public access way to the park. Finally, the Borough President noted that Durst made modifications to the proposal in response to the Community Board's concerns. Durst agreed to create open pedestrian space along the mid-block access drive by narrowing the width of the road and widening the sidewalks, and adding planters and benches. Durst also hopes to enliven West 58th Street by adding retail uses around the corner along Twelfth Avenue, and lighting the sidewalk and creating ground floor art displays along West 58th Street.

The City Planning Commission is currently reviewing the proposal and is expected to vote on the proposal on December 19, 2012.

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CPC: Durst W57 (C 120396 ZMM – rezoning); (C 120397 ZSM – special permit); (C 120398 ZSM – special permit); (M 010148(A) ZMM – restrictive declaration); (M 010151(B) ZSM – special permit LSGD) (November 14, 2012) (Architect: Bjarke Ingels Group).



Rendering of proposed mixed-use building at 625 West 57th St. Image Courtesy: Durst Development LLC.

LANDMARKS PRESERVATION COMMISSION

Certificate of Appropriateness

Brooklyn Heights, Brooklyn

Landmarks Commission Unable to Agree Upon Brooklyn Heights Cinema Demolition and Construction Proposal

Ridgeton Poultry Inc. proposed to demolish heavily altered, mid-19th-century one-story building, and develop new five-story mixed-use structure. On November 27, 2012, the Landmarks Preservation Commission considered a proposal for the demolition of a one-story building at [70 Henry Street](#) in the [Brooklyn Heights Historic District](#), and the construction of a new mixed-use building on the property. The building, located on the corner of Orange and Henry Streets, is now occupied by the Brooklyn Heights Cinema. The Cinema would retain space in the proposed structure.

Preservation consultant [Gregory Dietrich](#), retained by the applicants, testified that the existing building was constructed in 1895, and was originally a poultry and butcher shop. Prior to the designation of the Brooklyn Heights Historic District in 1965, the building was repeatedly subdivided and reconfigured, with multiple changes to the storefronts. In 1971, the building was converted into a movie theater with further significant alterations approved by Landmarks. Portions of the existing cornice are original, but are in poor shape, and would need to be replaced if the building is retained. Dietrich argued that the building's architecture was so compromised throughout the years as to have lost any association with Brooklyn Heights' commercial development and lacks the requisite integrity to convey historical significance.

Owner Tom Caruana's family has owned the building for 44 years.



Rendering of 70 Henry Street project. Credit: Gerner Kronick & Valcarcel Architects P.C.

He stated that the new building's size and shape would be as-of-right under zoning, and would lead to the creation of thirteen apartments, as well as commercial space. The project would require a variance from the Board of Standards & Appeals because the movie theater is not an as-of-right use. Cinema operator Kenn Lowy further testified that the plan would allow the theater, which has been in existence for 42 years, to continue to occupy the space, and that the plan would also allow for a live entertainment venue which is presently absent in the neighborhood.

Architect Randy Gerner, of [Gerner Kronick & Valcarcel Architects](#), presented the proposal for the site. The proposed building would rise to five stories, and possess 13,000 sq.ft. of floor space, less than the maximum available 14,000 plus sq.ft. The building would be L-shaped and possess an interior courtyard that would provide light and air to tenants, as well as protect neighbors' lot-line windows. The building's residential entrance would face Orange Street, while the commercial and theater entrances

would be on Henry Street. Gerner noted that Brooklyn Heights hosted structures of varying sizes, and the planned 50-foot-high building would be not be among the largest or smallest. The building would be clad in brick and have bands of large, steel-framed windows, with limestone trim. Planter boxes would be installed on the ground-floor level of the Orange Street facade.

A representative of local Council Member Stephen Levin spoke in opposition to the plan, stating that the existing structure culturally and architecturally contributed to the district. Levin did not believe enough alterations were made to the original building to warrant demolition. The [Brooklyn Heights Association](#) also strongly objected to the plan, with President Jane McGroarty in favor of restoring the existing building as "one of the handsomest and oldest commercial buildings in the district." Simeon Bankoff, of the [Historic Districts Council](#), stated that the proposed building was "better suited to one of the Tribeca districts rather than Brooklyn Heights," and found that "a less industrial design

would be preferable.”

Some neighborhood residents supported the proposal believing the existing building was “an eyesore,” and noting that the project would bring rental housing into the community, which is largely dominated by condominiums and co-ops. Brooklyn Community Board 2 issued a resolution in favor of the project.

The commissioners differed on the proposal. Commissioner Fred Bland, who resides in Brooklyn Heights, stated that he could not support the demolition of the existing building, and added that the building, with its historic fabric, could serve as the base of the proposed 50-foot-high building. Commissioner Libby Ryan concurred, saying that though the current structure was not a “fabulously important building in Brooklyn Heights,” she was not comfortable with the complete demolition of a 19th-century building. Commissioner Margery Perlmutter determined that the building possessed little historic fabric due to the significant alterations, and did not contribute to the historic district. She found the scale of the proposed building appropriate, but thought the design “need(ed) a little more finessing.” Commissioner Diana Chapin said the existing structure was “an interesting small little building,” but did not make a “profound contribution” to the historic district. Commissioner Michael Goldblum found the design of the proposal was too reminiscent of Art Deco/Modern architecture of the 1920s and 1940s, an inappropriate vocabulary for the district.

Landmarks counsel Mark Silberman cautioned the commissioners of the potential precedent that would be set if it were determined that a contributing building, worthy of preservation, could be used as a base for a larger structure at the streetwall.

Chair Robert B. Tierney found inadequate consensus to call a vote, and asked the applicant to take

the commissioners’ comments under consideration, as well as work with Landmarks staff, and return at a later meeting.

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LPC: 70 Henry Street, Brooklyn (13-1756) ([Nov. 27, 2012](#)) (Architect: Gerner Kronick & Valcarcel Architects P.C.).

LANDMARKS PRESERVATION COMMISSION

Designation/Calendaring

Financial District, Manhattan

Marine Midland Bank Building Enters Designation Process

Gordon Bunshaft-designed Mid-century Modernist office tower on trapezoidal site enters process towards designation. On November 20, 2012, Landmarks voted to calendar the Marine Midland Bank building, at [140 Broadway](#) in Lower Manhattan’s Financial District, as a potential individual City landmark.



140 Broadway. Image Courtesy: Cushman & Wakefield.

The building was designed by Gordon Bunshaft, partner at [Skidmore, Owings & Merrill](#). Other individual landmarks in the City designed by Bunshaft include the [Manufacturer’s Company Trust Building](#), and Modernist icon, the [Lever House](#). The Marine Midland Bank building opened in 1967 and the tenants have primarily been banks and other financial-services industries.

The 49-story Marine Midland Bank is an example of mid-century Modernism, with a minimalist cur-

tain wall of black aluminum and bronze-tinted glass. The building occupies a trapezoidal site, covering an entire block, leading to an imposing free-standing form. The building’s ground floor maintained the structure’s stark simplicity, with no signage or retail space. Sculptor Isamu Noguchi’s 28-foot-tall “Red Cube” stands in the building’s plaza, facing Broadway. The building has undergone changes since its construction, including modifications to the entrances in 2000, but it retains most of its original fabric, as well as its character.

The commissioners voted unanimously to calendar the property, with Chair Robert B. Tierney stating that he was “looking forward” to considering its significance further. No date has been set for a hearing on the potential designation.

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LPC: Marine Midland Bank, 140 Broadway, Manhattan ([LP-2530](#)) (November 20, 2012).

LANDMARKS PRESERVATION COMMISSION

Certificate of Appropriateness

Harlem, Manhattan

Landmarks Request Proposal Revisions for Firehouse to Cultural Center Conversion

Commissioners suggested retaining former firehouse’s garage door and rethinking mural sizes for planned cultural center. On November 13,



120 East 125th Street, Manhattan.
Credit: CityLand.

2012, Landmarks considered a proposal by the [Caribbean Cultural Center African Diaspora Institute](#) (CCCADI), to make modifications to the [individually landmarked](#) Fire Hook and Ladder Company No. 14 at [120 East 125th Street](#) in Harlem. The Romanesque Revival firehouse, designed by Napoleon LeBrun & Sons and completed in 1889, was designated in 1997. The firehouse was closed in 2003 due to budget cuts. The City Council approved sale of the building in 2007, on the condition that it be transferred to a community service provider. (See *CityLand's* past coverage [here](#)). CCCADI was awarded the firehouse, and presented the proposal in order to convert the firehouse into a new space for the Institute.

Melody Capote, Director of External Affairs for the Institute, stated that moving to the 125th Street location, from the present Hell's Kitchen location, would "place us in greater proximity to the constituencies we serve." She stated that the site would host exhibitions, concerts, lectures, after-school programs, and "community-based learning." Capote expressed hope that the location would allow the Institute to become a place where community members could "share ideas and dialogue."

Meisha Hunter, of [Li/Saltzman Architects](#), presented the preservation work that would be part of

the project, which would entail the restoration of the historic components of the facade and the building's slate roof. The westernmost bay on the ground floor would be restored, while the historic panel on the eastern bay would be retained and incorporated into a new egress door. Signage would be installed at the location of a grandfathered flagpole above the westernmost bay and LED lighting would replace existing floodlights. The firehouse is adjoined by shorter structures on both sides, and the Institute proposed to commission local artists to paint murals on the building's side walls. Both murals would take up considerable space on each of the side walls. Hunter stated the murals "would really underscore the mission of this cultural institution."

Rafael Fernandez of the [CSA Group](#) testified that the existing non-historic firehouse garage door would be replaced with transparent glass infill, which he said would serve the museum's mission to "engage the public sphere." Mechanical equipment added to the roof would be set back 50 feet from the front facade and would not be visible from the street. A frosted glass transom window would host information and images about events and exhibits projected onto it from inside the building.

Nadezhda Williams, Director of Preservation and Research for the Historic Districts Council, testified that "more attention should be paid to the historic ground floor." She suggested that the applicants push the infill back to allow for the retention of the garage door, which could be closed at night. Williams stated that this approach has been taken at other sites around the City. Manhattan Community Board 11 submitted a written report in support of the proposal.

The commissioners generally expressed satisfaction with the firehouse's restoration and adaptive reuse, but asked to see modifications before granting approval. Vice Chair

Pablo Vengoechea recommended that the applicants work on the design to retain the solidity of the ground floors, finding that the all-glass infill "begins to look like retail." Vengoechea also found that the large wall murals as proposed "overwhelm the building," and suggested their "reduction and containment." Commissioner Michael Goldblum agreed, calling the glass infill "completely generic," and further determined that the murals added to the "cacophony" of 125th Street. Goldblum believed quieter murals would be more effective. Commissioner Libby Ryan also found that the murals "detract and distract" from the landmark's roof line. Chair Robert B. Tierney found many of the proposed changes appropriate, but asked the applicants to rethink the ground floor and infill, and return to Landmarks at a later date. The hearing concluded with no action taken by the Commission.

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LPC: Fire Hook & Ladder Company No. 14, 120 East 125th Street, Manhattan (13-6695) ([Nov. 13, 2012](#)) (Architect: [Li/Saltzman Architects](#); [CSA Group](#)).

LANDMARKS PRESERVATION COMMISSION

Certificate of Appropriateness

Midtown South, Manhattan

Landmarks Approves 23-Story Hotel for West 28th Street Site

Alterations to facade design win approval for setback tower to be built on existing two-story base. On December 11, 2012, the Landmarks Preservation Commission voted to approve an application by Quartz Associates LLC for a site at [250 Fifth Avenue](#) in the [Madison Square North Historic District](#). The plan calls for the construction of a tower that will rise to 23 stories on top of a one-story extension to the bank building facing West 28th Street. The new tower would be set back 20 feet from the existing base.

A penthouse would also be built on the five-story bank building which faces the avenue. The work will serve the conversion of the property to hotel use. The applicants intend to conduct a complete restoration of the bank building.

Landmarks held a hearing on July 24, 2012 on the project. (See *CityLand's* past coverage [here](#)). Architect Charles Platt, of [Platt Byard Dovell White](#), said the building's massing, specifically the tower's setback, which is atypical for the historic district, was mandated by the site's C5-2 zoning. The building was clad in precast concrete and brick bands, with asymmetrical piers emphasizing the building's verticality.

Representatives of the Historic Districts Council and the Society for the Architecture for the City opposed the building's zoning-driven massing. The Society's Christabel Gough recommended that the applicants seek a variance to build the tower at the streetwall. Manhattan Community Board 5 submitted a letter to the Landmarks Commission recommending approval of the project.

The commissioners were split on the proposal, with Commissioners Fred Bland, Joan Gerner, and Diana Chapin finding the plan

close to approvable. Vice Chair Pablo Vengoechea found the proposal's massing excessive. Commissioner Michael Goldblum found the project would be much more contextual if the tower were built at the streetwall.

When the applicants returned at the December 11th meeting, Charles Platt demonstrated modifications to the design of the facade tower that would introduce more horizontal elements, which make the architecture more contextual with the district's historic buildings. Horizontal steel channels and louvers would be introduced to the facades, and previously metal spandrel panels would now be stone. Platt noted that the Madison Square North Historic District did not have a consistent building height or building typology, but was "a district of practically all exceptions." He said the contemporary tower setback from the early 20th-century fabric, suited the "juxtaposition of surfaces" which characterizes the district. The section of the tower facing Fifth Avenue over the top of the bank building was redesigned to give it greater primacy. A new canopy was also designed for the hotel entrance, on West 28th Street.

Commissioners Bland and

Gerner reiterated their support for the project, with Bland calling the revisions "pretty subtle, but successful." Commissioner Diana Chapin found the revisions served to make the project more contextual. Most of the commissioners commented on the new canopy as a positive addition. Commissioner Goldblum dissented, arguing that buildings rising straight from the streetwall were a defining characteristic of the historic district, and the setback tower made the project "a non-starter in this district."

Vice Chair Vengoechea abstained from the vote, saying he did not have enough context for the project and was not ready for approval though he found the proposed structure "handsome." Vengoechea argued that "zoning should not be what drives form," and agreed with Commissioner Goldblum that "this is a streetwall district."

Chair Robert B. Tierney called for a vote after expressing approval for the project. The Landmarks Commission voted to issue a Certificate of Appropriateness for the project, with one "no" vote and one abstention.

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LPC: 250 Fifth Avenue, Manhattan (12-5106) (Dec. 11, 2012) (Architect: Platt Byard Dovell White Architects).



Rendering of proposed 250 Fifth Avenue additions. Image Courtesy: Platt Byard Dovell White.

COURT DECISIONS

City Council

Williamsburg, Brooklyn

Williamsburg Domino Sugar Project Survives Appellate Court Challenge

Community coalition failed to stop 11-acre mixed-use development at Domino Sugar Refinery site along Williamsburg waterfront. [CPC Resources](#) proposed to develop a 2,200-unit mixed-use project on the Domino plant site. The 11.2-acre site includes two parcels of land. The first is located along the East River between Grand and South 5th Streets, bordered to the east by Kent

Avenue. The second, smaller parcel is bounded by South 3rd and South 4th Streets and Wythe and Kent Avenues. The Domino Sugar Refinery Building, located at [292 Kent Avenue](#), was [landmarked](#) in 2007 and will be redeveloped by CPC Resources as part of the proposal. The plan will provide public waterfront access, ground floor retail space along Kent Avenue, underground parking, office space, and 2,200 residential units. CPC Resources promised to market 30 percent of the apartments as affordable housing. The site had been [targeted for development](#) since 2007 and the City [approved](#) CPC Resources' plan in 2010.

The Williamsburg Community Preservation Coalition opposed the approval of the plan on the basis that the development was too dense and did not create enough affordable housing. The Coalition filed an article 78 petition challenging the approval of the plan. The Coalition argued that the City Planning Commission (CPC) and the City Council violated the State Environmental Quality Review Act (SEQRA) by not taking a "hard look" at the project's anticipated adverse environmental impacts. Furthermore, the final Environmental Impact Statement (EIS) noted that CPC Resources would only be required to allocate 20 percent of the residential units

as affordable, instead of 30 percent as previously promised. On June 2, 2011, the Manhattan Supreme Court denied the Coalition's petition that the CPC and the City Council violated SEQRA.

On November 20, 2012, the Appellate Division, First Department affirmed the lower court's decision. The court ruled that the CPC and the Council took a "hard look" at the environmental impacts. The court found that the CPC and the Council addressed the community's concerns regarding project size by reducing the heights of several buildings. The court was comfortable with the level of detail and the extent of the analysis by the CPC and the Council. The basis for the approval of the project "was not arbitrary and capricious or unsupported by the evidence," thus satisfying SEQRA's requirements. The court also found that CPC Resources' promise of 30 percent affordable housing was always disclosed to the public as a goal and not as a binding commitment, thus the requirement of 20 percent in the EIS was a non-issue.

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Williamsburg Community Coalition v. The Council of the City of New York, 2012 N.Y. Slip Op. 07869 (1st Dep't November 20, 2012) (Attorneys: Jeffrey S. Baker, for Coalition; Michael A. Cardozo, Sharyn Rootenberg and Sarah Kogel-Smucker, for NYC; Sive, Paget & Riesel, for The Refinery LLC).

ADMINISTRATIVE DECISIONS

Environmental Control Board
 Midtown, Manhattan

ECB Held Premises Used as Adult Establishment Violated TCO

Respondents argued DOB-approved alteration plans sufficient to change occupancy of premises from cabaret to adult establishment. On October 13, 2011, the City's Department of Buildings (DOB) issued notices of violations to 725 7th Avenue Realty Co. for illegal use of the premises as an adult establishment, as well as illegal use of the second floor and cellar. The premise is currently occupied by the Lace Gentlemen's Club located at [725 7th Avenue](#) in Manhattan.

The premises' [Temporary Certificate of Occupancy](#) (TCO) allows for the cellar to be used for storage, the first floor as a cabaret, and the second floor for retail. However, the issuing officer found the cellar being used as the entertainer's lounge, and the first and second floors as an adult establishment. The owner argued that altering the cabaret to an adult establishment was allowable since both are within [zoning use group 12](#), as well as [occupancy group F-4](#), as stated in the TCO. Both of these groups cover eating and drinking establishments with dancing and entertainment. In addition, the owner argued that DOB already approved the alteration plans but admitted the TCO did not reflect the approved changes. At the hearing, the administrative law judge (ALJ) upheld the violation finding the use as an adult establishment, and the cellar and second floor uses were illegal occupancies since it didn't adhere to the TCO.

The Environmental Control Board (ECB) affirmed the decision of the ALJ and sustained the \$2,400 fine. DOB showed that only the first floor and mezzanine level fell within zoning use group 12 and occupancy



Rendering of CPC Resources Inc.'s project at the former Domino Sugar plant in Williamsburg, Brooklyn. Image Courtesy: Rafael Vinoly Architects.

group F-4. According to the TCO, the second floor, authorized for a retail store, and the cellar, authorized for storage, are classified under separate zoning use and occupancy groups. Thus, DOB established that the TCO prohibited the owner from using these levels as part of the

adult establishment.

According to ECB, even though the owner's alteration plans to become an adult establishment were approved by DOB, they still needed to amend or finalize the TCO reflecting the change in uses to an adult establishment and the change in uses

of the cellar and second floor. Any ongoing plans to make the changes final does not excuse the violation from being issued based upon the most recently issued Certificate of Occupancy.

.....
NYC v. 725 7th Avenue Realty Co., [ECB Appeal No. 1200532](#) (October 25, 2012).

CITYLAND PROFILES

Michael Best, Counselor to Mayor Bloomberg: Weathering Hurricane Sandy at City Hall



Michael Best, Counselor to Mayor Michael R. Bloomberg, was appointed in May 2012, replacing Anthony Crowell, now Dean of New

York Law School. Best serves as General Counsel in the mayor's office and is one of the mayor's senior management and policy advisors, helping to coordinate and oversee City agencies, boards, and committees. Best has served in City government since 1991, having worked as General Counsel to the City's Criminal Justice Coordinator, Director of the Office of Contracts, Deputy Counsel to Mayor Bloomberg, and General Counsel of the New York City Department of Education. Best began his career as an Assistant District Attorney in Manhattan.

Gearing up for Hurricane Sandy. On Friday, October 26, 2012, Mayor Bloomberg issued his [public announcement](#) concerning the City's preparations to respond to fast-approaching Hurricane Sandy. As Counselor to the Mayor, Best was behind the scenes helping to turn those preparations into a reality. Best is no stranger to City crises; he worked in the Office of Contracts in Rudolph W. Giuliani's administration during the tragic events of September 11, 2001 and was responsible for overseeing emergency contracts to help the City recover following the terrorist attack. When Mayor Bloomberg took office in January 2002, Best joined the City Hall team as Deputy Counsel. The City was still in a state of emergency and Best helped with mayoral emergency orders related to traffic and safety issues around the World Trade Center site. During Hurricane Sandy, Best drew on his past emergency experience as well

as the knowledgeable team of lawyers who had previously handled the City's response to Hurricane Irene in 2011.

"We did what we had to do." On the weekend before Hurricane Sandy's landfall, Best and his team were at the City's Office of Emergency Management coordinating a wide range of issues, from arranging a sign language interpreter for the mayor's public announcements to drafting the first Proclamation of a State of Emergency and Evacuation Order ([E.O. 163](#)) issued on October 28, 2012. Best noted, "The challenge for us was to make sure that we were providing the best legal advice we could in a very rapid manner." For example, the City's Department of Citywide Administrative Services' policy is that City workers are expected to report to work in emergency situations. In response to that policy, Best and his team had to solve issues such as what to communicate to the more than 300,000 City employees given that many City offices were without power, and that the City wanted some workers to help out at evacuation shelters.

Communication was key to the City's response to Hurricane Sandy. Many briefing sessions were held to coordinate communications among officials at City Hall, the City's agencies, and the State to keep decisions informed and appropriate. According to Best, those days were about "everybody in City government pulling together to make sure that the issues the mayor needed to know about were on the table so that we could make decisions in a coherent way." After the mayor was ready to make formal decisions, Best's main focus was to translate those decisions clearly and concisely into emergency orders and public announcements.

Hurricane Sandy's aftermath. After a state of emergency is declared, the State's [executive law](#) gives the mayor the authority to issue emergency orders pursuant to the state of emergency proclamation. Each mayoral emergency order lasts for five days. Best was charged with determining whether a proposed order posed issues under federal, State or local law, and whether the actions required by each order fell within a specific agency's authority. Some of the emergency orders related to [gas rationing](#), [debris removal](#), and [high occupancy vehicle restrictions](#). Additionally, some policies did not need to be embodied in an order and were implemented as the need arose.

In the days following Hurricane Sandy, Mayor Bloomberg wanted to get people safely back in their homes as quickly as possible, so the mayor, working with the Federal Emergency Management Agency, created the [Rapid Repair Program](#). This program, the first of its kind in the nation, allowed the City to make free, emergency repairs to damaged homes and went hand-in-hand with executive orders that [suspended building permit fees](#) and allowed [reoccupation](#) of structurally sound buildings. As Best sees it, his job was to facilitate making government policy a legal reality without creating legal barriers and without micro-managing the agencies which possess expertise in their field. To Best, it's more important that City residents notice the programs and policies that impact their lives, rather than the work involved to make those programs and policies possible.

— Amber Gonzalez

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- **Property Tax Fraud**
- **Not-For-Profit Exemptions**
- **Tax Appeals: Changes in Policies and Procedures**

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CITY PLANNING PIPELINE

New Applications Filed with DCP - November 1 to November 30, 2012

APPLICANT	PROJECT/ADDRESS	DESCRIPTION	ULURP NO.	REPRESENTATIVE
ZONING TEXT AND MAP AMENDMENTS				
DCP, MN	MN Core Parking Text Amend., MN	Text amend. to mod. parking regulations in MN community boards 1-8	130105ZRM	Adam Wolff
Trinity Church NYC	Hudson Square Rezoning, MN	Modification of rezoning to create new Special Hudson Square District	120381(A)ZRM	Richard Leland
Kingsbridge Assoc., LLC	River Plaza Rezoning, BX	Rezoning M1-1 and R6/C1-3 to C8-3 in Marble Hill neighborhood	130120ZMX	Steven M. Sinacori
DCP, BK	BAM South/Downtown Brooklyn Development, BK	Rezoning; zoning text amendment; special permit related to commercial, academic, and residential development opportunities in downtown BK	130116ZMK; 130117ZRK; 130118ZSK	
SPECIAL PERMITS/OTHER ACTIONS				
HPD, DCAS, EDC	Seward Park Mixed-Use Development, MN	Modifications to special permits to modify bulk and use regulations in large scale general development (LSGD)	120228(A)ZSM; 120229(A)ZSM	
Judith M. Gallent, Esq.	70 Pine St., MN	Cert. to mod. open space equiv. to facilitate conversion to commer. & res. uses	130114ZCM	Bryan Cave
Richard Lobel, Esq.	361 Broadway, MN	Auth. to modify street wall loc. requirements for 2-story rooftop enlargement	130119ZCM	Sheldon Lobel PC
Frank E. Chaney, Esq.	223-237 St. Nicholas Ave., MN	Auth. to modify height req. to facilitate mixed-use building with FRESH food store; cert. that proposed supermarket meets FRESH food store req.	130112ZAM; 130113ZCM	Bryan Cave
DCAS	1112 St. Nicholas Ave., MN	Acquisition of office space for use by Manhattan Community Board 12	130106PXM	Ebenezer Smith
DCAS, HRA	4 Metrotech, BK	Acquisition of office space for use by Human Resources Admin.	130111PKX	Chris Fleming
Matt Mason	49-51 Chambers St., MN	Modification of disposition of City-owned property	120267(A)PPM	EDC
Leyla Marouti	84 7th Ave. South, MN	Renewal of 21-seat enclosed sidewalk cafe (Dinner is Ready, LLC)	130121ECM	
Lorenzo Aragona	2161 Broadway, MN	New 30-seat enclosed sidewalk cafe (Fratelli La Bufala)	130123ECM	
NPK Donut, Inc.	96 E. 161st St., BX	New 51-seat enclosed sidewalk cafe (Court Deli)	130125ECX	Katsiatis Panagiotis
Sam Lap Ying	1200 Castle Hill Ave., BX	Renewal of 60-seat enclosed sidewalk cafe (Sabrosura Restaurant)	130122ECX	
Abi Group LLC	8530 3rd Ave., BK	New 42-seat enclosed sidewalk cafe (Vicolo Ristorante & Bar)	130124ECK	
Ashland Building, LLC	71 Hanover Ave., SI	Related to future subdivision of zoning lot in Sp. South Richmond Dev. Dist.	130115RCR	Peter J. Calvanico

ULURP PIPELINE

New Applications Certified into ULURP

PROJECT	DESCRIPTION	COMM. BD.	ULURP NO.	CERTIFIED
Pier 57 Redevelopment Project	Rezoning M2-3 to M1-5; special permit to mod. waterfront use and bulk regulations; special permit for large retail establishments; special permit for 74-space accessory parking garage; chairperson certification of public access plan	MN 4	130100ZMM; 130101ZSM; 130102ZSM; 130103ZSM; N130104ZCM	11/5/2012
150 Wooster Street	Text change to expand lot coverage; special permit to allow residential use in building (including cellar and ground floor)	MN 2	N120200ZRM; 120201ZSM	11/13/2012
580 Gerard Avenue Rezoning	Rezone M1-2 to R7A/CE-2 to build 7-story resid. bldg. with ground floor retail; text amend. to add BX CD4 to Inclusionary Housing Prog.	BX 4	130064ZMX; N130065ZRX	11/13/2012
Oceanview Manor Home for Adults	Special permit to mod. use and bulk regs. to facilitate enlargement of adult domiciliary care facility; sp. perm. to allow certain community facility uses; sp. perm. to mod. bulk regs. on waterfront lot; cert. that waterfront public access or visual corridors not required	BK 13	130107ZSK; 130108ZSK; 130109ZSK; N130110ZCK	11/13/2012
BAM South	Rezoning; zoning text amendment; special permit	BK 2	130116ZMK; N130117ZRK; 130118ZSK	11/26/2012

Non-ULURP Referrals

PROJECT	DESCRIPTION	COMM. BD.	APP. NO.	REFERRED
Manhattan Core Parking Text Amend.	Text amend. to mod. parking regs. in MN community boards 1-8	MN 1-8	N130105ZRM	11/5/2012
God's Love We Deliver	Modification of previously approved disposition of City property	MN 2	M930086(A)PPM	11/5/2012
Whitestone Plaza	Authorization to reduce parking spaces from 697 to 350	QN 7	N100470ZAQ	11/5/2012
153 Elizabeth Street	Authorization to modify height & setback req. for existing hotel	MN 2	N110022ZAM	11/13/2012
Seward Park Mixed-Use Development	Modification of special permits to mod. bulk and use regs. in large scale general development (LSGD)	MN 3	M120228(A)ZSM; M120229(A)ZSM	11/26/2012
AirTrain Area Streetscape Text Amend.	Text amend. to bulk & streetscape regs. in Sp. Downtown Jamaica Dist.	QN 12	N130096ZRQ	11/26/2012

BSA PIPELINE

New Applications Filed with BSA — November 1 to November 30, 2012

APPLICANT	PROJECT/ADDRESS	DESCRIPTION	APP. NO.	REPRESENTATIVE
VARIANCES				
33 Beekman Owner LLC	29-37 Beekman St., MN	Increase permitted floor area (Pace University dormitory)	312-12-BZ	Jay A. Segal
New York University	726-730 Broadway, MN	Convert 9 floors to college/university use	298-12-BZ	Kramer Levin
40-56 Tenth Ave. LLC	40-56 Tenth Ave., MN	Waive zoning reqs. to build 12-story office building with retail use	299-12-BZ	GoldmanHarris
Columbia Grammar & Prep.	36 W. 93rd St., MN	Enlarge school building	300-12-BZ	Davidoff Hutcher
Tabernacle of Praise	1106-1108 Utica Ave., BK	Develop 3-story church, with accessory facilities	303-12-BZ	Eric Palatnik PC
Marc Edelstein	701 Avenue P, BK	Enlarge 1-family dwelling in Special Ocean Pkwy. District	322-12-BZ	Fredrick A. Becker
964 Dean Acq. Group	964 Dean St., BK	Convert factory building to residential use in M1-1 district	311-12-BZ	Eric Palatnik PC
SPECIAL PERMITS/OTHER ACTION				
25 Broadway Office Prop.	25 Broadway, MN	Permit physical culture establishment	323-12-BZ	Sheldon Lobel PC
45 Crosby St. Tenant Corp.	45 Crosby St., MN	Permit physical culture establishment in M1-5B district	318-12-BZ	Rothkrug Rothkrug
YHD 18 LLC	32 W. 18th St., MN	Permit physical culture establishment	302-12-BZ	Davidoff Hutcher
N.Y. Communications Ctr.	350 W. 50th St., MN	Permit physical culture establishment (Bally's Total Fitness)	314-12-BZ	Troutman Sanders
W. 116th Owners Retail	23 W. 116th St., MN	Permit physical culture establishment in mixed-use bldg.	320-12-BZ	Rothkrug Rothkrug
Taxiarhis Davanelos	45 76th St., BK	Enlarge 1-family dwelling in R3-1 district	324-12-BZ	Sheldon Lobel PC
Flatbush Delaware Holding	1009 Flatbush Ave., BK	Permit physical culture establishment (Bally's Total Fitness)	313-12-BZ	Troutman Sanders
Jay Lessler	22 Girard St., BK	Enlarge 1-family dwelling	321-12-BZ	Dennis Dell'Angelo
Jam Realty of Bayside	213-11 35th Ave., QN	Extend commercial use into R2A district, allow enlargement	301-12-BZ	Rothkrug Rothkrug
Prince Plaza LLC	37-20 Prince St., QN	Permit physical culture establishment in C4-2 district	316-12-BZ	Eric Palatnik PC
Pali Realty LLC	23-25 31st St., QN	Modify rear yard reqs. in C4-3 commercial district	315-12-BZ	Akerman Senterfitt
Vincent Passarelli	2955 Veterans Rd. W., SI	Permit physical culture establishment in M1-1 district	306-12-BZ	Eric Palatnik PC
APPEALS				
141 E. 88th St. LLC	141 E. 88th St., MN	Waive MDL to reclassify, rehabilitate & add to bldg.	310-12-A	Mitchell A. Korbey
28-20 Astoria Blvd. LLC	28-18 Astoria Blvd., QN	Vested right to complete construction under prior R6 zoning	297-12-A	Fredrick A. Becker
Success Team Development	42-32 147th St., QN	Permit 7-story building in mapped street bed	304-12-A	Eric Palatnik PC
Athanasia Kartsonis	5 Point Crescent, QN	Renovate 1-family dwelling in mapped street bed	305-12-A	Eric Palatnik PC
The Breezy Pt. Co-op.	25 Olive Walk, QN	Reconstruct, enlarge 1-fam. dwelling not fronting mapped street	307-12-A	Gary Lenhart
LIC Acorn Development	39-27 29th St., QN	Vested right to continue development, obtain C of O	308-12-A	Francis R. Angelino
Joehan Enterprise Inc.	41-05 69th St., QN	Vested right to continue development, obtain C of O	319-12-A	Gouranga C. Kundu
4040 Management LLC	40-40 27th St., QN	Vested right to complete construction under prior M1-3D zoning	317-12-A	Eric Palatnik PC
Orin, Inc.	319 Ramona Ave., SI	Appeal Borough Commissioner denial of proposal to construct 3, 2-family dwellings not fronting mapped street	288-12-A- 290-12-A	Rothkrug Rothkrug
EXTEND CONSTRUCTION PERIOD				
Skillman St. Properties	232 Skillman St., BK	Extend time to complete minor development by 6 mos.	309-12-BZY	Stuart A. Klein

LANDMARKS PIPELINE

Proposed Designations — November 2012

NAME	ADDRESS	ACTION	DATE
Marine Midland Bank	140 Broadway, MN	Calendared	11/20/2012
St. Louis Hotel	34 E. 32nd St., MN	Calendared	11/20/2012
M.H. Renken Dairy Building	584 Myrtle Ave., BK	Calendared	11/20/2012

Actions Taken — November 2012

FINAL PERMITS TO BE ISSUED AFTER LANDMARKS RECEIVES CONFORMING PLANS

ADDRESS	LANDMARK/HISTORIC DISTRICT	DESCRIPTION	DOCKET NO.	APP'D
November 13, 2012				
605 E. 9th St., MN	(Former) Public School 64	Replace windows	13-4979	W/Mod
1402 Eighth Ave., BK	Fourteenth Regiment Armory	Install doors, signage, flagpoles	13-6010	W/Mod
134 Duane St., MN	Tribeca South HD	Install roof deck, planters, fence	13-3062	Yes
42 Greene St., MN	SoHo-Cast Iron HD	Alter fire escapes	13-2921	Yes
Gramercy Park, MN	Gramercy Park HD	Extend temporary sculpture installation	13-7111	Yes
449 W. 21st St., MN	Chelsea HD	Construct rear and roof additions	13-5325	W/Mod
55 Central Park W., MN	Upper West Side/CPW HD	Replace doors	13-3258	W/Mod
11 E. 67th St., MN	Upper East Side HD	Combine bldgs., reconstruct roof & rear adds., inst. ironwork	13-6515	Yes
167 State St., BK	Brooklyn Heights HD	Enlarge rear yard addition	13-5741	Yes
25 Eighth Ave., BK	Park Slope HD	Create door opening, install pergola	13-5287	W/Mod
545 8th St., BK	Park Slope HD	Construct rear addition, alter entrance	13-1153	Yes
40 Cambridge Pl., BK	Clinton Hill HD	Construct rear add., entrance portico, repl. windows & fence	12-7856	W/Mod
34-48 84th St., QN	Jackson Heights HD	Legalize replacement of entrance steps	13-7507	Yes
Fort Totten, QN	Fort Totten HD	Install pads, generators, fences, plantings	13-6701	Yes
November 20, 2012				
40 Wall St., MN	Manhattan Company Building	Replace infill, modify stair, install canopy, signs	13-1310	W/Mod
78 Reade St., MN	Tribeca South HD	Legalize fire escape	12-4670	Yes
78 Leonard St., MN	Tribeca East HD	Replace storefront infill	13-6495	Yes
127 Hudson St., MN	Tribeca West HD	Install signage	12-7197	W/Mod
405 Broadway, MN	Tribeca East HD	Est. master plan (painted wall signs)	12-5920	Yes
302 Canal St., MN	Tribeca East HD	Install access ramp	13-5662	Yes
17 Greene St., MN	SoHo-Cast Iron HD	Install storefront infill	13-6113	W/Mod
70 Prince St., MN	SoHo-Cast Iron HD Ext.	Legalize bracket sign	13-7571	Yes
292 W. 4th St., MN	Greenwich Village HD	Const. rooftop addition, excavate areaway, yard, basement	13-5674	W/Mod
18 Grove St., MN	Greenwich Village HD	Amend C of A (excavation, rear yard addition)	13-5771	Yes
5 W. 8th St., MN	Greenwich Village HD	Alt. ground floor, enlg. penthouse, inst. marquee, wall sign	13-4777	Yes
747 Greenwich St., MN	Greenwich Village HD	Excavate passageway, construct rear lot building	11-9018	No
421-425 W. 13th St., MN	Gansevoort Market HD	Legalize window opening	13-7396	Yes
4750 Iselin Ave., BX	Fieldston HD	Construct rooftop addition	13-5052	W/Mod
511 E. 16th St., BK	Ditmas Park HD	Replace windows	13-7657	Yes
November 27, 2012				
123 Washington Pl., MN	Greenwich Village HD	Const. rear addition, alter window, excavate yard	11-7958	W/Mod
76 Greenwich Ave., MN	Greenwich Village HD	Amend C of A to demo. building & construct park	13-6664	Yes
141 E. 19th St., MN	Gramercy Park HD	Construct addition, bulkhead	13-6206	Yes
30 E. 65th St., MN	Upper East Side HD	Modify vestibule, replace canopy	13-6306	W/Mod
1080 Fifth Ave., MN	Expanded Carnegie Hill HD	Mod. door surround, repl. window, door grilles	13-6410	Yes
127 Milton St., BK	Greenpoint HD	Alter windows, excavate rear yard	13-5383	Yes
90 Joralemon St., BK	Brooklyn Heights HD	Install cornice	12-2916	W/Mod
1 Pierrepont St., BK	Brooklyn Heights HD	Est. master plan (window installation)	13-7280	No
105 Willow St., BK	Brooklyn Heights HD	Construct rooftop bulkhead, railing, alter windows	13-6265	W/Mod
20 Montgomery Pl., BK	Park Slope HD	Excavate cellar	13-6099	Yes

New Decisions Added to CITYADMIN www.CityAdmin.org November 2012

CITY COUNCIL

RES. NOS.	PROJECT	DESCRIPTION	DATE
1578	Civic Center Plan, MN	Disposition of 49-51 Chambers St. & denial of 22 Reade St.; readopted following Mayor's disapproval	11/13/2012 11/27/2012
1579	54 Greene Street, MN	Modify use regs. to permit live-work quarters for artists	11/13/2012
1580	34-19 30th Ave., QN	Withdraw revocable consent petition (sidewalk cafe)	11/13/2012
1589	1-50 50th Ave. & 1-55 Borden Ave., QN	Withdrawal of tax exemption application	11/27/2012
1590	19 Kenmare St., MN	Revocable consent (sidewalk cafe)	11/27/2012
1591	Mercedes House, MN	Zoning text amendment (accessory parking fl. area exemption)	11/27/2012
1592	PS. 298, QN	Site plan approval (800-seat primary school)	11/27/2012
1593	PS. 320, QN	Site plan approval (472-seat primary school)	11/27/2012
1594	1-50 50th Ave., QN	Approval of tax exemption	11/27/2012
1595	1-55 Borden Ave., QN	Approval of tax exemption	11/27/2012

CITY PLANNING COMMISSION

PROJECT NAME	DESCRIPTION	LOCATION	ULURP NO.	DATE
Edward Ridley & Sons Dep't Store	Landmark designation	MN 2	N130075HKM	11/14/2012
Bailey House	Special permit (non-profit institution in M1-4 district)	MN 11	C100179ZSM	11/14/2012
209-231 McGuinness Boulevard	Rezoning (M1-1 to R7A, C2-4 within R7A); zoning text amendment (inclusionary housing)	BK 1, 2	C100218ZMK ; N100219ZRK	11/14/2012
The Rainbow Room	Landmark designation	MN 5	N130098HKM	11/28/2012
4 Metrotech Plaza Office Space	Acquisition of office space	BK 2	N130111PKK	11/28/2011

BOARD OF STANDARDS & APPEALS

ADDRESS	DESCRIPTION	ACTION	CASE NO.	REPRESENTATIVE
179 Ludlow St., MN	Vested right to continue development under prior C6-1 zoning	App'd	162-11-A	Akerman Senterfitt
384 Lafayette St., MN	Permit physical culture establishment (SoulCycle)	App'd	193-12-BZ	Rothkrug Rothkrug
140 E. 63rd St., MN	Permit physical culture establishment (SoulCycle)	App'd	80-12-BZ	Rothkrug Rothkrug
933-943 Madison Ave., MN	Enlarge buildings, convert to retail & residential use	App'd	198-12-BZ	Kramer Levin
158 W. 83rd St., MN	Permit residential enlargement to commercial building	App'd	86-12-BZ	Troutman Sanders
58 E. 86th St., MN	Amend variance to permit retail uses	App'd	301-85-BZ	Francis R. Angelino
223-237 St. Nicholas Ave., MN	Permit mixed-use bldg. containing FRESH food store, school, & residential	App'd	66-12-BZ	Bryan Cave
4215 Park Ave., BX	Permit mixed-use development within mapped street	App'd	46-12-A	Eric Palatnik PC
1030 Southern Blvd., BX	Permit physical culture establishment (Blink Fitness)	W/D	202-12-BZ	Rothkrug Rothkrug
2085 Ocean Pkwy., BK	Construct house of worship (Congregation Bet Yaakob, Inc.)	App'd	168-11-BZ	Sheldon Lobel PC
951 Grand St., BK	Develop residential building	App'd	23-12-BZ	Simons & Wright
3599 Bedford Ave., BK	Enlarge 1-family dwelling	App'd	11-12-BZ	Fredrick A. Becker
1536 62nd St., BK	Convert two factory/warehouse floors to yeshiva use	App'd	93-11-BZ	Moshe M. Friedman
1936 E. 26th St., BK	Enlarge 1-family dwelling	App'd	104-11-BZ	Eric Palatnik PC
26 Ocean Ave., QN	Alter, enlarge 1-family dwelling not fronting mapped street	App'd	196-12-A	Deidre Duffy
95-36 115th St., QN	Construct 3-story, 2-family dwelling (yards, parking)	App'd	2-12-BZ	Rothkrug Rothkrug
1775 South Ave., SI	Extension of term (Planet Fitness)	App'd	194-02-BZ	Sheldon Lobel PC
350 New Dorp Ln., SI	Extension of term (AF Bennett Salon and Wellness Spa)	App'd	330-05-BZ	Vito J. Fossella
2977 Hylan Blvd., SI	Allow development of child care center	W/D	192-11-BZ	Eric Palatnik PC

LANDMARKS PRESERVATION COMMISSION - APPROVALS & CERTIFICATES

ADDRESS	LANDMARK/HISTORIC DISTRICT	DESCRIPTION	CASE NO.	APP'D	ISSUED
361 Broadway, MN	James S. White Bldg.	Const. rooftop addition, replace doors, windows	13-7546	Yes	11/5/2012
222 W. 23rd St., MN	Hotel Chelsea	Construct penthouse, rear addition, replace infill	13-7443	Yes	10/25/2012
1552 Broadway, MN	I. Miller Building	Replace storefront infill, signage, install lights; remove, relocate floors, remove, install walls	13-7916 ; 13-7917	Yes; Yes	11/16/2012 11/16/2012
1208 Surf Ave., BK	Childs Restaurant Building	Install rooftop air conditioning units	13-7858	Yes	11/15/2012
305 Canal St., MN	SoHo-Cast Iron HD	Establish master plan (painted wall signs)	13-7509	Yes	10/26/2012
449 Broadway, MN	SoHo-Cast Iron HD	Remove fire escape, replace infill, inst. signs	13-7339	Yes	10/23/2012
60 Grand St., MN	SoHo-Cast Iron HD	Establish master plan (painted wall signs)	13-7511	Yes	10/26/2012
435 Broome St., MN	SoHo-Cast Iron HD	Replace infill, restore piers, cornice, brackets	13-7763	Yes	11/13/2012
430 W. Broadway, MN	SoHo-Cast Iron HD Ext.	Replace storefront infill	13-7555	Yes	11/7/2012
33 Carmine St., MN	Greenwich Village HD Ext. II	Remove gates, replace infill	13-7207	Yes	10/25/2012

Chart continues on next page

New Decisions Added to CITYADMIN www.CityAdmin.org November 2012

LANDMARKS PRESERVATION COMMISSION - APPROVALS & CERTIFICATES (CONT.)

ADDRESS	LANDMARK/HISTORIC DISTRICT	DESCRIPTION	CASE NO.	APP'D	ISSUED
30 Grove St., MN	Greenwich Village HD	Construct roof, rear additions, alter ironwork	13-7944	Yes	11/16/2012
145 W. 10th St., MN	Greenwich Village HD	Remove windows, install doors, window	13-7279	Yes	10/22/2012
39 Fifth Ave., MN	Greenwich Village HD	Enlarge windows, install doors	13-7412	Yes	10/24/2012
Gramercy Park, MN	Gramercy Park HD	Extend time period for sculpture installation	13-7785	Yes	11/13/2012
23 W. 23rd St., MN	Ladies' Mile HD	Demo. storefront, install infill	13-7926	Yes	11/15/2012
320 E. 42nd St., MN	Tudor City HD	Establish master plan (window installation)	13-7265	Yes	10/22/2012
464 Amsterdam Ave., MN	Upper West Side/CPW HD	Replace window, install balcony	13-7486	Yes	10/26/2012
466 Amsterdam Ave., MN	Upper West Side/CPW HD	Replace window, install balcony	13-7487	Yes	10/26/2012
854 Union St., BK	Park Slope HD	Construct rooftop addition	13-7519	Yes	11/9/2012
132 Greene Ave., BK	Clinton Hill HD	Legalize access ramp construction	13-7661	Yes	11/9/2012
39-58 48th St., QN	Sunnyside Gardens HD	Enclose entrance porch	13-7457	Yes	10/25/2012
34-48 84th St., QN	Jackson Heights HD	Legalize replacement of brick treads with stone treads	13-7744	Yes	11/13/2012