

CITYLAND

JUNE 15, 2006

CENTER FOR NEW YORK CITY LAW

VOLUME 3, NUMBER 5

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Design of Kedem Winery project proposed to City Planning. Used with permission of Pasanella + Klein Stolzman + Berg Architects.

CITY COUNCIL

Rezoning/Special Permit Williamsburg, Brooklyn

Williamsburg East River towers advance

Two Williamsburg residential towers near approval after City acts to apply 20 percent inclusionary affordable housing text to development. On June 5, 2006, the Council's Land Use Committee voted to approve a 591,138-square-foot residential and retail development along the East River waterfront in Williamsburg, outside of the City's recent rezoning. Along with the development, the Land Use Committee approved a separate zoning amendment application initiated by the Planning Department that would apply

the City's Inclusionary Housing Program to the site.

Rector Hylan Corporation, owner of the 2.89-acre site on Kent Avenue and South 8th Street, originally filed for approval of a two-tower development with 628,870 sq.ft. of floor area (5 FAR), 450 housing units, 26,413 sq.ft. of retail space and 225 parking spaces. Both buildings would rise six stories along Kent Avenue before setting back to total heights of 24 and 18 stories.

The project required waivers for height and setback and a map amendment to rezone the manufacturing and commercially-zoned site to permit residential units (M3-1/C4-3 to R7-3). Rector's site contains three buildings formerly used by the Kedem Winery and now partially occupied by a yeshiva and a sales office for (cont'd on page 71)

The Willis Avenue Bridge: To be replaced after 105 years

The Willis Avenue Bridge, adjacent to the Triborough Bridge, is possibly the best known detour to avoid a toll in the entire world. Coming up the FDR Drive the bulk of the vehicles seem to swing onto the Willis Avenue Bridge exit just inches before being forced into the \$4.50 toll lines for the Triborough Bridge. On average 74,700 vehicles a day cross the Harlem River via this 1901 bowstring truss swing bridge, about the same number of vehicles that daily use the free and much larger Manhattan Bridge, and 25,000 more vehicles than daily cross the Third Avenue Bridge just two blocks north of the Willis Avenue Bridge.

DOT has scheduled more than \$250 million for the construction which is to begin in March 2007 and be completed in March 2012. (*See page 74 for story.*) Engineers at DOT report that the deterioration of the bridge precludes reconstruction of the existing bridge. The new design, which will involve constructing a new main span just south of the existing bridge, will greatly improve the geometry of the bridge. Because of the existing sharp curves and tight merges, the Willis Avenue Bridge has been one of the most accident prone bridges in the City. Between 1992 and 1994 (the last data provided by DOT) the bridge averaged 269 accidents per year.

The Willis Avenue Bridge has never been a bridge about which poems have been written. It is neither lofty nor especially graceful. Its bowstring design, beautiful though it may be, is industrial art at best. That its main span revolves on a pedestal is unusual, but it swung open for vessels only twice in 2005.

Still we would miss it terribly if it were not rebuilt as planned. Where else can an ordinary New York driver so easily beat the toll demands of Robert Moses's great Triborough Bridge.

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CITYLAND

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the adjacent Schaefer Landing residential building.

Rector's development faced significant opposition by residents, Community Board 1 and Borough President Marty Markowitz as it wound through the City's review process. Opposition focused on the loss of industrial lots and the need for affordable housing. Rector indicated that it was willing to provide the equivalent of 20 percent of the project's total units, roughly 90 units, of affordable housing, either within the development or off-site. The opposition called Rector's commitment insufficient since it would not trigger the City's oversight.

When the project reached Planning Commission review, the Planning Department applied for a separate, linked text amendment that would apply the Greenpoint-Williamsburg Inclusionary Housing Program to the lot. The amendment would require that Rector provide affordable housing on- or off-site equal to 20 percent of the total units in the project if it wanted to exceed a floor area limit of 471,652 sq.ft. (a 3.75 FAR). The Commission also required that the project's height be restricted to 65 feet along Kent Avenue. This modification reduced the project by 37,733 sq.ft. down to a 4.7 FAR.

At the hearing before the Council's Subcommittee on Zoning and Franchises, Catherine Herman of Southside United Housing Development Fund Corporation testified to her group's remaining opposition. Market-rate housing development, Herman argued, fails to reflect the neighborhood's current income levels, fuels property value escalation and displaces residents. Herman pointed to the recent fire along Williamsburg's waterfront as a potential grave consequence of the area's rising property values. Herman urged the Council to require Rector to build the affordable units on site and increase its commitment to 40 percent affordable housing. Council Member David Yassky, who

sat in on the Subcommittee, noted his support of the project and asked if Herman thought displacement was likely if the buildings remained unchanged. Herman responded "when someone says that we can't ask developers to do more, I say 'that is your choice.'" Noting that units in Rector's building would sell for over \$1 million, Herman stated that Schaefer Landing's developer agreed to 40 percent affordable housing at a time when projected sales were \$300,000 per unit.

The Subcommittee voted unanimously to approve the Planning Department rezoning and Rector's project without modification, sending both to the Land Use Committee. Approval of both matters seems likely at the full Council vote scheduled for June 13, 2006.

ULURP Process:

Kedem Winery
Lead Agency: CPC, Cond. Neg. Dec.
Comm. Bd.: BK 1, Against, 34-1-2
Boro. President: Against
CPC: App'd, 12-1-0

Greenpt./Williamsburg Text
Lead Agency: CPC, Neg. Dec.
Comm. Bd.: BK 1, App'd, 29-0-0
Boro. President: App'd
CPC: App'd, 13-0-0

CPC: Kedem Winery (C 020517 ZSK – special permit, setback, height, tower size); (C 020518 ZMK – map amendment); (N 020516 ZCK – waterfront access cert.) (May 8, 2006) (Barbara Hair, Cozen O'Connor, Henry Stolzman, Passanella + Klein Stolzman + Berg Architects, for Kedem); Greenpoint/Williamsburg Inclusionary Housing Text (N 060413 ZRK – map amendment) (May 22, 2006). **CITYADMIN**

CITY COUNCIL

Rezoning/Special Permit
Upper East Side, Manhattan

Mixed public school/ residential development approved

New public school will be among first built since 1970s without City funding; school construction pro-

gram amended to increase flexibility. The City Council's Land Use Committee voted yes on two applications that would enable private development of a 520-seat City middle school on the Upper East Side at no cost to the City.

In 1966, the City created the New York City Educational Construction Fund, a public benefit corporation, to allow the leasing of City property to private developers who would construct a new school and use the balance of the site for a private development. As part of this program, a separate zoning amendment passed allowing ECF projects to obtain a special permit to transfer unused floor area to the private development from the school lot and obtain height and setback waivers to afford needed flexibility. In the 1970s, ECF developed over 17,000 school seats at no capital cost to the City along with 4,500 residential units and 1.2 million sq.ft. of office space.

In December 2005, ECF applied along with the private developer, 1765 First Associates,



Proposed mixed-use school/residential development on East 91st Street in Manhattan. Used with permission of SLCE Architects.

LLP, to construct a middle school adjacent to a new 34-story, mixed-use development with 218,970 sq.ft. of residential space and 3,684 sq.ft. retail space on a City-owned parcel at East 91st and 92nd Streets at First Avenue. The mixed-use development, located entirely within a C2-8 zoning, would front First Avenue. The new school would extend the full block width between East 91st

Street and East 92nd and would be developed primarily on a residentially-zoned portion of the site (R8B) that currently contains a vacant school.

The project called for a text change to the ECF zoning provision to permit rear yard waivers. This would allow the new school to operate as one building stretching from East 91st to East 92nd rather than

limiting it to two separate buildings with two street entrances.

ECF asked for more flexibility in the transfer of unused floor area. It sought permission to transfer floor area from lots adjacent to the project that were not owned by the City by completing a lot merger and a shared ownership agreement, which would ultimately enable the developer to obtain more transferable development rights. Currently, the ECF text requires that ECF be the exclusive owner of the lot transferring its unused development rights. If approved, the transfer provision will only apply to one site.

At the Council's June 1st Subcommittee meeting on Zoning and Franchises, Robert Cook, attorney for ECF, explained that the opportunities created by the text changes would facilitate increased private development of public schools. Council Member Jessica Lappin, the district representative, inquired about the cost to construct solely the school portion; ECF estimated it as \$40 million.

The Subcommittee voted unanimously to approve the text amendment and the special permit. The full Council is scheduled to vote on the matter on June 13, 2006.

ULURP Process:

Lead Agency: ECF, Neg. Dec.
Comm. Bd.: MN 8, App'd, 33-0-0
Boro. President: App'd
CPC: App'd, 8-0-1

CPC: ECF/Middle School/Mixed Use Development (C 060255 ZSM – special permit, yard, height, setback); (N 060254 ZRY – text amendment) (May 10, 2006). **CITYADMIN**

CITY COUNCIL

**UDAAP/Disposition of City land
 Morris Heights, Bronx**

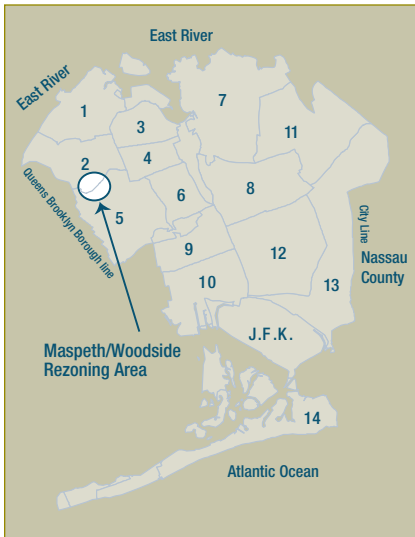
**75-unit affordable housing
 project approved**

HPD project approved after sponsor redesigned building. The City Council approved an application by the

CITY PLANNING PIPELINE

New Applications Filed with DCP - Apr. 30 - May 30, 2006

APPLICANT	PROJECT/ADDRESS	DESCRIPTION	ULURP #	REPRESENTATIVE
ZONING TEXT AND MAP AMENDMENTS				
LLJ Realty Corp.	45 Summit St., BK	Rezone for residential bldg.	060477ZMK	Stadtmauer Bailkin
DCP	Maspeth/ Woodside Rezon., QN	Estab. inclus. housing program	060504ZRQ	DCP
GJT Co. Inc.	88th St. Demapping, 88-08 23rd Ave., QN	Rezone for car rental facility; Eliminate 23rd & 24th Ave.	060467ZMQ; 060466MMQ	Slater & Beckerman
DCP/CM Lanza	Prince's Bay Text, SI	Rezone (R3X to R1-2; R3-2 to R3X); Amend text to estab. special areas	060465ZMR; 060464ZRR	DCP/CM Lanza
EDC/SBS/DCP	New Stapleton Waterfront, SI	Rezone (M2-1 & M3-1 to C4-2A); Amend text to estab. Stapleton Waterfront district; Disposition of parcels	060471ZMR; 060468ZRR; 060469PPR; 060470PPR	EDC/SBS/DCP
HPD/DPR	Wolfe's Pond Park, SI	Rezone Wolfe's Pond Park to R1-2; UDAAP (8 homes); Demap portion of park	060495ZMR; 060496HAR; 060494MMR	HPD/DPR
SPECIAL PERMITS/OTHER ACTIONS				
One York Property	55 6th Ave., MN	Modify window requirements; Modify spec. permits (design, enlarge 6-story bldg., comm. facility, design changes to parking garage)	060473ZCM; 050282AZSM; 050283AZSM; 050284AZSM; 050285AZSM	Kramer Levin
Zamir Equities	40 Broad St. Garage, MN	Spec. permit (parking garage)	060500ZSM	Philip Habib
27 Wooster LLC	27 Wooster St., MN	Spec. permit (mixed-use bldg); Spec. permit (accessory garage)	060492ZSM; 060493ZSM	Greenberg Traurig
HPD	Ellington on the Park, MN	UDAAP (8-12-story bldg.)	060474HAM	HPD
123 Wash. St. LLC	123 Wash. St. Plaza, MN	Allow benches in plaza; Cert. for cafe & kiosks	060513ZAM; 060514ZCM	Fried Frank
380 Broadway LLC	380-382 Broadway, MN	Modify Tribeca East HD (res.)	040048AZSM	Sheldon Lobel PC
141 Acquis. Assoc.	141 Fifth Ave., MN	Waive preservation requirements	060483ZAM	Greenberg Traurig
FC Beekman LLC	Beekman Plaza, MN	Cert. for two urban plazas	060505ZCM	Fried Frank
LPC	Weehawken St. HD, MN	Historic District	060488HKM	LPC
LPC	Greenwich Village HD, MN	Historic District	060489HKM	LPC
HPD	St. Paul's, 110-112 E. 118th St., MN	UDAAP & disposition of property; Amend plan & subdivide site	060503HAM; 060502HUM	HPD
LPC	Loew's Paradise, BX	Individual landmark	060510HKX	LPC
LPC	Estey Piano Co., BX	Individual landmark	060511HKX	LPC
Josh Neustein	722 W. 232nd St., BX	Cert. that no spec. permit needed	060485ZCX	Yunger Architects
LPC	DeHart House, SI	Individual landmark	060512HKR	LPC
ND Academy	Notre Dame Academy, SI	Construct elementary school	060491ZAR	John Gulino PC
DPR	Greenbelt Plant Ctr., SI	Mapping (12-acre) for park	060463MMR	DPR



Maspeth/Woodside Rezoning locator map. Used with permission of the New York City Department of City Planning. All rights reserved.

Department of Housing and Preservation for disposition of three City-owned lots at 1510 Jesup Avenue in Morris Heights in the Bronx, for construction by Highbridge Community Development Corporation of a six-story, residential building for low-income seniors and the physically disabled.

The project required modification to obtain the Planning Commission's approval. At the Commission hearing, Chair Amanda M. Burden and Commissioner Angela Cavaluzzi expressed disappointment in the building's small windows and institutional configuration. Commissioner Irwin Cantor called the design "banal" and stated that the project's budget should have allowed for a more attractive facade. Chair Burden suggested that HPD submit a revised design that would be visually modern and indistinguishable from private development. Highbridge responded that the site's uneven grade required a \$2-\$3 million retaining wall, tightening the project budget.

HPD submitted a revised design, which also increased the units from 67 to 75. The Commission approved the revised project, noting it fit into the aesthetic context of the neighborhood and

addressed the need for affordable housing. The full Council voted 49-2-1 to approve.

ULURP Process:

Lead Agency: HPD, Neg. Dec.
Comm. Bd.: BX 4, App'd, 14-5-1
Boro. President: App'd
CPC: App'd, 12-0-0

Council: Jesup Heights II (May 24, 2006); CPC: Jesup Heights II (C 060250 HAX – UDAPP/disposition of City-owned property) (April 26, 2006).

CITYADMIN

CITY PLANNING COMMISSION

Rezoning

Maspeth/Woodside, Queens

134-block rezoning approved

Planning Department proposed application of inclusionary housing text to Queens neighborhoods. On May 24, 2006, the Planning Commission unanimously approved a rezoning impacting 134 blocks of the Maspeth and Woodside neighborhoods. The rezoned area is comprised mostly of one- and two-family homes as well as a few walk-up and elevator apartment buildings, and includes higher density devel-

opment along Queens Boulevard. A steady increase in out-of-scale residential development triggered the City's action.

Density would be decreased along primarily residential blocks and increased along portions of Queens Boulevard. On 63 blocks, the rezoning would limit development to one- or two-family homes with 24-35 foot height limits (R4-1, R4B). The plan would downzone other areas to permit mid-sized residential development, such as three-story row houses and small apartment houses (R5, R5B, R6).

Along Queens Boulevard from 50th to 73rd Streets, 23 blocks would be rezoned from an exclusively commercial zone to one permitting high density, 10- to 12-story apartment buildings (from C8-1 to R7X). Commercial district overlays along Queens Boulevard would be changed from C2-2 to C2-3, relaxing retail parking requirements.

At the Commission's March 22, 2006 public hearing, the Pratt Center for Community Development and a representative for Council Member Eric Gioia raised concerns that the area's infrastructure would

ULURP PIPELINE				
City Planning Comm. ULURP Certifications				
PROJECT	DESCRIPTION	COMM. BD.	ULURP NO.	CERTIFIED
Voting Mach. Reloc.	Acquisition of property	MN 4	060444PCM	5/8/2006
Ellington on the Park	UDAAP (134 resid. units)	MN 10	060474HAM	5/8/2006
Powells Cove Blvd.	Landfill application; LSRD modification; text change; wall height waiver	QN 7	060411ZMQ; N020331ZAQ; 020332MLQ; N020333ZCQ; M820250(D)ZQAQ; N060426ZRQ; N060427ZAQ; N060428ZAQ	5/8/2006
Stapleton Waterfront	City map change; zoning map amendment; text amendment; c-o-p disposition	SI 11	060293MMR; 060468ZRR; 060469PPR; 060470PPR; 060471ZMR	5/8/2006
Prince's Bay	Zoning map change (R3X to R1-2, R3-2 to R3X); text amend.	SI 13	060464ZRR; 060465ZMR	5/8/2006
145 Mulberry St.	Special permit (mod. of use)	MN 2	050466ZSM	5/22/2006
Cornerstone Site 4	UDAAP (22 resid. units)	MN 10	060409HAM	5/22/2006
Atlantic Ave. Resid.	UDAAP (41 resid. units)	BK 16	060457HAK	5/22/2006

not support increased development, and asked the Commission to consider applying the City's inclusionary affordable housing text to Maspeth and Woodside. Community Board 5 spoke in favor of the rezoning, but objected to the high density district proposed along Queens Boulevard.

After the public hearing, the Planning Department initiated a text amendment to apply the City's Inclusionary Housing Program to Maspeth and Woodside, its first application in Queens, and agreed to monitor the infrastructure needs of the two neighborhoods.

The Commission on May 24, 2006 unanimously approved. Chair Amanda M. Burden praised the plan for preserving neighborhood character while setting the stage for Queens' first inclusionary housing plan. The Commission's report noted that the plan was well balanced, allowing for new housing while maintaining neighborhood character.

ULURP Process:

Lead Agency: CPC, Neg. Dec.
Comm. Bd.:
QN 2, App'd, 28-3-1;
QN 5, App'd, 35-0-0
Boro. President: App'd
Council: pending

CPC: Maspeth/Woodside Rezoning (C 060294 ZMQ) (May 24, 2006).
CITYADMIN

CITY PLANNING COMMISSION

Map Amendment
Bronx/Manhattan

New Willis Ave. bridge over Harlem River approved

Bridge spanning Harlem River to be built adjacent to outdated bridge. DOT sought a City Map amendment to delineate a new bridge easement and bridge corridor facilitating construction of the Willis Avenue Bridge replacement, connecting First Avenue and East 125th Street in Manhattan with Willis Avenue and East 132nd Street in the



Rendering of the new Willis Avenue Bridge to be built between 125th Street in Manhattan and Bronx's 132nd Street. Used with the permission of the NYC DOT.

Bronx. The replacement bridge will be located directly adjacent to and south of the existing bridge and will also require landfill removal along the Bronx waterfront.

The existing swing-span bridge, over one hundred years old, fails to meet current structural and seismic requirements or geometric design standards and has sharp, curving, substandard entrance ramps that slow traffic flow. Major changes to the existing bridge's alignment would be needed to meet current standards.

Construction of the new bridge will take five years and require dredging for new submarine cables. Full traffic capacity will be maintained during construction. The bridge's movable spans will be inoperable for three months, blocking tall boats from passing along the channel. Most marine traffic would remain unaffected.

At the Planning Commission's public hearing, no speakers



Existing Willis Avenue Bridge at 125th Street to be replaced by DOT. Photo: DOT.

opposed. The Commission unanimously approved on May 10, 2006, emphasizing that the new bridge will eliminate the sharp curves along the bridge's entrance ramps and thus improve traffic flow and safety. The Commission explained that DOT responded to concerns raised by Bronx Community Board 1 and Bronx Borough President Adolfo Carrion, Jr. by committing to landscape Pulaski Park, promote local hiring through the Disadvantaged Business Enterprise program and restore disturbed wetland areas to the state's satisfaction. DOT noted that Carrion's request for streetscape improvements along Bruckner Boulevard and Willis Avenue to make it a "gateway to the Bronx" was beyond the scope of DOT's project.

The Commission's decision is final since the Council did not request review.

ULURP Process:

Lead Agency: DOT, FEIS
Comm.Bd.: BX 1, App'd, 26-0-0
Boro. President: App'd

CPC: Willis Avenue Bridge (C 030028 MMX – City map amendment); (C 060253 MLX – landfill application) (May 10, 2006). **CITYADMIN**

BOARD OF STANDARDS & APPEALS

Appeal
Charleston, Staten Island

Billboard owners take dispute to BSA

Companies fought over whose signs were grandfathered. BSA denied Lamar Outdoor Advertising's appeal of Buildings' decision to revoke permits for two back-to-back billboards at 50 South Bridge Street in Charleston, Staten Island.

The City's zoning code prohibits advertising signs within 200 feet of an arterial highway unless it is on a highway that crosses New York City limits within a one-half-mile distance from the sign. The code also prohibits a sign within

500 feet of another advertising sign.

In 1994, a prior owner of 50 South Bridge Street obtained permits for two non-advertising signs to announce the business located on the lot. After receiving the permits, the owner illegally converted the business signs to billboards. In April 2004, after Lamar obtained ownership, Buildings determined that the signs had been converted without permits and were only 320 feet away from another advertising sign owned by Communiquez, LLC.

Because Lamar's signs existed before 2000, however, Buildings determined that the signs were grandfathered and had priority over the signs owned by Communiquez. Buildings ordered Communiquez to remove its sign.

Communiquez responded by submitting a professional survey, showing that Lamar's signs were too far from the city boundary and consequently could not be grandfathered. According to Communiquez, the Army Corps of Engineers placed the city boundary in the middle of the Arthur Kill River between the New York and New Jersey state lines. Lamar countered that its signs qualified because the appropriate boundary was the river's pierhead line, the distance in the water to which a pier's edge can be built.

Buildings denied Lamar's pierhead line argument and revoked the permits. Lamar appealed the decision to BSA, reiterating its argument. BSA disagreed with Lamar,

noting that the City's administrative code places the boundary in the middle of the Arthur Kill River and the pierhead line may only be used to construe zoning districts, not city boundaries.

BSA: 50 South Bridge Street (30-06-A) (May 9, 2006) (Deborah Glikin, for DOB; Eric Hecker, for Lamar).

CITYADMIN

BOARD OF STANDARDS & APPEALS

Variance

Williamsburg, Brooklyn

Synagogue eliminated residences to obtain variance

Synagogue had sought approval of eight market-rate residential units as part of new synagogue and yeshiva. BSA granted a variance to Congregation Somlou, permitting a four-story synagogue with a yeshiva and a single accessory apartment for use by a rabbi at 245 Hooper Street, in Williamsburg, Brooklyn.

Somlou initially proposed to construct a five-story building with eight market-rate residential units, requiring variances for floor area, height, setback, lot coverage, and rear yard size. Community Board 1 opposed the five-story proposal, arguing that Somlou had not established unique hardship or institutional need. BSA informed Somlou that a community facility waiver was not justified since the project's excess size was caused by the market-rate units and not the synagogue.

In response, Somlou proposed four units rather than eight, claiming the units would be used as a monastery. BSA asked Somlou to confirm with Buildings that a monastery use was permitted in the R6 district. After Somlou failed to obtain Buildings' confirmation, BSA requested that Somlou reduce the building's size and propose only one residential unit for a rabbi's use.

Somlou made the requested alterations and argued that the 3,605

BSA PIPELINE

New Applications Filed with BSA - May 1 - 30, 2006

APPLICANT	PROJECT/ADDRESS	DESCRIPTION	APP. #	REPRESENTATIVE
VARIANCES				
413 West 14 Assoc.	413-419 W. 14th St., MN	Permit 56 dwelling units	95-06-BZ	Mark A. Levine
Old Gowanus Rd. LLC	638 President St., BK	Bulk variance	100-06-BZ	Francis R. Angelino
Utopia Associates	172-12 N. Blvd., QN	Permit eating and drinking est.	82-06-BZ	Eric Palatnik
Simon Blitz	47-33 Fifth St., QN	Conv. warehouse (4 to 6 stories)	83-06-BZ	Eric Palatnik
Emil Moshkovich	145-70 Brewer Blvd., QN	Auto repair shop, parking	86-06-BZ	Sheldon Lobel
Siach Yitzchok	1045 Beach 9th St., QN	Build yeshiva (floor area, ht.)	98-06-BZ	Eric Palatnik
SPECIAL PERMITS/OTHER ACTION				
BFB Partners, LLC	153-155 Spring St., MN	Physical culture est. (spa)	97-06-BZ	Stuart A. Klein
Norsel Realities	575 Madison Ave., MN	Physical culture est.	99-06-BZ	Patrick W. Jones
West Properties	39 W. 56th St., MN	Physical cult. est. (spa, salon)	96-06-BZ	Stuart A. Klein
Barbizon Hotel	140 E. 63rd St., MN	Modify use	107-06-BZ	Kramer Levin
Soibelman	1221 E. 29th St., BK	Enlarge 1-family dwelling	94-06-BZ	Dennis Dell-Angelo
Charles Mandlebaum	1324 E. 23rd St., BK	Enlarge 1-family dwelling	103-06-BZ	Eric Palatnik
Martin Menashe	3584 Bedford Ave., BK	Legalize, alter enlargement	104-06-BZ	Eric Palatnik
Mendel Bobker	1436 E. 28th St., BK	Enlarge 2-family dwelling	106-06-BZ	Sheldon Lobel
APPEALS				
Kevin O'Mara	160 E. 83rd St., MN	N/A	81-06-A	Whitney Schmidt
Zhen Hu	131-06 40th Rd., QN	Const. bldg. w/in mapped st.	87-06-A	Petraro & Jones, LLP
Zhen Hu	131-04 40th Rd., QN	Const. bldg. w/in mapped st.	88-06-A	Petraro & Jones, LLP
Breezy Pt. Co-op	19 Beach 220th St., QN	Enlarge 1-family dwelling	89-06-A	Gary Lenhart
Breezy Pt. Co-op	9 Bedford Ave., QN	Enlarge 1-family dwelling	90-06-A	Gary Lenhart
Breezy Pt. Co-op	38 Lincoln Walk, QN	Enlarge 1-family dwelling	91-06-A	Gary Lenhart
Breezy Pt. Co-op	35 Market St., QN	Enlarge 1-family dwelling	101-06-A	Gary Lenhart
Breezy Pt. Co-op	1 Arcadia Walk, QN	Enlarge 1-family dwelling	102-06-A	Gary Lenhart
Mei Hsien Peng	50-08 88th St., QN	Const. bldg on unmapped st.	93-06-A	Sheldon Lobel
Norris Heath	5 Lockman Pl., SI	Const. 2-family dwelling	92-06-A	Vito J. Fossella
EXTENDED CONSTRUCTION PERIOD				
Debra Wexelman	1472 E. 19th St., BK	Extend time for 6 months	84-06-BZY	Eric Palatnik
Menachem Realty	1623 Ave. P, BK	Extend time for 6 months	85-06-BZY	Sanford Solny

square-foot site had an irregular depth and unique floor plate, requiring variances for rear yard size, community facility lot coverage, and the distance between windows and lot lines. Somlou also argued that the proposal met programmatic needs for increased worship space, classrooms, meeting rooms, and an apartment for the rabbi.

In approving the four-story proposal, BSA agreed that the site's unique condition created a hardship and noted that the four-story development would not alter the neighborhood character or disturb adjacent properties.

BSA: 245 Hooper St. (75-05-BZ) (May 2, 2006) (Harold Weinberg, for Somlou).
CITYADMIN

BOARD OF STANDARDS & APPEALS

Amendment

Springfield, Queens

Freight transfer facility allowed to work on Sundays

Post-9/11 changes required amendment to 1996 BSA resolution. Compass Forwarding operates a freight transfer facility near JFK Airport at 159-15 Rockaway Blvd. in Springfield, Queens. In 1996, Compass obtained a variance to permit enlargement of its transfer station on condition that operations would be suspended Sundays. In July 2005, Compass applied to BSA to amend the terms of the variance to allow Sunday operation so that it could comply with post-9/11 regulations for air freight transfer and holding.

Compass argued that under new federal regulations all freight must be removed from holding areas within four hours of arrival, and requested that it be permitted to operate one truck to transfer Sunday arrivals between 10:30 a.m. and 6:00 p.m. BSA recommended that Compass shorten its proposed hours of operation by using two trucks to transfer freight on Sundays. Compass responded that the

time frame was necessary to accommodate potential flight delays.

Community Board 13 initially objected, but ultimately recommended approval, saying that it would monitor the facility.

BSA granted the variance, noting that the number of residences in the area has decreased significantly in the last ten years, lessening the impact of Sunday operation.

BSA: 159-15 Rockaway Boulevard, (173-94-BZ) (April 25, 2006) (Rothkrug, Rothkrug, Weinberg, Spector, for Compass). **CITYADMIN**

BOARD OF STANDARDS & APPEALS

Building Permit

Kissena Park, Queens

BSA refused to allow work to continue on rezoned site

BSA applies more stringent standard when project qualifies as both "minor" and "major" development. Yong Il Pak obtained permits in April 2005 to construct two, two-family homes on adjacent lots along Poplar Avenue at Parsons Boulevard in Kissena Park, Queens. In May 2005, the City Council down-zoned Pak's site and rendered the construction unlawful. Under the new zoning, only single-family homes would be permitted on Pak's site.

After Buildings issued a stop-work order, Pak applied to BSA to continue construction, arguing that he completed sufficient work to justify reinstatement of the permits. Different standards apply to developments characterized as minor or major developments. BSA determined that Pak's construction qualified as both since its proposed use as two-family dwellings, and the buildings' size were prohibited. In cases where both definitions apply, BSA ruled that the more stringent standard should be used.

In this case, Pak was required to revise his application to meet the standard for a minor development, showing that excavation was com-

pleted and substantial progress was made on the foundations of both buildings. Pak revised his application, claiming that excavation was complete on both lots.

After BSA reviewed pictures submitted by Pak and the Kissena Park Civic Association, Pak admitted that additional excavation was needed on one lot, but claimed that excavation would have interfered with truck access. BSA disagreed, telling Pak that a simple ramp for trucks could have been constructed leaving sufficient room for the excavation. After failing to provide a reason for the incomplete excavation and insignificant foundation work, BSA denied Pak's application.

BSA: 143-53/55 Poplar Avenue (144-05-BZY) (May 9, 2006) (Alfonso Duarte, for Pak). **CITYADMIN**

BOARD OF STANDARDS & APPEALS

Special Permit

Manhattan Beach, Brooklyn

Legalization of single-family oversized home denied

Owner claimed that structure was enlargement and not new construction. Michael Reznikov received permits from Buildings in 2002 to make interior improvements and apply a masonry veneer to the exterior of his two-story home at 229 Coleridge Street in Manhattan Beach, Brooklyn. A 2004 Buildings' inspection revealed that Reznikov had instead increased the height of his home and significantly extended it into the rear yard thereby violating limits on bulk. Buildings issued a stop-work order.

Reznikov applied to BSA for a special permit to legalize the oversized addition and the building's height. BSA notified Reznikov that it could grant permits in cases where the home had been enlarged, but not where the home had been completely demolished. Since the work was complete, Reznikov carried the burden of showing that the com-

pleted work was an enlargement and not a new structure.

Reznikov submitted the original alteration permit, showing that it did not permit demolition, and emphasized that Buildings did not issue a demolition violation over the two-year construction period. Reznikov provided BSA with photos showing the new home and the home in the 1940s. He also pointed to a 25-foot height notation on a 1976 alteration permit, which he claimed to have personally prepared, arguing that the 25-foot notation referred to the building's height along the street rather than the total height. His home's 25-foot height, he argued, pre-existed height limits.

After Chair Meenakshi Srinivasan and Vice-Chair Satish Babbar visited the site, BSA denied the application, noting that the new home looked "noticeably different" from the 1940s photograph. The absence of a Buildings' demolition violation and the existence of an alteration permit are not sufficient proof of a building's enlargement. Vice-Chair Babbar, a former Buildings Commissioner, explained that height notations on Buildings' permits refer to the total height and not the height along the street, so Reznikov's home violated current height limits.

BSA: 229 Coleridge Street (320-04-BZ) (May 16, 2006) (Harold Weinberg, for Reznikov). **CITYADMIN**

LANDMARKS PRESERVATION COMMISSION

Designation
Fordham, Bronx

Interior of Loew's Paradise Theater landmarked

Landmarks approved designation for 1929 Art Deco "wonder theater." The interior of Loew's Paradise Theater, at 2405-2419 Grand Concourse in the Fordham area of the Bronx, was designated by Landmarks on



Ornate interior of the Loew's Paradise Theater landmarked. Photo: LPC.

May 16, 2006. The 1929 theater was designed by architect John Eberson, the inventor of what were called "wonder theaters" that featured artificial trees and birds and a machine that simulated clouds shifting on the ceiling. One of five such theaters built by Loew's, the Paradise was meant to evoke the feeling of being outdoors in the courtyard of a Renaissance Italian palace. The wood paneled lobby contained ornate gilt ironwork and painted murals, while the auditorium itself featured extensive plaster statuary, chandeliers and marble pillars. The auditorium could accommodate an audience of up to 4,000. In addition to movies,

live acts like Bob Hope and the Metropolitan Opera graced its stage.

The Paradise was converted into a multiplex in 1973, before closing its doors in 1994. The building's exterior was landmarked in 1997, but fire damaged the interior in the late 1990s. At one point the owners proposed converting the building into a shopping center, an alteration that would have entailed covering the plaster details with sheetrock. In 2003, a new owner acquired the Paradise and reversed many of the alterations, restoring much of the original luster. The Paradise was reopened as an entertainment venue in 2005.

At the April 18 hearing, Glen

Leiner of the Art Deco Society called the building an “iconic Bronx treasure,” and encouraged swift designation. Landmarks Chair Robert B. Tierney called the theater’s interior “one of the most amazing spaces in New York City.” Landmarks voted unanimously to approve.

LPC: Loew’s Paradise Theater Interior, 2405-2419 Grand Concourse (LP-2193) (May 16, 2006).

LANDMARKS PRESERVATION COMMISSION

Certificate of Appropriateness
Cobble Hill, Brooklyn

Alterations to Brooklyn Church approved

Church to be converted into residences in Cobble Hill Historic District. Landmarks approved an application by the owner of 58-70 Strong Place for alterations that will facilitate the conversion of an abandoned church and rectory into 23 residential units in the Cobble Hill Historic District, Brooklyn. (See photo on back cover.) Alterations to the 1852 Gothic Revival church and rectory will include removal of a modern two-story addition in the rear portion of the rectory and construction of a new three-story addition on the side yard. Rooftop additions, terrace cuts, window replacement, iron fences, and the addition of parking areas are planned.

Landmarks determined that the proposed alterations would retain the historic character of the church and were appropriate for the district. The conversion would not obscure the church’s historic features, and the rooftop addition would blend with existing historic features. Landmarks noted that the windows had deteriorated and needed replacement since the original stained glass was removed.

LPC: 58-70 Strong Place (Case No. 06-7277) (April 12, 2006) (Baxt Ingui, PC, Architects). **CITYADMIN**

LANDMARKS PRESERVATION COMMISSION

Designations
Bronx/Staten Island

Bronx piano factory and SI cottage landmarked

Landmarks designated two new individual landmarks. The 1886 Estey Piano Factory, at 112 Lincoln Avenue in the Mott Haven section of the Bronx, is the oldest piano factory in New York, and the centerpiece of the once thriving industrial area. With its prominent clock tower, brick facade, and historical significance, the piano factory was roundly endorsed at the April 11 hearing. *3 CityLand 4* (May 15, 2006).

Landmarks also designated the Theodore F. and Elizabeth J. DeHart House, at 134 Main Street in Tot-



DeHart House in Staten Island landmarked.
Photo: LPC.

tenville, on Staten Island’s southwest shore. The 1850-era clapboard cottage is called a “rare survivor of early Tottenville” in Landmarks’ designation report. Built originally by a member of the Totten family, the house was named for long-time resident Theodore F. DeHart, who was involved in the oyster trade. Supporters of designation included Council Member Andrew J. Lanza, the Historic Districts Council, the Tottenville Historical Society, and the Preservation League of Staten Island. The designation was supported unanimously by the Commissioners present.

LPC: Estey Piano Company Factory, 112 Lincoln Avenue (LP-2195); Theodore H. and Elizabeth J. DeHart House (LP-2181) (May 16, 2006).

LANDMARKS PRESERVATION COMMISSION

Designations
West Village, Manhattan

Two new historic districts approved for West Village

Landmarks simultaneously designated two adjacent areas in the Far West Village. On May 2, 2006, in front of a jubilant public audience, Landmarks completed the final step in designating the Weehawken Street Historic District and the Greenwich Village Historic District Extension.

The waterfront Weehawken Street Historic District comprises 14

LANDMARKS PIPELINE

Proposed Designations – May 2006

NAME	ADDRESS	ACTION	DATE
Weehawken St. HD	West Village, Manhattan	Designated	5/2/2006
Green. Vill. HD Ext.	Greenwich Village, MN	Designated	5/2/2006
Coignet Stone Co.	360 3rd Ave., BK	Calendared	5/9/2006
150 Taylor St. House	150 Taylor St., SI	Calendared	5/9/2006
Claremont Theater	3320 Broadway, MN	Heard	5/16/2006
Loew’s Paradise Int.	2405 Grand Concourse, BX	Designated	5/16/2006
Estey Piano Factory	112 Lincoln Ave., BX	Designated	5/16/2006
Engine Co. No. 258	10-38 47th Ave., QN	Heard	5/16/2006
DeHart House	134 Main St., SI	Designated	5/16/2006
SI Savings Bank	81 Water St., SI	Heard	5/16/2006

buildings, built between 1830 and 1938. The district is on the former site of Newgate Prison. When the prison was closed in 1829, an open-air public market was built on the site, some sections of which exist

today as houses. The area flourished in the post-Civil War era, as the Hudson River became an important thoroughfare. Drawn to the picturesque waterfront and architecture, artists began occupying the

tenement-style buildings in the late 19th Century.

The Greenwich Village Historic District Extension is comprised of 45 buildings built mostly in the 19th and 20th centuries. It contains the rowhouse at 131 Charles Street, as well as Saint Veronica's Church and a neo-classical police station. An affluent neighborhood in the early 19th century, the federal rowhouses were turned into apartments as the wealthy moved uptown. As immigrants populated the neighborhood, more apartment buildings were built to serve their needs. The community successfully blocked Mayor Robert F. Wagner's plan to make the neighborhood an urban renewal area in the 1960s.

Both designations passed unanimously, and discussion among the Commissioners matched the enthusiasm of the audience, many of whom wore "Landmark the Far West Village" stickers. Author and activist Jane Jacobs, who passed away a week before the designations, was repeatedly invoked throughout the proceedings. Jacobs lived in the West Village and had been instrumental in saving the neighborhood in the 1960s.

Commissioner Roberta Gratz told the other Commissioners that she had spoken to Jacobs before her death, and reassured her that the designation would happen. Commission Chair Robert B. Tierney specifically acknowledged Council Speaker Christine Quinn, the Greenwich Village Society for Historic Preservation, and Christabel Gough of the Society for the Architecture of the City, as being instrumental in the designation's approval. Commissioner Jan Pokorny addressed the Commission's function in creating historic districts, saying the "spirit of the old City speaks through districts, not just buildings."

LPC: Weehawken Street Historic District, Greenwich Village Historic District Extension (LP-2183, LP-2184) (May 2, 2006).

Landmarks Actions Taken in May 2006

FINAL PERMITS TO BE ISSUED AFTER LANDMARKS RECEIVES CONFORMING PLANS

ADDRESS	LANDMARK/HISTORIC DISTRICT	DESCRIPTION	CASE	APP'D
May 2, 2006				
2166 E. 73rd St., MN	166 E. 73rd St. Building	Const. roof add., alt. facades	06-0753	Yes
1 Hanson Place, BK	Williamsburg Savings Bank	Alt. lobby, inst. canopies	06-5444	Yes
122 Greenwich, MN	Greenwich Village HD	Const. 11-story bldg.	06-4771	Yes
12 E. 68th St., MN	Upper East Side HD	Alter facade	06-1273	Yes
172 W. 77th St., MN	Upper West Side/CPW HD	Legalize storefront	02-5923	Yes
54 Hicks St., BK	Brooklyn Heights HD	Const. rear yard add.	06-5076	Yes
237 Cumberland, BK	Fort Greene HD	Amend C of A 05-0946	06-0323	In Part
367 Grand Ave., BK	Clinton Hill HD	Alt. roof, install fence	06-3456	Yes
470 Washington, BK	Clinton Hill HD	Const. rear yard add.	06-2350	W/Mod
239 Decatur St., BK	Stuyvesant Heights HD	Legalize door	06-4228	No
25 8th Ave., BK	Park Slope HD	Install vent stack	06-5133	Yes
115 Park Lane, QN	Douglaston HD	Demo. garage, const. add.	06-0817	Yes
May 9, 2006				
148 E. 40th St., MN	Jonathan W. Allen Stable	Legalize flagpole	06-5457	Yes
508 E. 78th St., MN	Shively Tenements	Install mailboxes	06-3122	Yes
1-7 Hoyt St., BK	Namm & Son Dep't. Store	Legalize infill	06-1336	No
10 Richmond Ter., SI	SI Borough Hall	Install flagpoles, banners	06-6112	W/D
140 W. Broadway, MN	Tribeca West HD	Alter infill, inst. signage	06-5415	W/D
471 6th Ave., MN	Greenwich Village HD	Reconstruct facade	06-3873	W/Mod
115 E. 70th St., MN	Upper East Side HD	Alter facade, inst. windows	06-6707	Yes
740 Park Ave., MN	Upper East Side HD	Alter extension	06-6810	Yes
120 W. 72nd St., MN	Upper West Side/CPW HD	Const. 16-story building	06-4311	Yes
248 Cent. Pk. W., MN	Upper West Side/CPW HD	Const. rooftop addition	06-4234	W/D
319 Vanderbilt, BK	Clinton Hill HD	Alter facade	06-4254	Yes
34-38 88th St., QN	Jackson Heights HD	Legalize paving, windows	05-7155	In Part
May 16, 2006				
569 Lexington, MN	Summit Hotel	Alter storefront infill	06-5851	Yes
112 E. 106th St., MN	St. Cecilia's Convent	Alter facades, roof, side yard	05-8939	Yes
7484 Amboy Rd., SI	Bedell House	Const. 2 1/2 story res. bldg.; Mod. of use & bulk	05-6939; 06-3004	Yes Yes
254 Front St., MN	South Street Seaport HD	Const. 8-story bldg.	06-5492	Yes
14 Jay St., MN	Tribeca West HD	Replace windows, doors	06-3238	Yes
50 Laight St., MN	Tribeca North HD	Demo. garage, const. bldg.	06-4061	Yes
415 Washington St.	Tribeca North HD	Mod. design of building	06-5721	Yes
50 E. 91st St., MN	Carnegie Hall HD	Const. adds., alter facade	06-5530	Yes
May 23, 2006				
97-28 43rd Ave., QN	Fire Eng. Co. 289	Replace windows	06-6814	Yes
90 Franklin St., MN	Tribeca East HD	Replace door, install signage	06-6356	In Part
309 Canal St., MN	SoHo - Cast Iron HD	Replace storefront infill; Mod. of use & bulk	06-6628 06-7171	Yes Yes
16 Bank St., MN	Greenwich Village HD	Alter garden fence & wall	06-6709	Yes
230 E. 18th St., MN	Stuyvesant Square HD	Replace windows	06-6471	Yes
227 W. 138th St., MN	Saint Nicholas HD	Const. yard add., inst. fence	06-5411	Yes
135 Willow St., BK	Brooklyn Heights HD	Install new chimney flues	06-4227	Yes
216 Columbia Hts., BK	Brooklyn Heights HD	Mod. window, door	06-6501	Yes
57 Willow St., BK	Brooklyn Heights HD	Const. carriage house	06-5244	Yes
79-06 35th Ave., QN	Jackson Heights HD	Legalize aluminum cladding	06-6597	W/D

LANDMARKS PRESERVATION COMMISSION

Designation Hearing
East Village, Manhattan

Emotional hearing held on Lower East Side school

Landmarking process begins for P.S. 64, a former school, now facing renovation. On May 16, 2006, Landmarks heard emotional testimony regarding the potential designation of P. S. 64 at 605 East 9th Street in the East Village.

P.S. 64 was built in 1903-04 by C. B. J. Snyder, then superintendent of school buildings for the City. The school is in the French Renaissance Revival style, and built in Snyder's signature H-plan to maximize light and air at the mid-block site. Several schools designed by Snyder have already been designated landmarks, including Stuyvesant High School and Flushing High School. One of P.S. 64's innovative features is an auditorium that is directly accessible from the street. When the school was closed in the 1970s, the building morphed into the Charas/El Bohio community center.

In 1998, a private owner, Gregg Singer, purchased the building and planned to transform it into a dormitory. Buildings denied Singer's dorm permit application when he failed to show any connection to a New York City school. Singer appealed to BSA, which upheld Buildings' denial. 2 *CityLand* 152 (Nov. 15, 2005).

At the hearing, the standing-room-only audience included Council Member Rosie Mendez, who called P.S. 64 an important community educational and cultural institution. Council Speaker Christine Quinn, Manhattan Borough President Scott Stringer, Assemblywomen Sylvia Freedman and Deborah Glick, and Senator Martin Connor all sent representatives urging designation. Resident Lillian Lifflander, who grew up in

the neighborhood, spoke of the school uniting the many fractious ethnic groups that once populated the area, and the pride immigrant parents took in the school.

Opponents were greeted with hisses from some members of the audience. Resident Allen Bortnick testified that a dormitory would be a benefit to the neighborhood, and that the school had outlived its usefulness.

After public testimony ended, Landmarks Chair Robert B. Tierney announced that the owner had requested an extension of time to present evidence. Landmarks had written assurance that P.S. 64 would not be touched in the interim. Commissioner Roberta Brandes Gratz called the hearing the most extraordinary one she had witnessed in three years. Commissioner Pike said he was "prepared to vote for designation today," and Commissioner Moore agreed. The hearing was recessed until June 6.

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LPC: Public School 64, 605 East 9th Street (LP-2189) (May 16, 2006).

COURT DECISIONS

LMDC
Lower Manhattan

Court upholds LMDC on review of memorial design

9/11 victims' families sought to preserve North Tower's footprint. Family members of victims of the World Trade Center attack formed a coalition to represent and express their views on the plans for a memorial at the site. In January 2004 the Lower Manhattan Development Corporation selected a memorial design, which included the preservation of some portions of the North Tower's slab floor, most commonly referred to as "the footprint." In March 2004, after the site was designated eligible for listing in the National Register of Historic Places, the LMDC entered into a programmatic agreement that set forth the project's historic

preservation requirements subject to consultation. The agreement, which was distributed to the Coalition, stated that the slab floor was not one of the historic elements the LMDC would try to preserve. Finally, in June 2004, the LMDC issued a decision, which stated that it had complied with the review requirements of the National Historic Preservation Act.

On March 11, 2006, the Coalition filed an article 78 petition, claiming that the LMDC had failed to fulfill the consultation and mitigation requirements relating to the plans' impact on the slab floor in the Public Buildings Law and Parks, Recreation, Conservation and Historic Preservation Law. They further claimed that the slab floor was sacred ground; it should be preserved in its entirety and should be visible without obstruction.

Justice Shirley Werner Kornreich dismissed the petition, ruling that the LMDC had complied with the required historic review process. It had fulfilled its responsibilities under the National Historic Preservation Act and there was no obligation to consult or mitigate with respect to the slab once the agreement was adopted. The requirements under both the PBL and the PRCHP law had been met when the LMDC complied with the National Historic Preservation Act. The court praised the LMDC for continuing to involve the families in the process even though its obligation had ended.

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Coalition of 9/11 Families v. LMDC, Index No. 103362/06, May 11, 2006 (N.Y.Cty.Supt.Ct.) (Kornreich, J.).

COURT DECISIONS

City Planning Commission/MTA
Hudson Yards, Manhattan

Court rejects challenge to Hudson Yards condemnation

Easements for No. 7 line challenged. In October 2005, the MTA and the

Planning Commission issued the final determination and findings, approving the extension of the No. 7 line from Times Square to 34th Street and Eleventh Avenue. The final determination approved the acquisition by eminent domain of property and easements and the related zoning for that property.

Five landowners, including Milstein Brothers 42nd Street and Mercedes-Benz Manhattan, filed petitions under the eminent domain law asking the court to reject the final determination. The petitioners claimed that the determination failed to comply with the

law because it did not adequately notify landowners of the extent of the easement upon their property. They also claimed that the rezoning was an illegal taking or, alternatively, reverse spot zoning.

The First Department dismissed the petitions. The court found that the MTA and the Planning Commission had taken the required hard look at the areas of environmental concern and provided a well-reasoned basis for their determination. The court also ruled that extreme accuracy was not required when notifying landowners of the nature, timing and extent

of an easement on their property. The eminent domain law only required that the approximate location and reasons for the location selection be set forth. With regard to the constitutional claims, the court found that the City's procedures for just compensation were appropriate. Finally, the court found no basis for the reverse spot zoning claim, finding that the rezoning was part of a well-considered and comprehensive plan that served the City's general welfare.

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In re C/S 12th Ave. LLC v. City of New York, 2006 WL 1442306 (1st Dep't).

CITYLAND PROFILES

DOB's General Counsel and Deputy Commissioner discuss the endeavor to adopt a revised model building code

In December 2005, Mayor Bloomberg signed Local Law 99, the first significant step towards the City's goal of replacing the current Building Code, unrevised since 1968, with a national model code. Local Law 99 selected the International Building Code as the City's model code and directed the Department of Buildings with preparing, and presenting to the City Council, modifications to the IBC making it responsive to New York's unique construction, density and safety issues. As part of the law, DOB prepared complete modifications to the IBC's plumbing, administrative and enforcement codes to become effective if the remaining modifications obtain City Council approval.

CityLand interviewed Phyllis Arnold, DOB's General Counsel, and Fatma M. Amer, its Deputy Commissioner for Technical Affairs, who share responsibility for overseeing DOB's Model Code Program. Arnold, a graduate of Columbia University School of Law, served as DOB's General Counsel for four years under Commissioner Gaston Silva and returned to the job in 2002 to join Commissioner Patricia Lancaster. Amer, a licensed professional engineer, started at Buildings in 1981 and worked her way from plan examiner to chief engineer for Manhattan, Queen's Deputy Borough Commissioner, and the agency's Executive Engineer before assuming her current role.

Application of the IBC to New York. As written, Amer said, the IBC does not contemplate the density of New York City. In the fire and safety provisions of the IBC, for example, the code anticipates a 60-foot open space surrounding the base of all tall buildings. "Where would you get that in New York," Amer commented. Arnold added that the effort to modify all chapters to suit New York City, particularly the safety and construction requirements, is "blazing a path for all urban centers." Amer highlighted that the IBC is a performance-based code that sets achievement standards throughout its text. This approach allows engineers to design a building to meet the needed result in contrast to the City's current code, which sets out the exact way a building should be designed to meet a standard.

The Drafting Process. In 2003, DOB formed 13 Technical Committees, comprised of specialists in various fields, to be responsible for initial draft modifications after a section-by-section review of the IBC and the City's existing building code. The committees, mostly volunteers, met monthly in the initial days and moved to bi-weekly and weekly meetings as deadlines for the modified text approached, giving an estimated \$16 million in volunteer time. DOB requested consensus on draft text. Arnold said that, of the IBC's 34 chapters representing thousands of provisions, only 50 or so issues remain in need of resolution.

Arnold believes that since Local Law 99 requires the City to review the code every three years to align it with the IBC's existing revision period, some committees might have reached a consensus knowing the issue would soon get a second look.

A Managing Committee, comprised of Arnold and Amer along with other City agency representatives like FDNY and DDC, a City Council representative, and groups like REBNY and AIA, reviews all the draft text, looking at it as a whole. In some cases, Arnold said, when the committee text was looked at cumulatively, certain provisions did not make sense. In hindsight, Arnold commented that DOB would avoid having private drafters work separately on code sections to address this "silo effect." To analyze the complete code, DOB will develop case studies to look at the building types the new text would permit, and ask if they are acceptable buildings for the city.

Status. Arnold estimated legal, technical and environmental review to continue through the summer and fall. DOB would start briefing the Council and deliver final text by the end of 2006 or the start of 2007. DOB is already working on training sessions for local architects and builders since the code will take effect one year after enactment. Arnold said that DOB has not finalized the three-year revision process. The Technical Committees would remain in existence in some form.

New Decisions Added to **CITYADMIN** *www.citylaw.org – May 2006**

CITY COUNCIL				
RES. NOS.	PROJECT	DESCRIPTION	DATE	
306	W. 112th St., MN	UDAAP by HPD (1 lot)	5/10/2006	
307	S. Bushwick HDFC, BK	UDAAP by HPD (7 lots)	5/10/2006	
308	Beacon Park, MN	UDAAP by HPD (198 units)	5/10/2006	
309	Gateway & Lore Condos, MN	UDAAP by HPD (125 units)	5/10/2006	
310	285 W. 150th St., MN	UDAAP by HPD (1 lot)	5/10/2006	
311	2198 Fulton St., BK	UDAAP by HPD (1 lot)	5/10/2006	
312	719 Franklin Ave., BK	UDAAP by HPD (3 lots)	5/10/2006	
313	328 Tompkins Ave., BK	UDAAP by HPD (1 lot)	5/10/2006	
314	663 Blake Ave., BK	UDAAP by HPD (3 lots)	5/10/2006	
315	110 MLK Jr. Pl., BK	UDAAP by HPD (1 lot)	5/10/2006	
316	162 Utica Ave., BK	UDAAP by HPD (1 lot)	5/10/2006	
317	2896 Broadway, MN	Sidewalk café	5/10/2006	
318	OEM Warehouse, BK	Acquisition of property for warehouse	5/10/2006	
† 319-321	311 W. Broadway, MN	Zoning text amendment (mod. of bulk); Special permits (150-space garage, use height, yards)	5/10/2006	
322	Southern Blvd. Apts., BX	UDAAP by HPD (123 mixed-income units)	5/10/2006	
323	W. 165th St., MN	Site plan (500-seat public school)	5/10/2006	
324	Gregorio H.S., MN	UDAAP by HPD (3 lots)	5/10/2006	
325	239 W. 137th St., MN	UDAAP by HPD (1 lot)	5/10/2006	
326	208 E. 122nd St., MN	UDAAP by HPD (4 lots)	5/10/2006	
327	145-14 105th Ave., QN	UDAAP by HPD (1 lot)	5/10/2006	
328	118-11 Sutphin Blvd., QN	UDAAP by HPD (1 lot)	5/10/2006	
329	2295 Andrews Ave., BX	UDAAP by HPD (3 lots)	5/10/2006	
330	459 Beach 37th St., QN	UDAAP by HPD (1 lot)	5/10/2006	
331	18-10 Astoria, QN	UDAAP by HPD (2 lots)	5/10/2006	
332	458 W. 143rd St., MN	UDAAP by HPD (1 lot)	5/10/2006	
333	456 E. 183rd St., BX	UDAAP by HPD (2 lots)	5/10/2006	
343	Jesup Heights II, BX	UDAAP by HPD (67 lots)	5/24/2006	
344	303 Grand St., BK	UDAAP by HPD (2 lots)	5/24/2006	
345	188-09 Linden Blvd., QN	UDAAP by HPD (1 lot)	5/24/2006	
346	2901 Emmons Ave., BK	Withdrawal of sidewalk cafe	5/24/2006	
347	1971 Grand Ave., BX	Dissolve redevelopment co.; tax exemption	5/24/2006	
CITY PLANNING COMMISSION				
PROJECT NAME	DESCRIPTION	LOCATION	ULURP #	DATE
Kedem Winery Development	Special permit (setback, height); zoning map amendment (M3-1 and C4-3 to R7-3)	BK 1	C020517ZSK; C020518ZMK	5/8/2006
ECF/Middle School	Zoning text amend.; spec. permit (height, yard, setback); mixed use (school/resid.)	MN 8	C060254ZRY; C060255ZSM	5/10/2006
CD 10 Office Space	Acquire office space at 8119 5th Ave.	BK 10	N060425PXX	5/10/2006
Willis Avenue Bridge	Disposition of property; map amendment; landfill (new bridge construction)	BX 1	C030028MMX; C060253MLX	5/10/2006
Better Community Life	Acquisition of property (day-care center)	QN 3	C050473PQQ	5/10/2006
† 1 Pendleton Place	Landmark designation	SI 1	N060412HKR	5/10/2006
South Beach Bluebelt	Acquisition of property (stormwater mgmt.)	SI 2	C060196PCR	5/10/2006
Oakwood Beach Bluebelt	Acquisition of property (stormwater mgmt.)	SI 3	C060197PCR	5/10/2006
Greenpoint/W'burg Incl. Text	Zoning text amendment (bulk, waterfront)	BK 1	N060413ZRK	5/22/2006
Common Ground Comm. Res.	UDAAP by HPD (263 residences)	MN 3	C060277ZSM	5/24/2006
Fabria Houses	UDAAP by HPD (37 units)	MN 3	C060281HAM	5/24/2006
A&D Plumbing	Disposition of property	BK 4	C060221PPK	5/24/2006
Maspeth/Woodside Rezoning	Zoning map amendment	QN 2, 5	C060294ZMQ	5/24/2006
Federal Jeans	Disposition of property; City map amendment (warehouse)	QN 14	C050419HDQ; C050418MMQ	5/24/2006
BOARD OF STANDARDS & APPEALS				
ADDRESS	DESCRIPTION	ACTION	CASE NO.	REPRESENTATIVE
180 W. Broadway, MN	Const. 8-story res./retail bldg.	App'd	396-04-BZ	Stroock & Stroock
81 E. 3rd St., MN	Appeal of 13-story comm. facility	Denied	155-05-A	Richard Kusack
113 Fourth Ave., MN	Special permit for phys. cult est. (gym)	App'd	320-05-BZ	Rothkrug Rothkrug
270 W. 17th St., MN	Legalize phys. cult. est.	App'd	340-05-BZ	Fredrick A. Becker
32 E. 31st St., MN	Legalize phys. cult. est. (spa)	App'd	193-05-BZ	Fredrick A. Becker

*Bold indicates the decision is covered in this issue. The symbol † indicates that the decision was covered in a previous issue.

New Decisions Added to **CITYADMIN** www.citylaw.org – May 2006*

BOARD OF STANDARDS & APPEALS (CONTINUED)					
ADDRESS	DESCRIPTION	ACTION	CASE NO.	REPRESENTATIVE	
435 E. 68th St., MN	Extend variance for 77-space garage	App'd	414-59-BZ	Bryan Cave	
745 Fox St., BX	Const. 8-story bldg.	App'd	19-06-BZ	Sheldon Lobel, PC.	
355 W. 255th St., BX	Allow swimming pool enclosure	App'd	357-72-BZ	Fredrick A. Becker	
3275 Cruger Ave., BX	Extension of term (storage and parking)	D'missed	551-61-BZ	Arcadius Kaszuba	
1106 Utica Ave., BK	Spec. perm. for parking/rear space	App'd	289-05-BZ	Eric Palatnik, PC.	
245 Hooper St., BK	Const. synagogue and yeshiva	App'd	72-05-BZ	Harold Weinberg, P.E.	
102 Kane St., BK	Const. apt. for superintendent	App'd	1180-80-BZ	SFS Associates	
73 Washington Ave., BK	Convert comm. loft to residences	W/D	160-04-BZ; 161-04-A	Mitchell S. Ross	
8751 18th Ave., BK	Allow less than required parking spaces	App'd	293-05-BZ	Sheldon Lobel, PC.	
1061 52nd St., BK	Const. 6-story res. bldg.	App'd	81-05-BZ	Bryan Cave	
229 Coleridge St., BK	Legalize 1-fam. dwelling enlargement	Denied	320-04-BZ	Harold Weinberg	
3574 Nostrand Ave., BK	Const. yeshiva and synagogue	App'd	339-05-BZ	Eric Palatnik, PC.	
11 College Pl., BK	Extension of term (garage)	App'd	265-59-BZ	Martyn & Don Weston	
2107 Avenue N, BK	Extension of term (med. offices)	App'd	337-79-BZ	Moshe M. Friedman	
2103 Avenue M, BK	Legalize 1-fam. dwelling enlargement	App'd	398-04-BZ	Eric Palatnik, PC.	
9612/24 Seaview Ave., BK	Ext. time to obtain C of O (service station)	App'd	636-54-BZ	Walter T. Gorman	
107 Debevoise Ave., BK	Dismissal for lack of prosecution	W/D	379-04-BZ	Sheldon Lobel, PC.	
202/04 Caton Ave., BK	Legalize phys. cult. est. (gym)	App'd	229-04-BZ	Eric Palatnik, PC.	
43-36 Cornell Ln., QN	Enlarge 1-family dwelling	App'd	92-05-A	Sheldon Lobel, PC.	
87-17 111th St., QN	Extend parking lot term	App'd	540-53-BZ	Joseph Morsellino	
69-05 Eliot Ave., QN	Extension of term (gas station)	App'd	360-49-BZ	Sheldon Lobel, PC.	
43-36 Cornell Ln., QN	Enlarge 1-family dwelling	App'd	92-05-BZ	Sheldon Lobel, PC.	
159-15 Rockaway, QN	Change freight trans. facility hours	App'd	173-94-BZ	Bryan Cave	
469 Father Capodanno Blvd., QN	Extend time for const. (4 townhouses)	App'd	428-05-BZY- 431-05-BZY	Sheldon Lobel, PC.	
59-25 Fresh Meadow, QN	Enlarge manuf. bldg	App'd	5-05-BZ	Sheldon Lobel, PC.	
143-53 Poplar Ave., QN	Extend time to const. 2 dwellings	Denied	144-05-BZ	Alfonso Duarte	
9 Doris Ln., QN	Enlarge 1-family dwelling	App'd	35-06-A	Joseph Sherry	
47-05 Bell Blvd., QN	Extend time to complete const.	App'd	143-05-A	Eric Palatnik, PC.	
32-29 211th St., QN	Extend time to complete const.	App'd	149-05-A	Eric Palatnik, PC.	
43-70 Kissena Blvd., QN	Extend time to obtain C of O	App'd	39-66-BZ	Sheldon Lobel, PC.	
104 Beach 215th St., QN	Enlarge 1-family dwelling	App'd	53-06-A	Valentino Pompeo	
125-12 31st Ave., QN	Const. indust. bldg. in mapped st.	App'd	73-05-A	Kenneth Fisher	
47 Graham Ave., QN	Enlarge 1-family home in mapped st.	App'd	205-05-A	Zygmunt Staszewski	
9 Bayside Walk, QN	Enlarge 1-family home in mapped st.	App'd	206-05-A	Gary Lenhart	
28-32 215th St., QN	Determination of vested right	W/D	190-05-A	Statmauer Bailkin	
Riga St., Carmela Ct., Mill Rd., SI	Extend time for const. (26 townhouses)	App'd	374-05-BZY- 399-05-BZY	Eric Palatnik, PC.	
50 S. Bridge St., SI	Appeal revocation of sign permits	Denied	30-06-A	Eric Hecker	
15-29 Tessa Ct.; 30 Maxie Ct., SI	Extend time for const. (23 townhouses)	App'd	402-05-BZY- 424-05-BZY	Eric Palatnik, PC.	
1089 Rockland Ave., SI	Permit radio tower construction	App'd	74-05-BZ	Synder & Synder	
801 Narrows Rd. N, SI	Extension of term (5-story residential)	App'd	1233-88-A	Richard Bowers	
LANDMARKS PRESERVATION COMMISSION					
ADDRESS	LANDMARK/HISTORIC DISTRICT	DESCRIPTION	CASE	APP'D	ISSUED
CERTIFICATE OF APPROPRIATENESS					
136 W. 18th St., MN	West 18th Street Stable	Restore infill, pier, lintel, door	06-7649	Yes	5/1/2006
32-34 Greene St., MN	SoHo-Cast Iron HD	Const. penthouse; inst. infill	06-7572	Yes	4/24/2006
306 Bowery, MN	NoHo East HD	Rebuild roof, dormers, front wall	06-7270	Yes	4/12/2006
2 5th Ave., MN	Greenwich Village HD	Inst. lighting, fountains, fence	06-7813	Yes	4/28/2006
7 E. 20th St., MN	Ladies' Mile HD	Restore piers; inst. infill & sign	06-7344	Yes	4/17/2006
888 Park Ave., MN	Upper East Side HD	Inst. windows and AC panels	06-7604	No	5/9/2006
466-468 Columbus, MN	Upper West Side/CPW HD	Add 3rd story; rebuild facade	06-7569	Yes	4/26/2006
1402 Lexington, MN	Carnegie Hill HD	Legalize door removal; inst. roof	06-7714	No	4/25/2006
184 Warren St., BK	Cobble Hill HD	Const. two-story addition & deck	06-7851	Yes	5/5/2006
58-70 Strong Pl., BK	Cobble Hill HD	Convert church to residential units	06-7277	Yes	4/12/2006
27-03 Shore Rd., QN	Douglaston HD	Legalize construction of new house	06-7529	No	5/1/2006

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Church at 58 Strong Place, Brooklyn to be converted into residences. See page 78 for full story. *Photo: Cobble Hill Association.*

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Landmarks	1,349	2002-Present
Loft Board	1,275	1996-Present

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