

CITYLAND

FEBRUARY 2013

CENTER FOR NEW YORK CITY LAW

VOLUME 10, NUMBER 1

Table of Contents

CITYLAND

Top ten stories of 2012 1

CITY COUNCIL

East Village/LES HD approved ... 3

CITY PLANNING COMMISSION

CPC's 75th anniversary 4

Durst W. 57th street project 5

Queens rezoning faces opposition.. 6

LANDMARKS

Rainbow Room renovation..... 7

Gage & Tollner change denied.... 9

Bed-Stuy HD proposed..... 10

SI Harrison Street HD heard..... 11

Plans for SoHo vacant lot 12

HISTORIC DISTRICTS COUNCIL

HDC's 2013 Six to Celebrate 13

COURT DECISIONS

Union Square restaurant halted...14

BOARD OF STANDARDS & APPEALS

Harlem mixed-use OK'd..... 15

CITYLAND COMMENTARY

Ross Sandler 2

GUEST COMMENTARY

Howard Goldman and
Eugene Travers..... 8

CITYLAND PROFILE

CM Domenic Recchia 16

CHARTS

DCP Pipeline C-1

ULURP Pipeline..... C-2

BSA Pipeline..... C-2

Landmarks Pipeline..... C-3

CityAdmin.org New Decisions.. C-5



Special permits for legitimate physical culture or health establishments are debated in *CityLand's* guest commentary by Howard Goldman and Eugene Travers. See page 8. Credit: SXC.

CITYLAND

Top Ten Stories

New York City

Top Ten Stories of 2012

Welcome to *CityLand's* first annual top ten stories of the year! We've selected the most popular and interesting stories in NYC land use news from our very first year as an online-only publication. We've been reporting on NYC land use for eight years and we'll continue to provide in-depth coverage of the latest land use projects, cases, and legislation in 2013. The *CityLand* staff thanks you for your support and wishes you a happy new year!

1. [NYU Campus Expansion Plan Reduced Again](#) – NYU agreed to limit heights of the Zipper Building and Boomerang Buildings, and to provide community center if no

public school is built on site.

2. [Landmarking of Brinckerhoff Cemetery Proceeds to Council Vote Despite Owner's Opposition](#) – Owner of the 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.

3. [City Council Rejects Sale of City Property in Hopes for an African Burial Ground Museum](#) – Council Member Charles Barron lead the City Council's rejection of 22 Reade Street sale in support of the site being used for a pending federally-funded African Burial Ground Museum.

4. [Kickstarter Wins Landmarks' Approval for Brooklyn HQ](#) – Internet fundraising company plans to (cont'd on page 3)

Remembering the City's Legal Battle to Landmark Grand Central Terminal

The late Bernard Richland was Corporation Counsel when the City appealed the adverse 1975 New York Supreme Court decision in the Grand Central Terminal case. Federal Judge Nina Gershon wrote about Richland's role in a memorial article about Richland in 2004. [48 N.Y.L. Sch. L. Rev. 411 \(2004\)](#).

Gershon wrote that "there were some in the preservation community who questioned the city's resolve to pursue, through appeal, the fight to preserve Grand Central Terminal as a landmark, after a devastating loss in the trial court, which had not only rejected, with derision, the findings of the Landmarks Preservation Commission regarding the significance of the Terminal but found that the designation of the Terminal as a landmark was unconstitutional; ominously, the trial court had also severed and kept open the request for damages for a 'temporary taking.' But when Bernie [Bernard Richland] became convinced of the merit of the city's position, he did not stint in his support of the appeal."

Gershon, then Chief of Federal Appeals for the New York City law department, continued that "I will never forget the day he [Richland] came to my office . . . and told me he was assigning the appeal to me. With his eyes twinkling, he indicated he knew it would be tough to win, but told me to give it everything I had. I am sure he pumped his arm in the air as he said this. Despite the limitations on the city's resources at that time, and the recognition that the case would be protracted, he [Richland] gave me all of the time and resources that I needed. For example, the brief to the Appellate Division was long, far longer than any brief I had written before, and one of Bernie's cost-saving initiatives had been to eliminate the printing of briefs in favor of in-house binding of typewritten briefs. Nonetheless, he authorized the printing of the city's brief in the Grand Central case to deal with its length and assure its readability by the Justices of the Appellate Division."

The City won in the Appellate Division in December 1975. Gershon had left the Law Department when the case went to the Court of Appeals. Richland assigned the appeal to the relatively young Leonard Koerner, who successfully defended the landmarking in the Court of Appeals (1977) and in the Supreme Court (1978). Koerner is currently Chief Assistant Corporation Counsel.

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CITYLAND

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CITYLAND (ISSN 1551-711X) is published by the Center for New York City Law at New York Law School, 185 West Broadway, New York City, New York 10013, tel. (212) 431-2115, fax (212) 941-4735, e-mail: nycitylaw@nyls.edu, website: www.citylaw.org © Center for New York City Law, 2012. All rights reserved. Printed on recycled paper. Maps presented in **CITYLAND** are from Map-PLUTO copyrighted by the New York City Department of City Planning. City Landmarks and Historic Districts printed with permission of New York City Landmarks Preservation Commission.

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renovate dilapidated building in Greenpoint.

5. [HDC: Proposed Legislation Would Undermine the Landmarks Preservation Commission](#) by Simeon Bankoff.

6. [Planning Approves Modified Chelsea Market Expansion Plan, Sends Back to Council for Full Vote](#) – Affordable housing contribution would be used by nearby Fulton Houses if floor area bonus utilized.

7. [City Council Tweaks Six-Acre Seward Park Redevelopment Plan Proposed for Area Along Delancey Street](#) – The City agreed to increase number of housing units from 900 to 1,000 and set aside space for on-site public school.

8. [Rudin's St. Vincent's Project Completes Public Review](#) – After City Council modifications, Rudin returned to Landmarks for approval to enlarge and reuse Reiss Pavilion.

9. [Court Finds City Discriminated in Housing Project](#) – Judge enjoined City's redevelopment proposal for area straddling Williamsburg and Bedford-Stuyvesant.

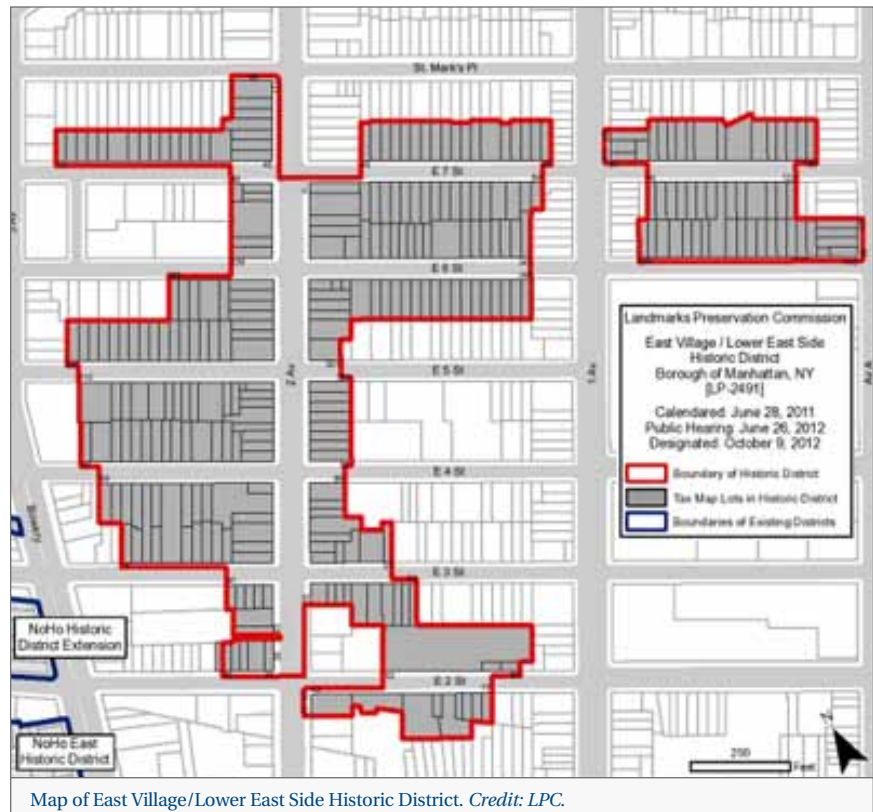
10. [Project Adjacent to Whitney Museum Approved by Landmarks](#) – Proposal, which includes two new buildings and a rooftop addition spanning six rowhouses, deemed appropriate after multiple revisions.

CITY COUNCIL

Landmark District Designation
East Village, Manhattan

Controversial East Village/ Lower East Side Historic District Approved by Council

Support and opposition to landmarking reiterated at City Council level. On January 31, 2013, the City Council's Land Use Committee voted to approve the Landmarks Preservation Commission's designation of the [East Village/Lower East Side Historic District](#) in Manhattan. The district includes approximately 325 buildings, and is composed of two distinct sections on each side of First



Avenue. On October 9, 2012, Landmarks [approved the designation](#) after modifying the boundaries of the proposal initially presented to the Commission. Landmarks found the area significant for its pre-Depression residential architecture and its social history as a home to successive waves of immigrant communities, as well as an epicenter of bohemian life. At Landmarks' June 26, 2012 [public hearing](#), the vast majority of speakers testified in support of designation, though some local religious institutions opposed, including the Catholic Worker, the St. Stanislaus Bishop and Martyr Roman Catholic Church, and St. Mary's Orthodox Church.

On January 29, 2013, the Council's Subcommittee on Landmarks, Public Siting and Maritime Uses held a hearing on the proposal. Landmarks Director of Intergovernmental Affairs Jenny Fernández testified to the area's architectural and historical significance. She called the neighborhood "synonymous with the American immigrant experience." Council Member Rosie

Mendez, who represents the district, strongly recommended a swift approval for the designation. Mendez called the area "a source of personal and community pride," and stated a historic district designation would preserve the "rich, tapestried story that the buildings tell." Mendez added that the designation was the result of "over six years of research, advocacy, consultation, meetings, consideration, and, ultimately, action."

Council Member Dan Halloran wanted to know the ratio of support to opposition received by the Landmarks Commission. Fernandez promised to provide that information to the subcommittee. Council Members Jumaane Williams and Maria del Carmen Arroyo asked for clarification of how historic district boundaries were determined, and when areas can be excluded. Mendez defended Landmarks as having done its "due diligence" in community outreach, including community hearings and individual meetings with those who had concerns with the designation.

Speakers in support of designation included representatives of community and preservation groups, as well as several neighborhood residents. A representative of State Senator Brad Hoylman called the district “a nationally recognized cultural center.” The Greenwich Village Society for Historic Preservation’s Amanda Davis said that while much of the district’s “critically important sites remain, too much of the East Village’s historic fabric has been eroded or destroyed in recent years.” Sara Romanoski, from the East Village Community Coalition, called the district’s buildings “functioning remnants of several iconic histories of immigrants, workers, housing, and many cultural, social, artistic, and labor movements.” A member of the Lower East Side Preservation Initiative claimed that “the vast majority of residents want landmarking.” Tom Birchard, neighborhood resident and owner of the Ukrainian restaurant Veselka, described the neighborhood as a “cauldron” of “budding entrepreneurs, designers, artists, and chefs.” Marcia Ikonomopoulos of the Kehila Kedosha Janina Synagogue and Museum testified that the district exemplified the “soul” of New York City.

Two representatives of St. Stanislaus Bishop and Martyr Roman Catholic Church spoke, urging the Council to reverse Landmarks’ designation. One speaker read a statement from Pastor Tadeusz Lizinczyk stating that the parish had not been consulted over the designation, that Landmarks’ historical information

was incorrect, and that additional costs associated with landmarking would be an unfair burden on the congregation. Krystyna Piorkowska also contested Landmarks’ historical findings and said designation would impose a burden on property owners which would then be passed on to tenants. The Real Estate Board of New York also submitted written testimony in opposition to the designation. The subcommittee voted unanimously to approve the designation.

On January 31, 2013, the Land Use Committee similarly approved the designation, with Mendez again voicing her support of, and pride in, the approval. Council Member Vincent Ignizio cast the lone dissenting vote, based on the opposition of local property owners. The full Council is expected to vote on the proposal on February 6, 2013.

Council: East Village/Lower East Side Historic District (Jan. 31, 2013).

CITY PLANNING COMMISSION

Anniversary

New York City

City Planning Commission Celebrates 75th Anniversary

The country’s very [first zoning resolution](#) was adopted in New York City in 1916. Called the “Building Zone Plan,” the new regulations dictated building use and physical characteristics, such as set-backs, to organize development of a burgeoning City. In 1961, the zoning resolution

was [overhauled](#) to what is today the primary land use document of the City. The new plan addressed the realities of population growth and encouraged public amenities, such as public plazas as an incentive for bonus floor area. The [Zoning Resolution](#) is a living document amended frequently in order to address the City’s needs and unforeseen changes as they arise.

Approximately 1/3 of the City has been rezoned since the 1961 Zoning Resolution to support and encourage smart development of the City’s diverse and ever-changing neighborhoods, due in part to the oversight and commitment of the [City Planning Commission](#). The Commission was established by the 1936 City Charter to plan for the City’s orderly growth and development. It was the City’s first permanent planning agency with the authority to draft and amend zoning regulations and create master plans. Before its creation, land use was loosely administered by zoning laws that fell short of a comprehensive plan, Board of Estimate decisions, and political forces.

The City Planning Commission held its first meeting on December 31, 1937 to informally discuss organization of the Commission. The Commission held its first hearing on January 19, 1938 and discussed acquisitions, sewer construction, and street improvements. Since then, the Commission has presided over numerous ground-breaking developments, including the [Lever House](#) in 1952, a first-of-its-kind,



The current City Planning Commission. Image Courtesy: DCP.

mostly glass facade skyscraper with no setbacks and a public plaza as its base. The Lever House is one of the most oft-imitated skyscrapers in the country.

In 1989, a panel charged with rewriting the NYC Charter recommended that the Commission have a central role over land use, taking over the powers previously held by the Board of Estimate. Subsequently, the Board of Estimate was eliminated and the Commission was expanded from 7 to 13 commissioners by the 1989 NYC Charter. Seven commissioners including the Chair are appointed by the mayor, one commissioner is appointed by each Borough President, and finally, one commissioner is appointed by the Public Advocate. Each commissioner serves staggered five-year terms, while the Chair serves at the mayor's discretion.

In 2002, [Amanda M. Burden](#) was appointed by Mayor Michael R. Bloomberg to Chair the Commission and serve as Director of the Department of City Planning. The current commissioners are [Kenneth J. Knuckles](#), Angela M. Battaglia, Rayann Besser, Irwin G. Cantor, Alfred C. Cerullo, Betty Y. Chen, Michelle de la Uz, Maria M. Del Toro, Joseph Douek, Richard W. Eaddy, Anna Hayes Levin, and Orlando Marin. Under Chair Burden's direction, the Commission has overseen some of the City's most innovative and historical land use actions including the [Hudson Yards rezoning](#), a comprehensive [master plan for Downtown Brooklyn](#), the [West Chelsea/High Line Plan](#), and [Vision 2020](#).

CITY PLANNING COMMISSION

Rezoning/Special Permits
Clinton, Manhattan

Durst Development at West 57th Street Gets One Step Closer to Full Approval

New development plan promises period of residential affordability, lively



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

streetscape, and small public space in Manhattan. On December 19, 2012, the City Planning Commission approved [Durst Development LLC's](#) mixed-use development [project at 625 West 57th Street](#). A unique, pyramid-shaped, 35-story building between West 57th and 58th Streets will be the centerpiece of the project. The building will contain 753 rental units including 151 affordable units, ground floor retail space, and a 285-space accessory parking garage. The development project will also include a conversion of a Manhattan Mini Storage building at [600 West 58th Street](#) to community facility, residential, or retail uses. Finally, an access drive will be built connecting West 57th and West 58th Streets to provide access to the new building's parking garage and lobby. (See *CityLand's* past coverage [here](#)).

Manhattan Community Board 4 disapproved of the development, citing concerns over the project's lack of permanent affordability. As proposed, the project's units will be affordable for 30-35 years. Durst Development is not requesting participation in the City's [Inclusionary Housing Program](#), which requires permanent affordability in

exchange for bonus floor area. The Community Board was also concerned about the project's lack of public open space and the improvement of streetscape activity on West 58th Street, where the development's mechanical area is planned. Manhattan Borough President Scott M. Stringer approved of the project and requested that 20 percent of the units be affordable at the 600 West 58th Street building if the building is converted to residential use.

At City Planning's hearing on November 14, 2012, the issue of affordable housing was brought to the forefront of the discussion. The Community Board, [West Side Neighborhood Alliance](#), and State Senator Tom Duane's representative spoke in opposition to the project based on the lack of permanent affordability. [Douglas Durst](#), Chairman of the [Durst Organization](#), testified that the company promises to participate in the [80/20 Housing Program](#), which provides tax incentives for developers who rent 20 percent of their total units as affordable for a period of 30-35 years. Durst stated that this program, together with a 99-year ground lease signed in 1999 on the site, made perma-

nent affordability economically and practically impossible. There is no guarantee that the Durst Organization will manage the property subject to a lease after the 1999 lease is expired. In response to questioning from Commissioner Michelle de la Uz, Durst confirmed that in the event the 600 West 58th Street building is converted to residential use, 20 percent of the units would also be made affordable. [Stephen Lefkowitz](#) of Fried Frank, Durst Development's representative, testified about the lease in more detail, stating that the concept of affordable housing was not contemplated in 1999 and that the lease was unlikely to be modified by the owners. Commissioner de la Uz asked whether the period of affordability could be increased beyond 35 years and Lefkowitz stated that this was Durst Development's decision. [Carol Rosenthal](#), of Fried Frank, explained that although the units will be affordable for 30 to 35 years, the units would be rent stabilized after the initial affordability period until the original tenant cedes possession of the unit. Council Member Gale A. Brewer spoke in favor of the proposal and noted that she would continue to work with Durst Development on the affordability issues at the City Council level. The [Natural Resources Defense Council](#) and the [New York City Audubon](#) supported the proposal based on Durst Development's good environmental track record in NYC.

The City Planning Commission approved the proposal with modifications on December 19, 2012. In response to the Community Board's recommendations, Durst Development agreed to make the access drive a public open space by widening the sidewalk and adding trees and benches. City Planning added these changes to the proposal. City Planning will require Durst Development to add retail frontage at the northeast and northwest corners of West 58th Street and add display cases along areas used for mechanical purposes to enliven the streetscape. On the issue of affordability, City Planning was satisfied with Durst Development's promise to make the units 20 percent affordable development-wide for a period of 30 to 35 years. Commissioner de la Uz voted "no" on the proposal. She stated that although she believes Durst Development will follow through on its promise to provide affordable units, the commitment should have been memorialized in the formal record. Without such a guarantee, she could not approve of the proposal.

The proposal will continue on to the City Council, with a Zoning & Franchises Subcommittee hearing scheduled for January 17, 2013.

.....
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](#)).

CITY PLANNING COMMISSION

Rezoning

Flushing, Queens

Owner-Initiated Rezoning Faces Community Board Opposition at City Planning

Commercial and residential rezoning of entire block favored by half of block's property owners in area zoned for manufacturing. Five property owners came together to apply for the rezoning of a [block](#) in Flushing, Queens. The block is bounded by Avery Avenue to the north, College Point Boulevard to the east, Fowler Avenue to the south and 131st Street to the west. The application requests a rezoning from [M1-1 and M1-2](#) to [C2-6A](#) to facilitate development of a residential and commercial development that would encompass the entire block. The development would provide approximately 148,000 sq.ft. of retail space, 283 residential units, and 268 parking spaces. The development was designed by [Lin + Associates Architects](#).

The five applicants collectively own approximately 85 percent of the property on the zoning [block](#). There are five other property owners on the block that chose not to participate in the rezoning application. The existing establishments on the block vary; including a gas station, a poultry dealer, vacant lots, and one non-conforming residential use



View of mixed-use development from Avery Avenue. Image Courtesy: Lin + Associates Architects.

building. The block is bordered on the west and south by NYC Parks Department's [Corona Park](#) and on the north by a [Home Depot](#).

Queens Community Board 7 voted unanimously to disapprove of the proposal. The Community Board was concerned that although the development proposal is now five years old, there has not been an adequate explanation as to why five property owners have "opted out" of the process. Therefore, the Community Board was not convinced that the development plan would be achieved as proposed. The Community Board feared that the properties – conceivably more valuable as residential and commercial lots than as manufacturing lots – would be flipped, leading to disconnected development because of a lack of "economic or social harmony" between the property owners. Additionally, the Community Board cited tenants with building code violations and the applicants' lack of development experience as further concerns over the block's future. According to the Department of City Planning's staff, Queens Borough President Helen M. Marshall is expected to approve of the application.

At the City Planning Commission's [hearing](#) on January 9, 2013, the Community Board reiterated their concerns and asked for a guarantee of the proposed development via a large scale development plan, special permits, or deed restrictions. The applicants' representative, Patrick Jones, testified that there is no guarantee of development because the five non-participating owners are simply not participating in the land use process. However, Jones stated that they are continuously included in development discussions, though not every owner has agreed to the development plan yet. He assured the Commissioners that the applicants intend to follow through with the planned development. He also agreed with the Community Board's assessment that some of the tenants are bad neighbors, citing an

illegal nightclub and an ironworker's repeated blockage of the sidewalk, but that these issues are being addressed by the owners. As for the applicants' experience, he testified that the applicants have other buildings and one has full development experience, but that this information wasn't brought up at the Community Board's hearing because the application is only for a rezoning. A few of the applicants testified, offering their assurances that the development plan will be followed. A representative of local Council Member Peter Koo testified in support of the proposal, stating that the area is barren and ripe for residential and commercial development because of its proximity to Corona Park.

The City Planning Commission closed the hearing and has until February 28, 2013 to decide on the rezoning application.

.....
CPC: Flushing Meadows East (C 070352 ZMQ – rezoning) ([January 9, 2013](#)) (Architect: Lin + Associates Architects).

LANDMARKS PRESERVATION COMMISSION

Certificate of Appropriateness
Midtown, Manhattan

Rainbow Room Renovation & Restoration Approved by Landmarks Commission

Approved plans would retain and restore remaining original elements of interior landmark, while replacing the dance floor and altering the wall, floor, and ceiling surfaces. The Landmarks Preservation Commission voted to approve a renovation plan for the Rainbow Room on January 8, 2013. The interior landmark, on the 65th floor of [Rockefeller Plaza](#), was [designated](#) by Landmarks on October 13, 2012 and approved by the City Council on December 18, 2012.

The Rainbow Room, which was first opened in 1934, was designed by the firm Associated Architects, under the supervision of architect Wallace K. Harrison and

interior designer Elena Bachman-Schmidt. The historic nightclub and restaurant features double-height windows, opulent chandeliers and sconces, a circular dance floor, and a domed ceiling. The room underwent an extensive renovation in 1987, overseen by architect Hugh Hardy. The Rainbow Room has been closed since 2009.

Cas Stachelberg, of preservation consultants [Higgins Quasebarth & Partners LLC](#), introduced the proposal, and stated that the intent is to "regain and reclaim the elegance and exuberance" of the Rainbow Room. Stachelberg added that the plan would preserve the room's significant historic features while introducing a new color palette. He testified that the proposal would "allow the room to move forward into this century."

Architect Michael Gabellini, of the firm [Gabellini Sheppard](#), stated that the design intent was to "preserve all the original architectural features," and that alterations would be purely "cosmetic." Gabellini also said the goal of the project was to revivify the Rainbow Room's "spirit as a premier entertainment, social & theatrical venue." Floor, wall, and ceiling surfaces would be altered, though the existing configuration of the room would be maintained. New modern lighting would be installed, as would air conditioning and sound systems, and older duct work would be removed. Fabric on the room's walls, originally brown or plum is currently in poor condition, and would be redone with pearl-grey material. The ceiling would be painted in shades of white. The circular, rotating dance floor would be redone in oak and rosewood. Gabellini noted that the existing dance floor is the room's third and was not the original. A new carpet would be installed in a "Deco-inspired" pattern. One missing chandelier would be replaced, and the others restored. Sconces and railings would also be refurbished.

The [Historic Districts Council's](#)

Heavy Lifting: Regulation of Health Establishments Under the Zoning Resolution

Zoning Therapy

For 34 years the City has required a special permit for physical culture or health establishments. This requirement burdens owners and operators of health clubs, gyms, spas and studios, even where such uses would otherwise be permitted as-of-right. With the elimination of the now-unlawful adult physical culture establishments, the purpose and usefulness of the remaining regulations place an unnecessary burden on legitimate small businesses and should be modified or eliminated entirely.

During the crime-ridden 1970s, regarded by some as the City's nadir, the City Planning Commission enacted amendments to the Zoning Resolution distinguishing between "physical culture or health establishments" and "adult physical culture or health establishments." As explained at the Commission's public hearing, "zoning has proved to be the most effective tool in closing down houses of prostitution masquerading as massage parlors or physical culture establishments." The Commission's action, which followed a one year moratorium on physical culture or health establishments within the City, was approved by the Board of Estimate in early 1979.

Under the amendment, adult physical culture establishments were defined as "any establishment, club or business by whatever name designated which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, baths or other similar treatment, by members of the opposite sex. . . ." Excluded from this definition were medical treatments, licensed masseurs and masseuses, barbershops and beauty parlors, instruction in martial or performing arts, organized athletic activities, and physical culture establishments of the non-adult variety.

The amendment sought to eliminate adult physical culture establishments in their entirety. According to the Commission, "Thus defined, adult physical culture establishments are neither listed in any Use Group nor permitted as a special permit use; therefore such uses will not be permitted within the City of New York."

However, the amendment did not stop there. It also created a discretionary special permit process for non-adult physical culture or health establishments, defined as "any establishment or facility . . . which is equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or by massage."

The Special Permit Process

PCEs are permitted only by the grant of a special

permit by the Board of Standards and Appeals. To grant the special permit, the BSA must find (1) that the physical culture establishment will not impair the essential character or future use or development of the surrounding area, and (2) that such facility contains one or more enumerated characteristics of a legitimate facility, such as handball, basketball, or tennis courts; facilities for classes and instruction and programs for physical improvement, body building, weight reduction, aerobics or martial arts; or facilities for the practice of massage by licensed masseurs or masseuses.

As part of the approval process, the BSA must refer an application for a special permit to the New York City Department of Investigation for a background check of the owner, operator, and all principals having an interest in the application.

If satisfactory, the BSA may grant a special permit, including approved floor plans, for a term of up to ten years, subject to extension. The process, which involves referral to the affected Community Board and a public hearing, may take six months or more. The BSA must approve any amendment to the floor plans or change in ownership of the physical culture establishments.

Unhappy Ending?

According to the Commission's records, a purpose of the earlier moratorium on health clubs was "to permit time to further study ways to distinguish massage parlors from other physical culture and health establishments rather than continue limitations on legitimate business enterprises." Today, illicit massage parlors are expressly prohibited in the Zoning Resolution but the limitations on legitimate businesses continue.

In the context of the evolving fitness industry, which includes yoga, spinning, boxing, kickboxing, krav maga, Pilates, aerobics, fitness training, and many other activities, the need for regulation of legitimate physical culture establishments is questionable. While some fitness establishments have a corporate parent with deep pockets, many are small business startups. The special permit process can be lengthy and expensive, and can be a stumbling block for would-be business owners. Now that the City has risen from its nadir, it is time to reconsider the existing regulations.

— Howard Goldman & Eugene Travers

Howard Goldman is a partner at GoldmanHarris LLC, a New York City land use firm. Eugene Travers is an associate at the firm.



Rendering of Rainbow Room renovation. Image Credit: Gabellini Sheppard.

Nadezhda Williams found the proposal appropriate, but asked that “utmost attention” be paid to the wall coverings, and also questioned the need for a redesigned dance floor. Chair Robert B. Tierney stated that Manhattan Community Board 5 had issued a resolution deeming the project appropriate.

Chair Tierney recommended approval of the “very careful, sensitive job,” and was pleased to see the recent designation so sensitively handled. Commissioner Libby Ryan said she “found nothing to object to” in the proposal, and was convinced that the landmark was in “quite competent hands.” Commissioner Christopher Moore said he was glad to see “the continuation of one of the most special rooms in the world.” Commissioner Michael Goldblum praised the “respectful” proposal, and found it especially so given the “evanescent typology” of restaurants. He did, however, concur with the Historic Districts Council that the dance floor should be restored, rather than renovated, saying it was an “iconic” feature of the interior, and should be “treated as sacredly as possible.” Commissioner Margery Perlmutter determined that the application’s combi-

nation of “actual restoration and ... contemporary approaches to interior design” was the “right way to go.”

The Commissioners voted unanimously to approve the certificate of appropriateness.

LPC: The Rainbow Room, 30 Rockefeller Center, Manhattan (13-8503) (Jan. 8, 2013) (Architect: [Gabellini Sheppard](#)).

LANDMARKS PRESERVATION COMMISSION

Certificate of Appropriateness

Downtown, Brooklyn

Alterations to the Former Gage & Tollner Restaurant Denied Legalization

The interior landmark, which had been converted to a fast-food chain with Landmarks’ oversight, was illegally converted to a retail store. On January 22, 2013, the Landmarks Preservation Commission considered and denied an application for the legalization of work already done to the former [Gage & Tollner Restaurant](#), at [372 Fulton Street](#) in Downtown Brooklyn. The interior landmark occupies the [Gage & Tollner building](#), also an individual City landmark. The interior is significant

for its “Gay Nineties” architecture and décor, featuring arched mirrors, ornate woodwork, a paneled bar, and brass light fixtures.

The Gage & Tollner Restaurant opened in 1892 and closed in 2004. The property was later used for a TGI Friday’s restaurant. In 2009, an application was [approved by Landmarks](#) for the conversion of the space to an Arby’s franchise. The site is currently a retail establishment that sells jewelry and shoes. However, the site was converted without Landmarks’ approval after Arby’s vacated the space. The tenants put in a lighting system that obscured the wainscoted walls, and removed a wall that had stood between the dining room and the kitchen, as well as one of the signature mirrors.

Rand Rosenbaum, of [Rosenbaum Design Group](#), appeared on behalf of the owner, 374 Fulton Associates, at the meeting. Rosenbaum stated that the original fabric of the room had been protected in the renovation and was covered with stage walls that did not impact original details. He noted that three restaurants had failed at the location and the owners had decided to “go in another direction.” He noted that the wood inlay of the interior was intact, as were the brass chandeliers, and the removed mirrors could easily be replaced. He conceded that the current occupants traded in “schlock stuff,” but argued the location could easily be reconverted to a restaurant if it once again became commercially viable to operate one. Rosenbaum further stated that the original bar and sidebar had been retained, with their marble tops intact. Furthermore, a wall that separated the dining area from the kitchen had been removed.

The Historic Districts Council’s Nadezhda Williams spoke in opposition to the application, stating that the landmark was one of the City’s few remaining Victorian interiors, and that the illegal work “covers up much of the important details and calls attention away from what



Original interior of the Gage & Tollner Restaurant. Image Credit: Rosenbaum Design Group.

remains visible.”

Landmarks Chair Robert B. Tierney stated that he saw “no way to legalize this” but nonetheless asked commissioners for their comments. Commissioner Michael Goldblum called the work “a failure of design” demonstrating “a complete lack of imagination.” He believed the historic interior, “a beautiful room with lots of mirrors,” could well have been used as a retail environment. Vice Chair Pablo Vengoechea said that the removed wall had to be restored as a condition of any legalization and further added that hiding original fabric behind new construction was “not necessarily a preservation strategy.” Commissioner Diana Chapin agreed, calling the unauthorized alterations to the landmarked interior “a travesty.” The Landmarks Commission voted unanimously to deny the legalization application. Tierney told the applicants to work with Landmarks staff to restore the landmark.

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LPC: (Former) Gage & Tollner Restaurant, 372 Fulton Street, Brooklyn (13-8277) (Jan. 22, 2013) (Architect: Rosenbaum Design Group).

LANDMARKS PRESERVATION COMMISSION

Designation Hearing

Bedford-Stuyvesant, Brooklyn

Opposition and Support Voiced for Proposed Bed-Stuy Historic District

Potential district is characterized by late 19th-century masonry residential structures. The Landmarks Preservation Commission held a well-attended hearing on the potential designation of the Bedford Historic District in Brooklyn’s Bedford-Stuyvesant community on January 15, 2013. The proposed district would be comprised of approximately 800 buildings, roughly bounded by Bedford and Tompkins Avenues from west to east, and Monroe and Fulton Streets from north to south. The area was mostly developed during the period between 1870 and 1900. Many of the late 19th century residents were people of New England origin, as well as German and Irish immigrants. Following World War I, African-Americans increasingly moved to the area, drawn by the area’s affordable, high-quality housing. By the 1920s and 1930s, the area be-

came a quiet residential alternative to Harlem. The neighborhood later saw an influx of Caribbean-American residents.

Architecturally, the area is characterized by masonry row-houses and small apartment buildings constructed between 1870 and 1900. Brooklyn architects Isaac D. Reynolds and Montrose Morris are heavily represented in the proposed district. Individual landmarks in the district include the [Alhambra Apartments](#) at 500 Nostrand Avenue, the [Renaissance Apartments](#), at 140 Hancock Street, and the [Girls’ and Boys’ High Schools](#), both constructed in the 1890s.

Local Council Member Albert Vann spoke in support of the designation, stating that the landmarking proposal was the result of community initiative. Vann testified that it would serve as a means for the community to protect itself from “powerful economic forces,” and would function as a “bulwark against negative gentrification.” Richard Bearak read a statement from Brooklyn Borough President Marty Markowitz in support of the designation. Markowitz believed that the “proposal is not government dictating but government responding,” and would grant the district “a measure of neighborhood respect that would further restrict developers from squeezing every last ounce of development rights” resulting in residential displacement. Evelyn Collier, speaking for Brooklyn Community Board 3, also expressed strong support for the designation.

Many residents also attended the hearing to voice their support. Vivian Munsey appealed to the audience to “get this beautiful area landmarked,” and recalled being impressed by the neighborhood’s brownstones as a child, and later growing to appreciate the area’s architectural history. Architect Morgan Munsey, who is also a local resident, listed some of the luminaries who had lived in the community, including Shirley Chisholm, Lena

Horne, Frank Woolworth, Aaron Copland, and Betty Smith author of “A Tree Grows in Brooklyn.” Altovise Fleary, President of the Jefferson Avenue Block Association, emphasized the importance of “protecting the aesthetic and historic nature of the Victorian brownstones.” Resident Arthur Kell said that recent development had led to “so many ugly buildings where there used to be something architecturally beautiful.” Lorraine Roach-Steele decried the new “square-box construction” that “devalues our homes.”

Representatives of preservationist organizations including the Bedford-Stuyvesant Society for Historic Preservation, the Society for the Architecture of the City, the New York Landmarks Conservancy, the Historic Districts Council, and the Victorian Society New York also testified at the hearing advocating designation.

Although the overwhelming majority spoke in favor of designation, there were several people who spoke strongly in opposition. Johnny Ray Youngblood, Pastor of St. Paul

Community Baptist Church and Mt. Pisgah Baptist Church, objected to the proposal on several grounds. He claimed that the community had not been adequately informed or consulted and that landmarking would unfairly impact thousands of homeowners, placing them under undue financial constraints. He claimed the landmarking process had been dominated by “pro-preservation insiders.” He stated that a hearing held on a workday in Manhattan did not provide the community a means to participate. Homeowner Sehu Jeppe testified in opposition to designation, saying “what needs to be preserved are the people of Bed-Stuy,” and arguing that affordable housing and education were the issues that needed attention. Kirsten John Foy, of the National Action Network, argued that the hearing did not allow for broad based community input. He submitted letters from over 200 residents requesting that the designation process be suspended until a real community education campaign is performed. Another resident, Maurice Cherry,

argued that the City should not be “playing Big Brother” and stated he was “not concerned with Caucasian architectural history.”

Commissioner Libby Ryan countered the accusations that Landmarks had not made substantial outreach efforts by stating that Landmarks had held three evening meetings in Bedford-Stuyvesant, sent four letters to every property owner in the district, and that LPC’s staff attended local community board meetings. Brooklyn Community Board 3 District Manager Charlene Phillips testified that community board representatives had visited block associations to raise awareness of the issue. Historic Districts Council Executive Director Simeon Bankoff noted in his testimony that he and HDC staff had attended dozens of meetings in the neighborhood to address the issue of landmarking over the previous three years. Bedford-Stuyvesant was one of HDC’s original preservation priorities on their inaugural “[Six to Celebrate](#)” list in 2011.

Commissioner Libby Ryan left the record open for 30 days to allow for the submission of further testimony and closed the hearing.

LPC: Bedford Historic District, Brooklyn (LP-2514) (Jan. 15, 2013).

LANDMARKS PRESERVATION COMMISSION

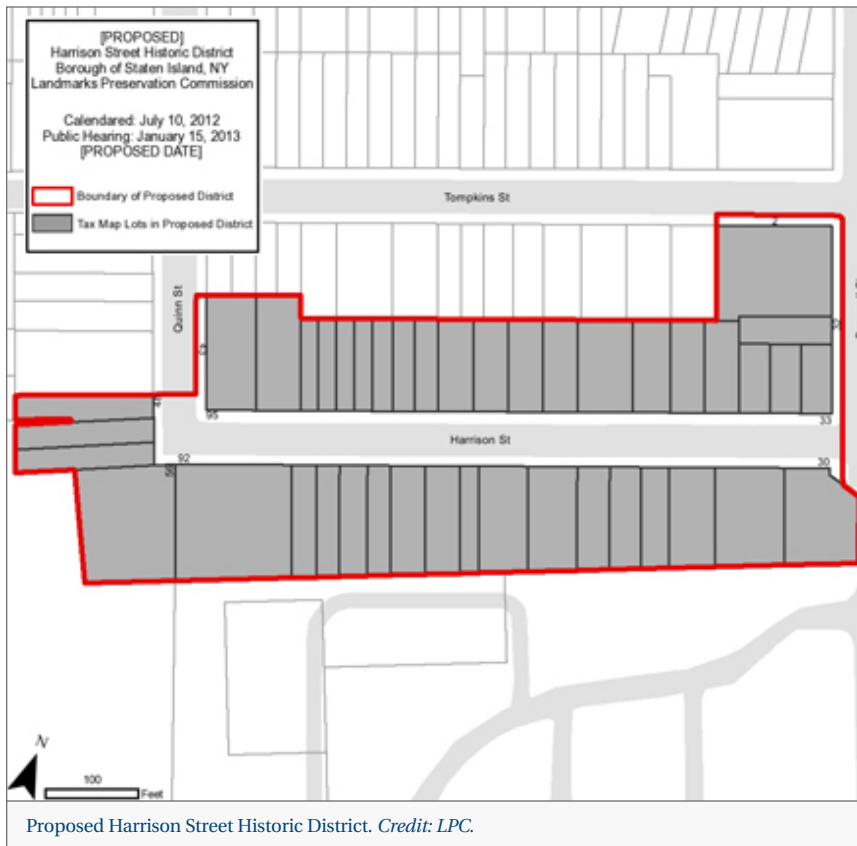
Designation Hearing

Stapleton, Staten Island

Public Hearing Held on Potential Harrison Street Historic District

Local residents and landmark activists testified for and against designation for a block-long, 19th-century residential enclave. On January 15, 2013, the Landmarks Preservation Commission held a hearing on the potential designation of the [Harrison Street Historic District](#) in Stapleton, Staten Island. The district primarily lies along [Harrison](#)





[Street](#), between Quinn and Brownell Streets, and also includes the corner of Brownell and Tompkins Streets.

The proposed district encompasses 43 one and two-family residential properties and the former First Presbyterian Church. The origin of the neighborhood dates to 1835 and the area's development took place in the period between the 1840s and the early 1900s. The area's frame and masonry structures display a variety of styles, including Greek Revival, Colonial Revival, Italianate, Queen Anne, and Neo-Grec. The neighborhood's origins lie in Stapleton's era as a significant transportation and business hub and as one of the most populous towns on Staten Island.

The quiet neighborhood, partially located on a cul-de-sac, is also known as "The Nook." Particularly architecturally distinguished buildings in the proposed district include the Dutch Colonial former First Presbyterian Church, now the Mount Sinai United Christian Church, at [2 Tompkins Street](#).

Also located within the proposed district is the three-story Second Empire house, with Germanic elements, built for businessman and inventor Henry Warth in 1880, at [53 Harrison Street](#).

Over 20 people testified at the public hearing. Most neighborhood residents testified at the hearing in support of the designation. Homeowner Deborah Lampman expressed her belief that landmark designation would serve to revitalize the neighborhood as well as the larger Stapleton community. Property owner Edward Blomberg testified that it was important for future generations that the neighborhood "remains intact the way it is." Another resident expressed concerns that lots would be subdivided and overbuilt if not protected by Landmarks.

Frampton Tolbert, of the Victorian Society New York, called the proposed district "a wonderful encyclopedia of Victorian-era design." Barnett Shepherd, former director of the Staten Island Historical

Society, noted that only one of the original buildings on the block had been destroyed. He also stated that the district was significant in that most of the buildings had been built by Staten Island architects for local residents, rather than by outside speculators. A representative of the [Preservation League of Staten Island](#) also spoke in support of designation. Simeon Bankoff, of the [Historic Districts Council](#), also spoke in favor of designation. The Harrison Street Historic District is one of HDC's "Six to Celebrate" preservation priorities for 2013. (See *CityLand's* past coverage [here](#)).

Other speakers expressed trepidation or opposition to the potential designation. Richard Acevedo, a resident who works in construction, argued that landmarking would mean that "it's going to cost a lot of money to do anything in our homes." Another resident, Raymond Pose, said he had struggled with the issue, but ultimately determined that the financial burden would drive residents from the "blue collar neighborhood." He said Harrison Street would lose "the diversity of people" that gave the community its character. Pose also stated that there should have been more outreach to the community and residents should have been polled one by one.

Commissioner Libby Ryan, who chaired the hearing, stated that the record would remain open for 30 days to allow others the opportunity to submit written testimony before closing the hearing.

LPC: [Harrison Street Historic District](#), Staten Island ([LP-2513](#)) (Jan. 15, 2013).

LANDMARKS PRESERVATION COMMISSION

Certificate of Appropriateness

SoHo, Manhattan

Nine-Story Building Proposed For Vacant Lot in SoHo Historic District

Landmark commissioners split on

Annabelle Selldorf designs for a five-story building at the streetwall, with set-back four-story tower, faced in glass and aluminum. On December 11, 2012, the Landmarks Preservation Commission heard a proposal for the construction of a new structure at [42 Crosby Street](#), at the corner of Broome Street. The space, located in the [SoHo-Cast Iron Historic District](#), is currently occupied by a parking lot and garage, which would be demolished. The proposed building would be primarily residential, with ground-floor retail use.

According to Greenberg Traurig attorney [Jay Segal](#), the project would require a special permit from the Department of City Planning because of a text amendment governing new development in the district, and because the lot's [M1-5B zoning](#) does not permit the planned uses. In addition, a permit is needed for a reduction in the amount of accessory parking and for an exterior sun-control device. The building's base would rise to 71 feet, with the additional four stories setback 20 feet from the facades. The set-back portion would be visible from many nearby vantages.

Architect Annabelle Selldorf, of [Selldorf Architects](#), stated that the lot, currently used for parking, was an "empty tooth" and the planned new building would "complete the corner." Selldorf said she intended to design a building that would not disturb the cohesiveness of the SoHo streetscape, while working in a contemporary idiom. She stated that the proposal was "taking the vocabulary of cast iron to an aluminum translation." She also said the building would reflect the neighborhood's industrial character.

The residential section would have horizontal bands of nine-foot-tall, double-hung windows that would project in front of the columns, which Selldorf believed echoed the layering characteristics of the historic district. Selldorf contends the building would grow lighter and more transparent as it

ascended. Selldorf claimed the setback section was designed to appear as a rooftop addition, but that the project could be "clearly read as one building." A rear courtyard would allow light and air into the building.

Selldorf said there were precedents in the district for the proposed building's height, but would be volumetrically different, partially because of the zoning envelope. Though not required by zoning, Selldorf created the setback at 71 feet so the base would align with the neighboring cornices. The building would rise to a total height of 125 feet, and possess 41,000 square feet of floor area. Only at the corner of Broome and Henry Streets could the base and the tower be seen together, a vantage from which Selldorf said the building "shows its best." The tower would be partially visible from several other street viewpoints.

The Historic Districts Council's Nadezhda Williams testified that the proposal was inappropriate for the SoHo location, and found the glass-and-aluminum facade more appropriate for a Midtown office building. Williams recommended that the upper section of the proposal be removed and the materials reconsidered. The Municipal Art Society submitted a letter to the commission, which found the design and materials appropriate, but said the massing required "further study."

Commissioner Michael Gold-

blum was convinced by Selldorf's arguments for the appropriateness of the massing, but questioned the use of aluminum on the facade, noting that historic buildings on Crosby Street predominantly had masonry cladding. Commissioner Margery Perlmuter suggested pulling forward the setback portion closer to the front facades and away from the rear party wall, allowing it to be seen as a "cube." Perlmuter found the industrial connotations of the design appropriate for the district, but also thought the facade seemed "rather flat," and too commercial in nature. Commissioner Fred Bland found the proposed massing non-contextual with the district, and, along with several other commissioners, suggested raising the height of the base beyond the cornice line of the adjoining buildings. Commissioner Christopher Moore found that maintaining the cornice line was "just a little too noble" in this context. Vice Chair Pablo Vengoechea commented that he would like to see "more assertive" color for the building's facade, and recommended the use of cast, rather than molded, aluminum. Commissioner Roberta Washington found the massing of the set back four stories "out of whack" with the historic district.

Chair Robert B. Tierney said the proposal was "provocative, in the best sense," and asked the applicants to amend the project in light of the commissioners' comments, and return to Landmarks at a later date.

LPC: 42 Crosby Street, Manhattan (13-6801) (Dec. 11, 2012) (Architect: Selldorf Architects).



Rendering of 42 Crosby Street project, by Selldorf Architects. Image Courtesy: Historic Districts Council.

HISTORIC DISTRICTS COUNCIL

Historic Preservation

Citywide

HDC Identifies Six Preservation Priorities for 2013

Advocacy group selects areas in Manhattan, the Bronx, Brooklyn and



Staten Island as meriting preservation attention in 2013. The Historic Districts Council announced its

“[Six to Celebrate](#)” list of preservation priorities on January 3, 2013. The areas identified by HDC consist of the Bronx Parks System, Manhattan’s East Village/Lower East Side and Tribeca neighborhoods, Brooklyn’s Greenpoint and Sunset Park neighborhoods, and Harrison Street in Staten Island.

The six areas were chosen from applications submitted by neighborhood groups around the city. The selected preservation targets will be commemorated at an event held by HDC on January 29, 2013.

The Bronx Parks System will mark its 125th year in existence in 2013. The parks system was created in 1888, in anticipation of the City’s northern growth, and consists of more than 4,000 acres. According to HDC, “This enormous public investment guided the development and planning of the borough to become a livable place for people of modest means.”

Manhattan’s East Village/Lower East Side gained a [landmark district designation in 2012](#), which has yet to be approved by the City Council. The area is largely characterized by tenement buildings in a variety of architectural styles constructed during the early 19th century. Beyond its historic fabric, the area is well known for its rich social history. In partnership with the Lower East Side Preservation Initiative, HDC hopes “to work toward protecting and promoting more of this vibrant neighborhood.”

Tribeca contains [five historic districts](#). It is largely defined by store-and-loft buildings and other mercantile architecture of the 19th century. According to HDC, the neighborhood “found new life as a vibrant residential and commercial

area thanks to preservation efforts in the 1980s.” HDC intends “to continue these efforts and involve new and old residents in the protection and future of their community.”

The architecture of Brooklyn’s Greenpoint neighborhood is largely identifiable as related to the area’s 19th century industrial history and includes factory buildings and workers’ houses. The area is home to the [Greenpoint Historic District](#), designated in 1982, and was modified to remove one property in 2005. The neighborhood also plays host to the [Eberhard Faber Pencil Company Historic District](#), designated in 2007, and contains a cluster of buildings related to the former industrial complex.

Sunset Park’s significance, according to HDC, lies in its early-20th-century rowhouses, which it describes as “elegantly detailed.” HDC notes that this district is recognized in the National Register. Sunset Park was the subject of a [significant rezoning in 2009](#).

The Landmarks Preservation Commission calendared a proposed [Harrison Street Historic District](#) in the Stapleton community of Staten Island in July 2012, and will hold a hearing on the proposal on January 15, 2013. The residential neighborhood features several houses with Victorian-era styles, including Greek Revival, Second Empire, and Gothic Revival. The district’s development dates back to Stapleton’s time as a significant business and transportation hub.

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[Six to Celebrate 2013 Neighborhoods](#), Press Release, Historic Districts Council (Jan. 3, 2013).

COURT DECISIONS

Department of Parks & Recreation
Union Square, Manhattan

Union Square Restaurant Put on Hold by Judge

Neighborhood coalition sued Parks over proposed plan to open restau-

rant in Union Square. [Union Square](#) is comprised of 3.6 acres of dedicated municipal parkland, stretching three blocks in length and one block in width. Union Square Park’s pavilion has hosted a myriad of political events and recreational activities for over a century. In 2004, the City announced its plans to open a restaurant in the pavilion. In April 2008, the [Union Square Community Coalition](#) (Coalition) obtained a temporary restraining order proscribing the City from undertaking any construction activity associated with its pavilion proposal. (See *CityLand*’s past coverage [here](#)).

In March 2009, the New York Supreme Court dismissed the Coalition’s [lawsuit](#). The pavilion was subsequently renovated and is currently being used by the City’s Department of Parks and Recreation as office and storage space.

In March 2012, the City signed a licensing agreement with [Chef Driven Market, LLC](#), (Chef) authorizing Chef to open a 200-seat seasonal restaurant in the pavilion. The restaurant would operate from April 15 through October 15 and boast entrée prices topping over \$30. The agreement required Chef to pay the City an annual fee of \$300,000 for the first year, increasing to the greater of either \$457,777 or 10 percent of its annual gross revenues in the 15th year.

In May 2012, the Coalition filed an article 63 petition seeking a preliminary injunction against the City from enforcing its licensing agreement, alleging that the agreement violated the Public Trust Doctrine for two reasons: (1) it alienated “dedicated parkland for a non-park purpose without State legislative approval”; and (2) it was a lease, which is “per se an alienation of dedicated parkland” and required legislative approval, irrespective of whether or not it served a “park purpose.”

On January 8, 2013, Justice Arthur F. Engoron, of New York Supreme Court in Manhattan, granted a preliminary injunction, holding



The City was forced to halt construction on the pavilion at Union Square Park in 2008.
Photo: Jonathan Reingold.

that the City exceeded the scope of its powers by entering into the licensing agreement with Chef. With regard to the Coalition's first claim, the Public Trust Doctrine prohibits parkland from being alienated for non-park purposes or leased for any purpose, without State legislative approval. To achieve a park purpose, a park restaurant could fall into either the "refreshment" or "dining" paradigms. The "refreshment" paradigm is a facility where one can get something to eat or drink after several hours of hiking or ball playing without having to leave the park. The court ruled that Union Square's small size, in addition to the plethora of dining options available directly across the street, precluded the "refreshment" paradigm. The Coalition proved that the restaurant was not necessary to ensure park participants would not go hungry or thirsty. The "dining" paradigm is a facility where the aesthetic associated with al fresco dining simultaneously enhance the meal and an individual's appreciation of the park. Here, the court determined that the City overstated its description of the park as a "tranquil" environment with "lush, verdant foliage." Although the park's

visitors are grateful for the pastoral landscape, it is situated only half a block away from some of the City's busiest thoroughfares. The court referred to the City's proposal as generic, contrasting it with Central Park's [Boathouse Cafe](#) – a restaurant within a large park which creates a unique park experience and diminishes the disturbance of traditional park purposes. The current era of retrenchment and austerity supports "modest, toned-down park uses."

With regard to the Coalition's second claim, even a superficial evaluation of the licensing agreement supports the assertion that it was in fact a lease requiring State legislative approval. It was clear that the goal of both the City and Chef was to transfer possession of the pavilion for a 15-year term in hopes of earning large profits.

In addition to granting the preliminary injunction against the City, the court ruled against the City's motion to dismiss the Coalition's challenge. The court went on to state that if they were to rule on summary judgment for either side it would not favor the City.

Union Square Park Community Coalition, Inc. v. NYC Dep't of Parks and Rec-

reation, 2013 N.Y. Slip Op. 30020U (N.Y. Cty. Sup. Ct. Jan. 8, 2013) (Engoron, J.).

BOARD OF STANDARDS & APPEALS

Variance

Harlem, Manhattan

Harlem Mixed-Use Project Approved Despite Community Board Disapproval

BSA granted use, area, and parking variances to permit construction of 13-story residential, commercial, and community facility building. Nicholas Parking Corporation and Ladera, LLC, owners of adjacent properties at [223-237 St. Nicholas Avenue](#), applied for building permits to develop a 169,192-square-foot, mixed-use building on St. Nicholas Avenue between West 121st and West 122nd Streets in Harlem. The project would include a [FRESH](#) program food store on the first floor and cellar, a preschool facility on the second floor, and 164 residential units on the remaining floors. Manhattan Community Board 10 disapproved of the project based upon the proposal's lack of affordable housing.

On February 23, 2012, the Department of Buildings (DOB) denied the permit to build the project because the site sits partially within an [R7A](#) and an [R8A/C2-4](#) zoning district. Part of the proposed FRESH program food store would extend 970 sq.ft. into the R7A district, which does not allow for commercial use. In addition, the proposal calls for only 30 of the 66 accessory parking spaces required by the Zoning Resolution to be off-site at a property one block away instead of on the site itself. Finally, the proposed lot coverage exceeds the maximum amount allowed by the Zoning Resolution by 689 sq.ft. on the corner lot.

The applicants appealed DOB's denial to the Board of Standards & Appeals (BSA) on March 20, 2012. At BSA, the applicant argued that the project site suffers from unique physical characteristics that limit

the site's economic feasibility under current district regulations. The unique characteristics include the irregular shape of the corner lot, the split zoning of the site, the proximity of the Eighth Avenue subway, and the existence of hazardous materials due to a gas station that previously

occupied the site. The applicant asserted that St. Nicholas Avenue runs at a 45 degree angle through an otherwise rectilinear street grid. The street angle and irregular angles of the lots made it impossible to design a building that is symmetrical to the street line and lots. The irregular

shape of the lot also creates a practical difficulty in complying with the Zoning Resolution's lot coverage and use regulations. In addition, the applicant also asserted that the close proximity of the subway made it impossible to use the cellar for on-site parking. The applicant argued that

CITYLAND PROFILES

City Council's Domenic Recchia on South Brooklyn's Past, Present, and Future



New York City Council Member [Domenic M. Recchia Jr.](#) represents District 47, covering Brooklyn's Bensonhurst, Gravesend, Coney Island, and

Brighton Beach neighborhoods. He is Chair of the City Council's Finance Committee. He graduated from Brooklyn's John Dewey High School, played football and received his undergraduate degree at Kent State University, and earned his juris doctor from Atlanta Law School. Recchia also has a Brooklyn private practice specializing in medical malpractice and personal injury.

Brooklyn beginnings. Recchia represents the community he's grown up and lived in for most of his life. He fondly remembers his childhood days spent at [Steeplechase Park](#). To memorialize those times and perhaps to predict his bright leadership ahead, he has a picture of himself as a young boy with his father at Coney Island, his bathing suit reading "I'm the boss." As a boy, he witnessed the somber closing of Steeplechase Park in 1964. He recalls the long economic decline of the area, when Steeplechase Park remained vacant after plans to build high-rise apartments fell through and projects like [MCU Park](#), built in 2001, were erected without forethought to smart future development. Though he thinks the field brings enormous economic benefits to the area, the Park was placed in the middle of City-owned land, which made rezoning and planning difficult during the [Coney Island Comprehensive Rezoning Plan](#) process. As Council Member, Recchia has been instrumental in breathing new life into the area through his work on the Comprehensive Rezoning Plan

and is forging the way back from Hurricane Sandy's devastation to the area.

Educational insight. Recchia is knowledgeable about education. He and his own children are products of the public school system. In high school, Recchia was involved in the [Council for Unity](#), which sought to address racial violence and empower young people to achieve academic success. Recchia came back to the Council after law school and got involved in its mediation and conflict resolution program. After advocating for the funding necessary to expand the program, Recchia decided to run for the local school board. He later became the youngest president elected to Community School Board District 21. As City Council Member, Recchia helped to create the [Cultural After School Adventures](#) program, which distributes funding to afterschool art programs. Recchia is also passionate about the need for more accountability to parents in today's Department of Education system. Recchia contends that parents lost a local place to voice their concerns after school boards were eliminated under Mayor Michael R. Bloomberg's administration. School boards represented the community's makeup and could efficiently address parents' issues. Teachers and school staff were also members of the community. Today, according to Recchia, school staff no longer reflect the community they serve and are only accountable to School Support Organization leaders that may be in a different borough and otherwise hard to reach.

Leadership and legacy. Recchia has served as District 47's council member since 2002 and has many goals for his final year at the City Council. One of the biggest accomplishments of his career was consistently getting the City's budget bal-

anced and he would like to do the same this year. The skills he learned in law school help him negotiate with the mayor and his City Council colleagues about budget cutting and revenue generators. He commends the City with careful saving during the City's good economic years and applauds the transparency of the budget process. Within his own district, he says it's important to listen attentively to all constituents but that sometimes City Council members must stand up against opposition and make the best choice for the community, "I have a vision, I got elected to lead, and I got elected to make the tough decisions."

No matter what the future holds for Recchia, he will be keeping a close eye on Hurricane Sandy recovery to ensure that the [revitalization envisioned](#) in the Comprehensive Rezoning Plan comes to fruition. Though recovery will be an arduous process, Recchia has been seeing homes, local businesses, and Steeplechase Plaza slowly coming back to life this winter. He wants to see more economic development in the community, with local residents given priority in the hiring process. He also hopes to see [Ocean Dreams](#), a retail and residential development, built as promised on the Coney Island boardwalk. Having such a personal and professional closeness to the community he serves, Recchia will be an influence on South Brooklyn for years to come.

— Amber Gonzalez



View of the former gas station lot at St. Nicholas Avenue and 122nd Street. Credit: Google.

30 off-site parking spaces were more than sufficient for this project due to the close proximity of the Eighth Avenue subway lines, and 15 nearby off-street parking facilities. With regard to the potential for hazardous substances on the site, the applicant filed an application with the New York State Department of Environmental Conservation for inclusion in the [New York State Brownfield Cleanup Program](#). If accepted, the owner would incur premium construction costs associated with the remediation of the site. Inclusion in the Brownfield program would make the applicant eligible for a Brownfield Tax Credit of \$2,331,000 in after-tax credits.

In light of the non-conformity of the applicant's plan, and the availability of tax credits, BSA asked the applicant for a study of alternative development scenarios that could still produce a reasonable economic return for the owner. The study considered a zoning-compliant development as well as a lesser variance building with non-complying lot coverage but with the required parking spaces and less floor area for the food store. The feasibility study concluded that alternative developments would not result in a reasonable economic return. Further, the applicant main-

tained that even the Brownfield tax credits did not allow for a reasonable rate of return for a completely as-of-right proposal.

On October 23, 2012, BSA granted the applicants use, area, and parking variances. BSA found that the action would not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to public welfare. BSA further agreed that there are unique physical conditions on the site, a hardship not created by the owner, and the applicant's proposal is the minimum necessary to afford relief. BSA was also satisfied that the proposed building is located in an area with multiple mass transit options, further limiting the need for the required amount of residential parking.

BSA: 223-237 St. Nicholas Avenue, Manhattan (66-12-BZ) (August 14, 2012) (Bryan Cave, LLP/Frank E. Chaney, Esq., for Nicholas Parking Corp. and Ladera, LLC).

CENTER FOR NEW YORK CITY LAW

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Speaker, New York City Council
Friday, February 15, 2013

Breakfasts begin at 8:15 a.m.
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CITY PLANNING PIPELINE

New Applications Filed with DCP - December 1, 2012 to January 31, 2013

APPLICANT	PROJECT/ADDRESS	DESCRIPTION	ULURP NO.	REPRESENTATIVE
ZONING TEXT AND MAP AMENDMENTS				
MSG Holdings, L.P.	Madison Square Garden, MN	Text amendment to open area design change reqs.; chair certification for elimination or reduction in size of non-bonused open area; special permit to maintain arena use and capacity; text amendment to modify signage regulations in the Special Hudson Yards District	130137ZRM; 130138ZCM; 130139ZSM; 130140ZSM	Paul Selver
Pitkin-Berriman H.D.F.C.	Pitkin and Shepherd Avenues, BK	Rezoning to facilitate a new 7-story mixed-use building	130161ZMK	Cypress Hills L.D.C.
St. Francis Prep. School	61-00 Francis Lewis Blvd., QN	Rezone from R3-2 to R4 to facilitate expansion of school	130170ZMQ	Akerman Senterfitt
SPECIAL PERMITS/OTHER ACTIONS				
Bellmont Bros. Realty Co.	333 Broome St., MN	Special permit to allow res. conversion in commer. and manufacturing districts	130136ZSM	Keneth A. Barbina
NYCEDC & NYCHPD	Willoughby Garage Renewal, BK	Renewal of special permit for below grade 695-space public parking lot	130164CMK	
Bronx Cnty. District Attorney	Bronx D.A. Storage, BX	Site selection and acquisition	130131PQX	Chris Standora
NYC DCAS	400 Liberty Ave., BK	Acq. 2nd fl. for Dept. of Prob. East NY Neighborhood Opp. Network (NEON)	130163PXK	
NYC ACS	Bushwick Early Lrn. Childcare, BK	Acquisition to continue to operate 110-child childcare center	130162PQK	DCAS
Metro Storage NY	Metro Storage, BK	2713-2755 Knapp Street	840631BZMK	Marvin B. Mitzner
NYC Fire Department	Technical Services HQ, QN	Amendment to acquisition of 2-story building for continued use	120113(A)PCQ	David Harney
NYC DCAS	55-30 58th St., QN	Disposition of 1 bldg. & 3 vacant lots in ind. bus. zones in Maspeth & LIC	130159PPQ	
El Conde Nuevo Bar & Rest.	4139 Broadway, MN	New 28-seat sidewalk cafe (El Conde Nuevo Bar & Restaurant)	130132ECM	
Mabbot Seidel Architecture	Cornog Chesney Residence, BX	Cert. that development enlargement or alteration needs no auth. or sp. permit	130130ZCX	Sarah Cornog
Bedford Stuyvesant S. One	27 Albany Ave., BK	Certification that proposed supermarket meets FRESH food store reqs.	130149ZCK	Meredith Marshall
MGK & CLK Real Estate LLC	Arthur Kill Road, SI	Certification; authorization of cross access connections; modification of group parking facility and access regulations; authorization for modifications of cross access connection requirements to allow 2 new commercial buildings in the Special South Richmond Development District	130144RCR; 130145RAR; 130146RAR; 130147RCR	Peter J. Calvanico
Deacon Richard Mitchell	4048 Amboy Rd., SI	Certification for future subdivision in SSRD	130135RCR	Frank Vaccaro
George Molloy	101 Florence Pl., SI	Certification to reapportion 2 zoning lots in the SSRD	130158RCR	Ryan & Vaccaro
Leeam Development LLC	118 Detroit Ave., SI	Certification for school seats to build 1 two-family home in SSRD	130165RCR	Glen Cutrona Assoc.
Joline Estates LLC	255 & 259 Carteret St., SI	Certification for school seats to build 2 two-family homes in SSRD	130171RCR	Calvanico Assoc.
Joseph Rizzuto	490 Butler Blvd., SI	Certification for school seats to build 1 two-family home in SSRD	130172RCR	Calvanico Assoc.
Willis Ave. Development	226 Victory Blvd./Willis Ave., SI	Certification of restoration plan in Special Hillside Preservation District	130142ZCR	Peter J. Calvanico
Rick Gaydos	500 Wooddale Ave., SI	Cert. enlargement of 1-fam. home complies with Sp. Natural Area Dist. regs.	130143ZCR	Peter J. Calvanico
Zain Hasdri	171 Coventry Rd., SI	Cert. no sp. perm. or auth req. for add. & patio on 1-fam. home in SNAD	130157ZCR	James V. Murri
Ralph Barone	51 the Oval, SI	Cert. no sp. perm. or auth req. for vertical addition in SNAD	130160ZCR	Rampulla Assoc.
William Lika	96 Circle Rd., SI	Cert. no sp. perm. or auth req. for work in property in SNAD	130167ZCR	Sanna & Loccisano
Salvatore Immitti	82 Romer Rd., SI	Cert. no sp. perm. or auth req. for vertical addition to 1-fam. home in SNAD	130168ZCR	Scaglione Architect
Angelo Falciccio	131 Meisner Ave., SI	Cert. no sp. perm. or auth req. for vertical addition to 1-fam. home in SNAD	130169ZCR	Scaglione Architect
Lillian Anello	351 Boscombe Ave., SI	Certification to subdivide 1 lot into 2, school seats	130151RCR	Anthony Scaglione
Island Realty Assoc. LLC	Richmondton, SI	Auth. to modify topography to construct 13 1-family homes	130141ZAR	Philip L. Rampulla
William Lika	JRL Commercial Development, SI	Auth. to develop 2 one-story commercial buildings on a type 2 site in SNAD	130166ZAR	Sanna & Loccisano
RCCD Holdings, LLC	Westervelt Estates, SI	Renewal of auth. to fac. 14 2-family homes in Sp. Hillside Preservation Dist.	130150CMR	Anthony Scaglione
Forest Side Properties	38 Oswald Pl., SI	No information available	130129RCR	S. Krebushevski
Joseph Ferdinando	5851-5855 Amboy Rd., SI	No information available	130133RCR	Deruvo & Assoc.

ULURP PIPELINE

New Applications Certified into ULURP

PROJECT	DESCRIPTION	COMM. BD.	ULURP NO.	CERTIFIED
Madison Square Garden	Special permits; text amendment; Chair certification	MN 5	130139ZSM; N130138ZCM; N130137ZRM; 130140ZSM	12/17/2012
62 Wooster Street	Special perm. to convert floors 2-6 to res. use in the Soho Cast Iron HD	MN 2	080104ZSM	12/17/2012
Northerleigh Park	Demap Northerleigh Park for disposition as replacement parkland; rezone the residential property within the park to R3-2; UDAAP and disposition of 6 homes within the park and public place	SI 11	030409MMR; 030410ZMR; 030411HAR	12/17/2012
USTA Expansion	Disposition of City-owned property to USTA to facilitate improvement and expansion of USTA's Billie Jean King National Tennis Center	QN 3, 4, 6, 7, 8, 9	130155PPQ	1/7/2013
Queens West Park Addition	Establ. park add., sewer easements, eliminate rds., ped. acc. easement	QN 2	110253MMQ	1/7/2013
Bronx DA Storage Facility	Site selection and acquisition	BX 4	130131PCX	1/7/2013
28th Avenue Rezoning	Zoning map change	QN 1	110398ZMQ	1/22/2013
Beach 12th Street	City map amendment	QN 14	120209MMQ	1/22/2013
Disposition of 4 C-O-P's	No information available	QN 2	130159PPQ	1/22/2013
<i>Non-ULURP Referrals</i>				
PROJECT	DESCRIPTION	COMM. BD.	APP. NO.	REFERRED
Long Island City and Sunnyside Gardens Sidewalk Cafe	Zoning text amendment	QN 1, 2	N130134ZRQ	12/17/2012
Ultra Flex Packaging Corp.	CPC certification for expansion of existing manufacturing building	BK 5	N130128ZCK	1/7/2013
Metro Self Storage	Modification of restrictive declaration	BK 15	M840631(B)ZMK	1/22/2013

BSA PIPELINE

New Applications Filed with BSA — December 2012 - January 2013

APPLICANT	PROJECT/ADDRESS	DESCRIPTION	APP. NO.	REPRESENTATIVE
VARIANCES				
Stephen Gaynor School	175 W. 89th St., MN; 144 W. 90th St., MN	Construct rooftop addition; facilitate construction of connecting bridge between 2 buildings	10-13-BZ; 11-13-BZ	Friedman & Gotbaum
Yeshiva Ohr Yisrael	2899 Nostrand Ave., BK	Construct synagogue, school	6-13-BZ	Sheldon Lobel, PC
Green Witch Project	98 DeGraw St., BK	Construct 3-story, 1-family dwelling	13-13-BZ; 14-13-BZ	Slater & Beckerman
Queens College	34-47 107th St., QN	Construct visitor and education center	5-13-BZ	GoldmanHarris
Humberto Arias	438 Targee St., SI	Legalize extension for retail use in residential district	2-13-BZ	Alfonso Duarte
SPECIAL PERMITS/OTHER ACTION				
LF Greenwich LLC	126 Leroy St., MN	Permit physical culture establishment	52-13-BZ	Rothkrug Rothkrug
Dryland Properties	420 Fifth Ave., MN	Permit physical culture establishment	1-13-BZ	Sheldon Lobel, PC
N/A	2626 Broadway, MN	Permit motion picture theater	9-13-BZ	Slater & Beckerman
Mindy Rebenwurz	1082 E. 24th St., BK	Extend at rear and side, enlarge attic	50-13-BZ	Lewis E. Garfinkel
Rosette Zeitoune	2057 Ocean Parkway, BK	Enlarge 1-family dwelling	12-13-BZ	Fredrick A. Becker
Jerry Rozenberg	2523 Avenue N, BK	Extend floors, add attic	8-13-BZ	Lewis E. Garfinkel
Sharon Sofer	1644 Madison Pl., BK	Enlarge 1-family dwelling	7-13-BZ	Fredrick A. Becker
1625 Flatbush LLC	1623 Flatbush Ave., BK	Permit physical culture establishment	4-13-BZ	Francis R. Angelino
Greenridge 674 Inc.	3231 Richmond Ave., SI	Permit physical culture establishment	3-13-BZ	Wachtel Masyr
APPEALS				
1Woodward Ave. Realty	10 Woodward Ave., QN	Construct warehouse in mapped street bed	51-12-A	Carl A. Suffaro
Block 7094 Assocs., LLC	Berkshire & Wiltshire Lanes, SI	Appeal DOB denial of permits for 35 dwellings	15-13-A- 49-13-A	Eric Palatnik, PC

LANDMARKS PIPELINE

Proposed Designations — December 2012 - January 2013

NAME	ADDRESS	ACTION	DATE
NYPL, Seward Park Branch	192-194 E. Broadway, MN	Calendared	12/11/2012
Bialystoker Home	228-230 E. Broadway, MN	Calendared	12/11/2012
Firehouse, Engine Co. 46	451-453 E. 176th St., BX	Heard	12/11/2012
Firehouse, Engine Co. 73	655-659 Prospect Ave., BX	Heard	12/11/2012
Firehouse, Engine Co. 28	436 39th St., BK	Heard	12/11/2012
Firehouse, Engine Co. 40	1307-1309 Prospect Ave., BK	Heard	12/11/2012
Firehouse, Engine Co. 268	259 Beach 116th St., QN	Heard	12/11/2012
Bedford HD	Bedford, BK	Heard	1/15/2013
Harrison Street HD	Stapleton, SI	Heard	1/15/2013

Actions Taken — December 2012 - January 2013

FINAL PERMITS TO BE ISSUED AFTER LANDMARKS RECEIVES CONFORMING PLANS

ADDRESS	LANDMARK/HISTORIC DISTRICT	DESCRIPTION	DOCKET NO.	APP'D
December 4, 2012				
7 E. 7th St., MN	Cooper Union	Extend temporary sculpture installation	13-8061	Yes
17 W. 32nd St., MN	Aberdeen Hotel	Install barrier-free access ramp	13-4135	Yes
171-185 Steuben St., BK	Pratt Institute Faculty Rowhouses	Replace windows	13-6583	Yes
38 Greene St., MN	SoHo-Cast Iron HD	Alter ground floor, install storefronts	13-7097	W/Mod
422 W. Broadway, MN	SoHo-Cast Iron HD Ext.	Construct rooftop addition	13-0754	Yes
14 St. Luke's Place	Greenwich Village HD	Construct rooftop, rear yard additions, excavate cellar	13-6366	Yes
34 E. 68th St., MN	Upper East Side HD	Reconstruct facades, construct rooftop addition	13-6757	Yes
132 E. 78th St., MN	Upper East Side HD	Replace rooftop fence with solar panels	13-3836	Yes
152 W. 88th St., MN	Upper West Side/CPW HD	Construct rooftop, rear yard additions, repl. windows	13-6969	Yes
7 Columbia Pl., BK	Brooklyn Heights HD	Construct new dormer	13-7092	W/Mod
17 Hollywood Ave., QN	Douglaston HD	Replace windows, alter porch	13-7280	Yes
225 Park Ln., QN	Douglaston HD	Demolish house, construct house	12-5362	Yes
December 11, 2012				
105 Chambers St., MN	Cary Building	Install mechanical equipment and enclosure	13-8256	W/D
54 Canal St., MN	S. Jarmulowsky Bank Bldg.	Const. rooftop addition, inst. infill, windows, balconies	13-5558	Yes
Riegelmann Boardwalk, BK	The Parachute Jump	Install lighting	13-7942	Yes
177 Montague St., BK	Brooklyn Trust Co. Building	Alter facade, install canopy	13-6245	W/Mod
2 N. Moore St., MN	Tribeca West HD	Install rooftop pergola, planters	13-5387	Yes
38 Greene St., MN	SoHo-Cast Iron HD	Paint facade	13-8377	W/D
12 MacDougal Alley, MN	Greenwich Village HD	Increase parapet height, install railing, mech. equip.	13-1111	Yes
250-252 Fifth Ave., MN	Madison Square North HD	Construct new building, rooftop addition, replace doors	12-5106	Yes
123 E. 71st St., MN	Upper East Side HD	Construct rooftop addition	13-3914	Yes
176-182 W. 82nd St., MN	Upper West Side/CPW HD	Construct rooftop addition, replace rear facade	13-3941	Yes
5241 Independence Ave., BX	Riverdale HD	Construct new house	12-9366	Yes
222 Columbia Heights, BK	Brooklyn Heights HD	Replace windows, doors	13-6790	Yes
242 Cumberland St., BK	Fort Greene HD	Construct rear addition, reconstruct rear facade	13-2953	Yes
216 Beverly Rd., QN	Douglaston HD	Replace, modify windows, paint facade	13-6131	W/Mod
January 8, 2013				
350 Fifth Ave., MN	Empire State Building	Alter entrance	13-7508	W/Mod
30 Rockefeller Plaza, MN	The Rainbow Room	Replace interior finishes	13-8503	Yes
30 Rockefeller Plaza, MN	Rockefeller Center	Alter window openings	13-8665	W/Mod
45 Crosby St., MN	SoHo-Cast Iron HD Ext.	Install barrier-free access ramp	13-7699	Yes
32 Perry St., MN	Greenwich Village HD	Construct rear yard addition	13-4622	W/Mod
28-30 W. 23rd St., MN	Ladies' Mile HD	Install rooftop mechanical equipment	13-0708	Yes
2261 Broadway, MN	West End Ave. HD Ext. I	Install illuminated signage	13-7884	Yes
20 Jay St., BK	DUMBO HD	Install infill, access ramps	13-7889	Yes
38 Schermerhorn St., BK	Brooklyn Heights HD	Replace windows	12-1487	Yes

Chart continues on next page

LANDMARKS PIPELINE (CONT.)

Actions Taken — December 2012 - January 2013

FINAL PERMITS TO BE ISSUED AFTER LANDMARKS RECEIVES CONFORMING PLANS

ADDRESS	LANDMARK/HISTORIC DISTRICT	DESCRIPTION	DOCKET NO.	APP'D
308 Carlton Ave., BK	Fort Greene HD	Replace sidewalk	13-6717	W/Mod
1137 Dean St., BK	Crown Heights North HD	Construct rooftop, rear yard additions	13-0572	W/Mod
79-15 35th Ave., QN	Jackson Heights HD	Legalize areaway fence	12-2297	No
40-17 48th St., QN	Sunnyside Gardens HD	Alter porch, install entrance canopies	13-8572	Yes
January 15, 2013				
1501 Broadway, MN	Paramount Building	Install marquees, create windows	13-6228	Yes
37 Charles St., MN	Greenwich Village HD	Construct rear addition, stoop, areaway	13-4316	Yes
429 W. 14th St., MN	Gansevoort Market HD	Install storefront infill	13-8814	Yes
327-329 W. 22nd St., MN	Chelsea HD Ext.	Construct roof, rear additions, excavate, basement, yard	12-8622	Yes
785 Fifth Ave., MN	Upper East Side HD	Construct terrace enclosure	13-7684	Yes
650 Park Ave., MN	Upper East Side HD	Modify, create windows	13-7186	Yes
131 E. 70th St., MN	Upper East Side HD	Replace addition	13-6628	W/Mod
909 Madison Ave., MN	Upper East Side HD	Create entrance, install ramp, mechanical equipment	13-7302	W/Mod
70 W. 85th St., MN	Upper West Side/CPW HD	Construct roof, rear yard additions	13-6148	Yes
337 W. 87th St., MN	Riverside-West End HD	Construct rear yard addition	13-1690	W/Mod
175 Prospect Pl., BK	Prospect Heights HD	Excavate rear yard, construct rear addition	13-4696	Yes
232 Adelphi St., BK	Fort Greene HD	Construct adds., alter facades, roofs, yards, inst. ramp	13-8532	W/Mod
January 22, 2013				
476 Fifth Ave., MN	The New York Public Library	Install roof equipment, repl. & mod. windows, mod. gate	13-8879	W/Mod
372 Fulton St., BK	Gage & Tollner Restaurant	Legalize alterations	13-8277	No
1700 Fulton Ave., BX	Crotona Park Center	Install paving, fencing, showers, shade structures	13-9137	Yes
14 Jay St., MN	Tribeca West HD	Reconstruct bulkhead, install fence, railing	13-6444	W/D
257 Church St., MN	Tribeca East HD	Install storefront infill, access ramp	13-8032	W/Mod
130 Prince St., MN	SoHo-Cast Iron HD	Alter ground floor, install infill sidewalk; issue report to CPC (modification of use)	13-8533; 13-9203	Yes Yes
10 Downing St., MN	Greenwich Village HD Ext. II	Install awning	13-7960	Yes
103 Second Ave., MN	East Village/LES HD	Install flue	13-7089	Yes
31 W. 12th St., MN	Greenwich Village HD	Enlarge penthouse windows	13-8328	Yes
440 W. 21st St., MN	Chelsea HD	Replace access lift with ramp	13-8347	Yes
740 Park Ave., MN	Upper East Side HD	Install through-wall air conditioning	13-8114	W/D
118 E. 78th St., MN	Upper East Side HD	Alter areaway, enlarge door	13-8463	Yes
1440 Lexington Ave., MN	Carnegie Hill HD	Construct rear addition, excavate cellar	12-8433	Yes
35-30 81st St., QN	Jackson Heights HD	Alter areaway, install ramps, stairway, railings, doors	13-5380	W/Mod

New Decisions Added to CITYADMIN www.CityAdmin.org December 2012 - January 2013

CITY COUNCIL

RES. NOS.	PROJECT	DESCRIPTION	DATE
1609	Brinckerhoff Cemetery, QN	Landmark designation	12/10/2012
1610	Downtown Brooklyn Parking Text, BK	Zoning text amendment (modify parking regs.)	12/10/2012
1611	19 Kenmare St., MN	Revocable consent (unenclosed sidewalk cafe)	12/10/2012
1612	57 Jane St., MN	Revocable consent (unenclosed sidewalk cafe)	12/10/2012
1613	28 Eighth Ave., MN	Revocable consent (unenclosed sidewalk cafe)	12/10/2012
1614; 1615	209 McGuinness Blvd., BK	Rezoning (M1-1 to R7A/C2-4); zoning text amendment (inclusionary housing)	12/10/2012
1616	Ridley & Sons Dep't Store, MN	Landmark designation	12/10/2012
1617	273 Wadsworth Ave., MN	UDAAP by HPD (1 lot)	12/10/2012
1618	640 Broadway, BK	UDAAP by HPD (1 lot)	12/10/2012
1625	502 W. 151st St., MN	Approval of new tax exemption	12/18/2012
1626	63 Gansevoort St., MN	Withdrawal of revocable consent (sidewalk cafe)	12/18/2012
1627	89 MacDougal St., MN	Revocable consent (unenclosed sidewalk cafe)	12/18/2012
1628	3 Greenwich Ave., MN	Revocable consent (unenclosed sidewalk cafe)	12/18/2012
1629	Rainbow Room, MN	Interior landmark designation	12/18/2012
1630	235 Central Park North, MN	Approval of new tax exemption, dissolution of previous exemption	12/18/2012

CITY PLANNING COMMISSION

PROJECT NAME	DESCRIPTION	LOCATION	ULURP NO.	DATE
East Village/LES HD	Landmark district designation	MN 3	N130097HKM	12/19/2012
Durst West 57th Street	Special permits (distribution of floor area, height & setback, tower requirements, distance between buildings); rezoning (M2-3 to C4-7, M1-5); rezoning (M1-5 to C6-2); special permit (258-space accessory parking garage)	MN 4	C120397ZSM; C010148ZMM; C120396ZMM; C120398ZSM	12/19/2012
1112 St. Nicholas Avenue	Acquisition of office space	MN 12	N130106PXM	12/19/2012
Zerega Havemeyer	Disposition of City property	BX 9	C130001PPX	12/19/2012
Crotona Child Care Ctr.	Acquisition of property (child care center)	BX 3	C120259PQX	1/9/2013
Prologis JFK Site	Disposition of City property	QN 13	C130023PPQ	1/9/2013
Special Hudson Square Rezoning & Text Amendment	Rezoning (M1-5B to M1-6, est. special district); zoning text amendment (foster development in 18-block area)	MN 2	N120381AZRM; C120380ZMM	1/23/2013
Maple Lane Views	Rezoning (M1-1 to R6A)	BK 12	C090154ZMK	1/23/2013

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 (Soul Cycle)	App'd	193-12-BZ	Rothkrug Rothkrug
140 E. 63rd St., MN	Permit physical culture establishment (Soul Cycle)	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

Chart continues on next page

New Decisions Added to CITYADMIN www.CityAdmin.org December 2012 - January 2013

LANDMARKS PRESERVATION COMMISSION - APPROVALS & CERTIFICATES

ADDRESS	LANDMARK/HISTORIC DISTRICT	DESCRIPTION	CASE NO.	APP'D	ISSUED
60 Hudson St., MN	Western Union Building	Remove chimney flue, install flues	13-9865	Yes	1/16/2013
116 Sullivan St., MN	116 Sullivan Street House	Remove windows, install doors, construct deck	13-9527	Yes	1/4/2013
7 E. 7th St., MN	Cooper Union	Extend time of sculpture installation	13-8649	Yes	12/5/2012
104 W. 40th St., MN	Spring Mills Building	Replace entrance door, sidelights, framing	13-8557	Yes	12/3/2012
27 W. 44th St., MN	The Harvard Club	Construct 1-story roof add., enlarge existing add.	14-0214	Yes	1/25/2013
239 W. 45th St., MN	The Music Box Theater	Replace signage	13-8095	Yes	11/21/2012
235 W. 46th St., MN	Paramount Hotel	Install marquees, signage, infill, flagpoles	13-8083	Yes	11/21/2012
1402 Eighth Ave., BK	Fourteenth Regiment Armory	Replace doors, install flagpoles, signage	13-8664	Yes	12/17/2012
89 South St., MN	South Street Seaport HD	Construct new building, install signage	13-8140	Yes	11/23/2012
104 South St., MN	South Street Seaport HD	Construct roof adds., install infill, replace windows	13-8922	Yes	12/12/2012
246 Front St., MN	South Street Seaport HD	Construct new residential building	14-0027	Yes	1/18/2013
28 North Moore St., MN	Tribeca West HD	Construct roof addition, install infill	13-9664	Yes	1/9/2013
2 North Moore St., MN	Tribeca West HD	Install rooftop pergola, planters	13-9096	Yes	12/18/2012
405 Broadway, MN	Tribeca East HD	Establish master plan (painted wall signs)	14-0147	Yes	1/24/2013
302 Canal St., MN	Tribeca East HD	Install ramp	13-9091	Yes	12/18/2012
17 Greene St., MN	SoHo-Cast Iron HD	Install infill, sign	13-8824	Yes	12/11/2012
42 Greene St., MN	SoHo-Cast Iron HD	Extend fire escape	13-8688	Yes	12/6/2012
45 Crosby St., MN	SoHo-Cast Iron HD Ext.	Install ramp	13-9815	Yes	1/15/2013
422 W. Broadway, MN	SoHo-Cast Iron HD Ext.	Construct 2-story rooftop addition	13-9435	Yes	1/2/2013
70 Prince St., MN	SoHo-Cast Iron HD Ext.	Legalize wood bracket sign	13-8037	Yes	11/20/2012
106 W. 4th St., MN	Greenwich Village HD Ext. II	Reconstruct rear extension, enlarge cellar, repl. roof	13-8431	Yes	11/30/2012
58 W. 8th St., MN	Greenwich Village HD	Replace infill, install sign band	13-9095	Yes	12/18/2012
37 Charles St., MN	Greenwich Village HD	Construct 3-story rear extension	14-0229	Yes	1/25/2013
20 Seventh Ave., MN	Greenwich Village HD	Install entrance vestibule, rooftop mech. equip.	13-8510	Yes	11/30/2012
421 W. 13th St., MN	Gansevoort Market HD	Legalize storefront infill	13-8055	Yes	11/20/2012
431 W. 14th St., MN	Gansevoort Market HD	Replace storefront infill	13-8279	Yes	11/28/2012
440 W. 21st St., MN	Chelsea HD	Remove lift, install ramp	14-0123	Yes	1/24/2013
800 Fifth Ave., MN	Upper East Side HD	Demolish & rebuild garden plaza	14-0301	Yes	1/29/2013
650 Park Ave., MN	Upper East Side HD	Enlarge, install windows	13-9848	Yes	1/16/2013
18 E. 69th St., MN	Upper East Side HD	Create windows, install railing, raise parapets	13-9119	Yes	12/18/2012
11 E. 70th St., MN	Upper East Side HD	Create, install windows	13-9855	Yes	1/16/2013
11 E. 75th St., MN	Upper East Side HD	Modify facade, construct rooftop add., inst. windows	13-8462	Yes	11/30/2012
170 E. 75th St., MN	Upper East Side HD Ext.	Construct roof, rear additions, replace windows	13-9141	Yes	12/19/2012
119 E. 78th St., MN	Upper East Side HD	Remove sidewalk, install pavers, planters	14-0275	Yes	1/25/2013
1080 Fifth Ave., MN	Carnegie Hill HD	Replace stone, door, window grilles	13-9215	Yes	12/21/2012
5251 Independence Ave., BX	Riverdale HD	Construct 1-story garage addition	14-0215	Yes	1/25/2013
1030 Grand Concourse, BX	Grand Concourse HD	Install doors, canopies	13-8323	Yes	11/27/2012
588 Vanderbilt Ave., BK	Prospect Heights HD	Legalize stoop, areaway alterations	13-9377	Yes	12/28/2012
212 Prospect Pl., BK	Prospect Heights HD	Legalize garbage enclosures, planter	13-9689	Yes	1/10/2013
192 St. Marks Ave., BK	Prospect Heights HD	Remove facade, install glazed wall	13-8305	Yes	11/28/2012
7 Columbia Pl., BK	Brooklyn Heights HD	Construct roof dormer	14-0028	Yes	1/18/2013
222 Columbia Hts., BK	Brooklyn Heights HD	Replace doors, windows	13-8792	Yes	12/18/2012
1 Pierrepont St., BK	Brooklyn Heights HD	Legalize windows	13-8284	No	11/27/2012
627 3rd St., BK	Park Slope HD	Replace windows, excavate cellar, const. rooftop	14-0115	Yes	1/25/2013
20 Montgomery Pl., BK	Park Slope HD	Excavate cellar, install concrete slabs	13-8956	Yes	12/13/2012
374 Pacific St., BK	Boerum Hill HD	Reconstruct extension facade, inst. railing, bulkhead	14-0014	Yes	1/18/2013
120 Warwick Ave., QN	Douglaston HD	Create door opening	14-0332	Yes	1/29/2013