

## Highlights

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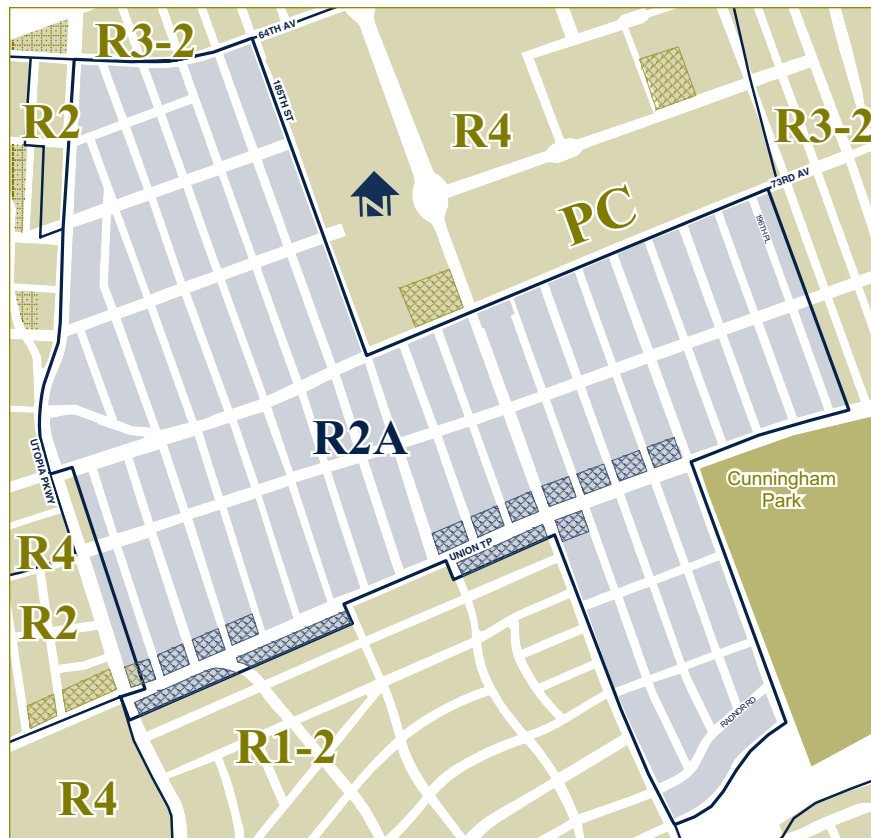
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Union-Utopia Rezoning: Proposed Zoning. Used with permission of the New York City Department of City Planning. All rights reserved.

### CITY COUNCIL

Rezoning  
Utopia Estates/  
Fresh Meadows, Queens

#### 83-block Queens rezoning approved

Developers built oversized homes using floor area exemptions. On April 5, 2006, the City Council approved the 83-block rezoning designed by City Planning for Utopia Estates, Fresh Meadows and West Cunningham Park in Queens. As older homes were replaced by newly constructed mini-mansions, residents of the three Queens

neighborhoods, Borough President Helen Marshall and Council Member James F. Gennaro raised concerns to the City that the zoning was not sufficiently restrictive.

The entire 83-block area was within one zoning district, an R2 district, which restricted construction to single-family, detached homes. The larger, out-of-character homes popping up in the area took advantage of exceptions written into the zoning resolution that allowed some attic and garage space to be exempt from a home's floor area calculation.

City Planning proposed to rezone the entire area to R2A, a more restrictive (*cont'd on page 55*)

**Expanded coverage for CITYLAND and the Center's Web site**

Ross Sandler is on vacation as this issue of CITYLAND goes to press.

The Center for New York City Law continues to look for ways to make information more accessible and understandable to the public.

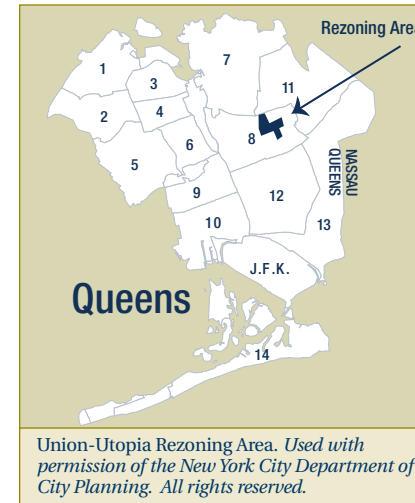
With this issue of CITYLAND, we introduce CITYLAND Profiles, a new section that presents topical issues related to New York City land use through interviews with active participants – developers, architects, elected officials, grassroots organizers, and public servants – in the decisions that shape our City. We start with Manhattan Borough President's Land Use Director Anthony Borelli, who shared some of Borough President Scott Stringer's goals for land use policy and community board reform (see page 65).

Also new in this issue of CITYLAND is coverage of projects at the starting line of the land use review process. By covering applications submitted to City Planning for certification, we hope to inform readers of the issues that will dominate the public review and mold the final decision. The first application seeks permission to transfer air rights from Broadway's Hirschfeld Theatre to a neighboring developer (page 56). Next, we cover three applications for parking garages in the Columbus Circle area (page 57).

The changes don't end with CITYLAND, the Center's Web site, www.citylaw.org, has also expanded its coverage of land use administrative decisions. We've added the Manhattan Borough President's ULURP Recommendations starting with January 2006. Soon we hope to have every Borough President's Recommendations. The Web site also boasts a powerful new search engine and a "new look," with a section dedicated to land use agencies. Now, with just one click you can search exclusively within the database of land use administrative decisions. Doing research has never been easier.

As always, we welcome any comments or suggestions on how CITYLAND can better serve your needs and interests.

Melanie Cash



Union-Utopia Rezoning Area. Used with permission of the New York City Department of City Planning. All rights reserved.

zone in terms of height and lot coverage rules and floor area exemptions. In the new R2A district, the exemption of floor area for parking is limited to 300 sq.ft. and the district prohibits the exemption of attic space with ceiling heights over five feet.

The full Council approved City Planning's proposal by a vote of 49-0-2 with Council Members James Sanders, Jr. and Alan Gerson excused. The impacted area is generally bounded by 64th Avenue on the north, 196th Place on the east, Union Turnpike and Avon Road to the south and on the west by Utopia Parkway.

**ULURP Process:**  
 Lead Agency: CPC, Neg. Dec  
 Comm. Bd.: QN 8, App'd, 27-6-0  
 Boro. President: App'd  
 CPC: App'd, 12-0-0

Council: Union-Utopia Rezoning (April 5, 2006); CPC: Union-Utopia Rezoning (C 060235 ZMQ) (March 8, 2006).  
**CITYADMIN**

**CITY COUNCIL**

**Landmark Designation**  
 Fieldston, Bronx

**Bronx historic district approved**

*Council finds no support for discrimination allegation.* The full Council approved Landmark's designation of the Fieldston Historic

District in the Bronx on April 26, 2006 after members of the Land Use Committee rejected allegations of discrimination surrounding the designation. 3 *CityLand* 12 (Feb. 15, 2006).

At the April 11th vote of the Land Use Committee, Council Member Simcha Felder stated that during the designation process some opponents claimed that the designation was "being used to prevent people from moving into the neighborhood, and in this case Orthodox Jewish families." Felder went on to say that numerous times he asked the opponents to prove the discrimination existed and added "there was not one occasion where anyone was able to come to me and prove to me that this was the case." Felder noted that the allegation of anti-Semitism was being frivolously used and he found it extremely offensive.

The Land Use Committee voted to approve the designation with only Council Member Charles Barron abstaining. Barron explained his abstention by saying that "it wasn't as clear cut as I thought it could have been."

In the discussion surrounding the vote, Council Member Jessica Lappin, Chair of the Subcommittee on Landmarks, Siting & Maritime Uses, added that Landmarks had agreed to develop guidelines to make it easier for Fieldston property owners to apply for simple property improvements.

Council: Fieldston Historic District (April 26, 2006). **CITYADMIN**

**CITY PLANNING COMMISSION**

**Text Amendment/Special Permit**  
 SoHo, Manhattan

**New text approved for historic districts**

*Amended text needed for 85-unit apartment building, 150-space garage to be built on SoHo parking lot.* United American Land, LLC

applied for a text amendment and three special permits to allow a 137,000-square-foot, mixed-use development on a lot at 311 West Broadway within Manhattan's SoHo-Cast Iron Historic District. The 28,200-square-foot site currently contains a 206-space parking lot and a two-story building.

Before applying to City Planning, United sought Landmarks approval. Landmarks suggested that United eliminate one penthouse completely from the design and setback a second proposed penthouse to avoid a "wedding cake" appearance, (2 *CityLand* 43 (April 15, 2005)), so United redesigned the building to obtain the same amount of floor area. United's second proposal sought to build 85 residential units in two wings separated by a courtyard and a 150-space public parking garage below ground. The nine-story wing on West Broadway would include local retail and service shops on the ground floor with residential units above. The eight-story wing on Wooster Street would be purely residential. The new design, approved by Landmarks, required a text amendment.

Under the current zoning text, developers of new buildings in historic districts have some flexibility to alter use and bulk by applying for a special permit. To alter a building's bulk, the site must be vacant or contain only a minor improvement. But because United's lot contained a two-story building, it failed to qualify for the special permit.

United sought a text amendment so lots like 311 West Broadway, where less than 20 percent of the lot was developed, would qualify for the special permit to alter bulk. United also applied for special permits for the building's 150-space garage and to allow the mixed retail/residential use in a manufacturing district.

At the February 22nd Commission hearing, attorneys for 309 West Broadway, directly adjacent to Unit-

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ed's site, opposed the development, raising concerns about potential flood hazards and structural impacts to its building due to the depth of the proposed excavation. Manhattan Borough President Scott Stringer's representative, Anthony Borelli, recommended that United eliminate the proposed electronic car stackers, which would reduce the excavation's depth. Borelli also said that approval should be held until United completed further review of the site's natural subsurface conditions and submitted its construction protection plan.

Following the hearing, United eliminated the electronic car stackers from the plan. The Commission approved the text amendment and special permits, finding that the project's size and uses were compatible with the character of the neighborhood and that the development would be harmonious with the historic district. The Commission also said that the opposition's concerns were adequately addressed.



Air rights to be transferred from Al Hirschfeld Theater in Midtown, Manhattan. Photo: Kevin E. Schultz.

The text amendment, if approved by City Council, would affect two other sites as well.

**ULURP Process:**  
Lead Agency: CPC, Neg. Dec  
Comm. Bd.: MN 2, App'd, 32-0-0  
Boro. President: App'd  
Council: pending

CPC: 311 West Broadway (N 060201 ZRM – text amendment); (C 060202 ZSM – special permit, retail, height, rear yard); (C 060203 ZSM - special permit, garage) (April 5, 2006). **CITYADMIN**

## CITY PLANNING COMMISSION

**Certification**  
Clinton/Midtown, Manhattan

### Rezoning sought to allow air rights sale

Developer to buy 58,005 sq.ft. of air rights from Broadway's Hirschfeld Theatre. An application to transfer additional air rights from the Al Hirschfeld Theatre, formerly the Martin Beck Theater, on West 45th Street started the City's public review process on April 24, 2006 when the Planning Commission certified the applications of Allen Goldman of Fifth Street Holdings, LLC and SJP Residential Properties.

In 1998, the City enacted zoning rules aimed at preserving Broadway's historic theaters. The rules created financial incentives to maintain Broadway theaters by allowing theater owners to sell air rights equal to the additional floor area that could be built if a new, as-of-right building was built on the

theater's site. The developer that purchased the theater's air rights could then use the rights to increase the size of a proposed development above the size allowed by zoning. Under the zoning rules, the sale of a theater's air rights could be accomplished by Planning Commission certification, requiring review by the Community Board and Borough President, but no additional hearing at Planning.

Fifth Street Holdings first applied to transfer 29,104 sq.ft. of floor area from the Hirschfeld Theatre to use in a new development at 750 Eighth Avenue between West 44th and West 45th Streets. In March 2006, the Planning Commission sent the application to Community Board 4 and Manhattan Borough President Scott Stringer for review.

The Hirschfeld Theatre sits on two lots within two different zoning districts; the result is that air rights can only be transferred from a portion of the theater. Consequently, Fifth Street Holdings sought a second application from Planning to change the zoning text, enabling the sale of air rights from both lots.

Fifth Street's second application asked for the transfer of an additional 28,901 sq.ft. of air rights if the new text was approved, bringing the total to 58,005 sq.ft. If the second transfer is approved, Fifth Street will construct a 42-story building at 750 Eighth Avenue with 286,263 sq.ft. of floor area, a total increase, after all transfers, from a 10 FAR to a 14 FAR. Fifth Street's new development will contain 220 residential units, 6,354 sq.ft. of retail and a 101-space public parking garage, also requiring Planning Commission approval.

At the Commission's review session, David Karnovsky, City Planning's General Counsel, explained that the zoning text requires Fifth Street to pay the City \$10 per square foot of transferred air rights. Fifth Street would put the \$580,050 into escrow since, Karnovsky went on to

## ULURP PIPELINE

### City Planning Comm. ULURP Certifications

PROJECT	DESCRIPTION	COMM. BD.	ULURP NO.	CERTIFIED
15 Central Park West	Special permit (162-space garage)	MN 7	060402ZSM	4/3/2006
Vernon Ave. Condos	UDAAP (16 units)	BK 3	060343HAK	4/3/2006
Mid. Vill. Follow-up	Zoning map amendment	QN 5	060411ZMQ	4/3/2006
Martin Beck Theater	Text amendment; transfer development rights; special permit (101-space garage)	MN 4-5	N060435ZAM; N060433ZRM; 060434ZSM	4/24/2006
Plaza Hotel	Modification of use	MN 5	060431ZSM	4/24/2006
295 Jefferson Street	UDAAP (8 res. units)	BK 4	060397HAK	4/24/2006
DSNY Garage	Acquire lots (Dist. 13/15 garage)	BK 13	060256PCK	4/24/2006
Remsen Maint. Yard	Property site selection; City map amendment	BK 18	060365PSK; 050256MMK	4/24/2006

say, the City did not create the not-for-profit required under the 1998 text to be responsible for the funds. Karnovsky told the Commission that the City was working on ideas for use of the funds and added that one plan included providing the money to an established City program, which sends public school children to Broadway shows.

Martin Beck Theater Development Applications Nos. N 060393 ZCM (29,104 sq.ft. transfer), N 060433 ZRM (text amendment), N 060435 ZAM (28,901 sq.ft. transfer), 060434 ZSM (special permit – 101-space garage), City Planning (Paul Selver, Jeremiah Candreva, for Fifth Street Holdings).

## CITY PLANNING COMMISSION

**Certification**  
Columbus Circle, Manhattan

### 162-space garage starts hearing process

City Planning receives three different applications for garages in the Columbus Circle area. On April 3, 2006, the Planning Commission certified an application by William Zeckendorf, on behalf of 15 CPW Realty, LLC, for a special permit to allow a 162-space public parking garage to be located within the as-of-right development on the former Mayflower Hotel site. The certification begins the public review

process and starts the time clock for review set by ULURP, the City's land use review procedure.

If approved, Zeckendorf's proposed 23,492-square-foot garage would occupy below-grade space in the 885,000-square-foot development currently under construction at 15 Central Park West. The project will contain 231 market rate residential units in two residential towers and over 86,000 sq.ft. of retail space on the ground, cellar and sub-cellar floors. The garage, as proposed, would operate 24 hours a day, seven days a week and have its ingress and egress from West 62nd Street, a one-way westbound street.

Zeckendorf, in his application to City Planning, claimed that the new project's occupants would be the main users of the garage. The environmental study for the parking garage found that the 885,000-square-foot, mixed-use project would generate a peak demand of 148 spaces in the evening hours. The study concluded that, without the proposed garage, daytime utilization of nearby garages would increase from 83 to 88 percent.

Following the Commission's April 3rd certification, Manhattan Community Board 7 held a hearing on the application, approving it on April 19th.

In addition to Zeckendorf's 162-space proposed garage, in

## CITY PLANNING PIPELINE

### New Applications Filed with DCP - Apr. 1 – Apr. 30, 2006

APPLICANT	PROJECT/ADDRESS	DESCRIPTION	ULURP #	REPRESENTATIVE
<b>ZONING TEXT AND MAP AMENDMENTS</b>				
DCP	Citywide	Text amendment (R5D text)	06033AZRY	DCP
Powell Cove Assoc.	121-21 5th Ave., QN	Text amendment (ownership in LSRD)	060426ZRY	Petraro & Jones
Advance Dental	43-80 Douglaston Pkwy., QN	Rezzone (R1-2 to R62)	060432ZMQ	Gerald Caliendo
<b>SPECIAL PERMITS/OTHER ACTIONS</b>				
DCAS	199 Water St., MN	Acquire 260,000 sq.ft. (Compt. office)	060424PXM	DCAS
LPC	2 Park Ave., MN	Landmark Site	060453HKM	LPC
LPC	402-404 5th Ave., MN	Landmark Site	060454HKM	LPC
Hosp. for Spec. Surgery	FDR b/w 71st & 72nd, MN	Hospital expansion (deck construction)	060440MMM	Stadtmauer Baalkin
BOE/DCAS	450 W. 33rd St., MN	Bd. of Elections voting machines	060444PCM	BOE/DCAS
Plaza Acc. Owner LP	768 5th Ave., MN	Plaza Hotel (change of use)	060431ZSM	Greenberg Traurig
SJP Res./5th Ave. Hold.	750 8th Ave., MN	Martin Beck Theater (text amendment; transfer devel. rights; parking garage)	060434ZSM; 060433ZRM; 060435ZAM	Kramer Levin
Ashland Ptrs., LLC	230 Ashland Ave., BK	Residential plaza	060436ZCK	Kramer Levin
A-SCFR, LLC	1657 Richmond Rd., SI	Retail and office bldg.	060456ZAR	MacDermot Studio



March 2006, City Planning received two other applications for parking garages in the Columbus Circle area. Element West Street LLC filed for approval of a public parking garage at 555 West 59th Street, and the owner of 300 Central Park West sought to increase its existing garage's capacity from 80 to 121 spaces. Neither of these applications has been certified.

15 Central Park West Garage Special Permit Application No. 060402 ZSM, City Planning; New York Department of City Planning Applications Received During March 2006.

## BOARD OF STANDARDS & APPEALS

### Vested Rights

Clinton, Manhattan

### Owner wins right to complete construction

City designated lot to become part of Hudson Boulevard and city park. Affirmation Arts Ltd. received building and demolition permits in 2004 to add an additional story and mezzanine totaling 3,206 sq.ft. to the three-story building at 523 West 37th Street. In January 2005, before Affirmation finished the work, the City approved the Hudson Yards rezoning, its massive land use initiative for Manhattan's west side.

Under the Hudson Yards rezoning, Affirmation's lot at West 37th Street, located between Tenth and Eleventh Avenues, was to become part of the City's proposed new street, Hudson Boulevard, as well as new park space. The new Hudson Boulevard will extend from West 33rd to West 38th Streets between Tenth and Eleventh Avenues and will have two 50-foot wide roadways separated by a linear park containing green spaces, seating, playgrounds and restaurants. 1 *CityLand* 36 (Dec. 2004). The City would acquire Affirmation's lot as part of Phase 2 of the City's park and boulevard plan, which is planned to commence in 2012.

The Hudson Yard text prohibits all new development or building enlargements on Phase 2 lots starting on the date of the rezoning's enactment in January 2005, but it provides a one-year window to complete work if construction started prior to the rezoning's approval. Affirmation failed to finish the work in the one-year window so it filed two applications with BSA to continue work, arguing that it had a vested right to complete the enlargement and it satisfied the zoning resolution's provision allowing continued construction.

Affirmation claimed to have spent \$6.5 million, roughly 82 percent of the over \$7.7 million construction cost and explained that the remaining work included adding stairs, finishing the roof, installing the building skin and completing carpentry. BSA asked how much of the total cost related

only to construction of new floor area and Affirmation estimated that amount at \$2.4 million, adding that it had already spent \$2 million.

BSA granted a six-month extension, finding that Affirmation had a vested right to continue. Affirmation withdrew its second application based on the zoning resolution since it would not allow Affirmation enough time to complete its construction.

BSA: 523 West 37th Street (371-05-A) (April 11, 2006) (Kramer Levin, for Affirmation Arts Ltd.). **CITYADMIN**

#### Did you know?

Distribution of water to New York City is dependent almost entirely on gravity and water pressure. Only 3% to 5% of the City's water requires a pump to get to the end user. The City's three pumps are located in Washington Heights, Manhattan; Douglaston, Queens; and Todt Hill, Staten Island.

## BSA PIPELINE

### New Applications Filed with BSA - April 1, - May 1, 2006

APPLICANT	PROJECT/ADDRESS	DESCRIPTION	APP. #	REPRESENTATIVE
<b>VARIANCES</b>				
363 Lafayette LLC	363 Lafayette St., MN	Vary use	64-06-BZ	Jay A. Segal
Topper Enterprises	318 E. 73rd St., MN	Rear yard encroachment	80-06-BZ	Joseph P. Morsellino
Paul Schillace	1006 E. 233rd St., BX	Construct 3 retail stores	59-06-BZ	Carl A. Suffaro
Albert Arredondo	657 Logan Ave., BX	Enlarge 1-family dwelling	62-06-BZ	Fredrick A. Becker
Lee Zhen Xiang	72-45 43rd Ave., QN	Variance for yards	65-06-BZ	Paul J. Angelides
Bergen R.E. Corp.	887 Bergen St., BK	9-family dwelling	79-06-BZ	Petraro & Jones, LLP
Cord Meyer Dev.	108-20 71st Ave., QN	Increase in bulk	75-06-BZ	Joseph P. Morsellino
Vaughn College	22-40 90th St., QN	Use in manuf. district	66-06-BZ	Slater & Beckerman
Jhong Ulk Kim	2270 Clove Rd., SI	Build drugstore w/o req. parking	67-06-BZ	Joseph P. Morsellino
<b>SPECIAL PERMITS/OTHER ACTION</b>				
SL Green Realty	1 Park Ave., MN	Phys. culture est. (gym)	72-06-BZ	Rothkrug Rothkrug
Vornado Realty	150 E. 58th St., MN	Phys. culture est. (gym)	76-06-BZ	Friedman & Gotbaum
John J. Freeda	111 Union St., BK	Phys. culture est. (gym)	73-06-BZ	Eric Palatnik, PC.
William Guarinello	1416 80th St., BK	Enlarge 1-family dwelling	74-06-BZ	Sheldon Lobel, PC.
<b>APPEALS</b>				
Kevin O'Mara	160 E. 83rd St., MN	Issuance of permits	63-06-A	Sheldon Lobel, PC.
Yeshiva Viznitz	1824 53rd St., BK	Appeal DOB decision	60-06-A	Stuart A. Klein
Breezy Point Co-op	152 Ocean Ave., QN	Enlarge res. in bed of mapped st.	61-06-A	Miro C. Stracar, PE.
Breezy Point Co-op	612 Harmony Rd., QN	Appeal DOB decision	68-06-A	Valentino Pompeo
James Pullano	4 Rockwell Ave., SI	Dwelling in mapped st. bed	70-06-A	Eric Palatnik, PC.
James Pullano	8 Rockwell Ave., SI	Dwelling in mapped st. bed	71-06-A	Eric Palatnik, PC.
Block 7092 LLC	96 Crabtree Ave., SI	Vested rights to continue construction	77-06-A-78-06-A	Stephen J. Rizzo
<b>EXTENDED CONSTRUCTION PERIOD</b>				
SMJB Associates	1599 E. 15th St., BK	Extend time for 6 months	69-06-BZY	Stuart A. Klein

## BOARD OF STANDARDS & APPEALS

### Variance

Homecrest, Brooklyn

### Owner withdraws variance application

Owner sought variance to construct catering facility and 89-room hotel. Tikvah Realty LLC, owner of Le Marquise Caterers, a catering facility located at 815 Kings Highway in Homecrest, Brooklyn, applied to BSA for a variance to construct a new catering facility with 89 hotel rooms, ground floor retail, and 394 below-grade accessory parking spaces. The project exceeded the limits on floor area and failed to provide sufficient parking. The proposal called for the catering facility to be located on the first through third floors and the hotel rooms on the fourth through sixth floors. The existing catering facility, which has served the Jewish community in the area for more than 50 years, would be demolished because, according to Tikvah, it could not be altered to provide adequate parking or accommodations for weddings with 700-1,200 guests.

Following several public hearings, Tikvah reduced the proposal to 94,379 sq.ft. by eliminating a full floor of catering and replacing it with a mezzanine area. In so doing, it reduced the number of required parking spaces to 304, which eliminated the need for a parking waiver. However, the proposal still exceeded the allowable floor area by 24,523 sq.ft.

Brooklyn Community Board 15 voted 1-33-0 to disapprove the proposal. Their district manager, Ben Akselrod, told *CityLand* that the facility was too large and the garage did not support the parking needs of a large catering event. Akselrod added that the residents would welcome a small hotel, however, traffic from an enlarged catering hall would disrupt nearby schools and nursing homes. Senator Charles E. Schumer strongly supported the

project, stating in a support letter that it would become a destination for family celebrations and help neighboring businesses flourish.

Following BSA's Executive Session, Tikvah withdrew its application. When asked for comment, BSA told *CityLand* that Tikvah did not show uniqueness or prove that the project would not change the neighborhood's character. Since Tikvah's catering business was fully operational, BSA questioned the claim that the facility was obsolete. BSA also noted that soil contamination was common in the area, since the district allows automotive uses, and the site's irregular shape was the result of a recent zoning lot merger. Finally, BSA noted the size and intense use of the proposed catering facility would likely generate disruptions and traffic that would affect the neighborhood's character.

BSA: 1702 East 9th Street (26-05-BZ) (March 28, 2006) (Barbara Hair, Cozen O'Connor, for Tikvah Realty). **CITYADMIN**

## BOARD OF STANDARDS & APPEALS

### Variance

Ditmas Park, Brooklyn

### Hotel approved for split-zoned lot

BSA okays hotel only after reduction of 18,000 sq.ft. After four proposals and five public hearings, BSA approved development of a 48-foot tall, four-story transient hotel in Ditmas Park, Brooklyn. The site of the hotel, at 806/814 Coney Island Avenue, is comprised of five contiguous lots totaling 32,153 sq.ft., split by commercial (C8-2) and residential (R5) districts and currently contains a one-story garage. The owner required a variance to permit the hotel's proposed size in the commercial portion of the site and other variances to permit a meeting room, catering hall, and parking lot in the residential portion of the site.

The hotel was originally pro-

posed as a 57,244-square-foot, six-story structure with 75 rooms and 62 parking spaces. Between September 2005 and March 2006, BSA requested three proposals to further reduce the number of hotel rooms and the catering hall's capacity to ensure that the hotel's size would be appropriate for its location within a commercial and residential zone. Upon BSA's request, the owner submitted studies showing that retail development would not provide a reasonable return.

In support of the variances, the owner argued that it could not develop the site under the required zoning due to the site's split zoning, two landlocked lots, and one narrow five-foot wide lot. Community Board 12 recommended disapproval, arguing that the hotel was not appropriate for the community. Residents testified that the hotel would affect parking and accommodate illegal activities.

To alleviate concerns, the owner proposed to close the parking lot from 11 p.m. to 7 a.m., install screening, and ensure that the catering hall and meeting room were not used simultaneously. BSA rejected the assurances and requested additional parking to meet demand for the combined use.

The owner made the requested alterations and proposed a 38,932 sq.ft, 54-room hotel with a 340-seat catering hall and 75-space attended parking lot. BSA approved the variances under the scaled-back proposal and agreed that the site represented an unnecessary hardship. BSA rejected the opposition's contentions, noting that there was no evidence that the hotel would attract illegal activity. BSA also noted that the hotel would occupy the same footprint as the existing garage and would not significantly alter the neighborhood.

BSA: 806/814 Coney Island Avenue (338-04-BZ) (April 11, 2006) (Martyn and Don Weston, for applicant). **CITYADMIN**



## BOARD OF STANDARDS & APPEALS

### Variance

SoHo, Manhattan

### Residential/retail approved for Sixth Ave. and Canal

BSA reduces project size by almost 7,000 sq.ft. SoHo Island, LLC applied to BSA for a use variance to construct a nine-story, 73,645-square-foot residential and retail building on Sixth Avenue between Canal and Grand Streets in SoHo. The 11,300-square-foot development site consists of three merged lots zoned for manufacturing. Currently, the site contains the Moon-dance Diner, a paved parking lot and a two-story building with a garage and a photography shop, all of which would be demolished for the new development.

SoHo Island argued that weak soil conditions, gasoline contamination, the area's high water table and the proximity to the A, C and E Subway tunnel made construction costly and rendered manufacturing uses cost-prohibitive.

Since most neighboring lots faced similar issues, SoHo Island submitted an analysis of 12 neighboring sites, four of which had received BSA variance approvals, showing that no site faced the conditions as severely as it did. At the site, the subway extends past the street's curb line and under the sidewalk, providing little buffer between the tunnel and the building's foundation. Due to this tight proximity, SoHo Island explained that the Transit Authority would require a soil test along the tunnel wall and would prohibit SoHo Island's use of the more inexpensive, but heavier, crawler crane. SoHo Island's engineer added that, due to the site's poor soil conditions, the building would need deep foundations, but the TA would prohibit driven piles. The developer would drill the foundation piles at a greater expense.

BSA agreed that the site created unique construction problems but raised concerns with the size of the building. Under the zoning, conforming buildings would be limited to 56,650 sq.ft. (a 5 FAR), and the proposal exceeded that limit by 16,995 sq.ft. (a 6.5 FAR). SoHo Island argued that the size was appropriate since adjacent uses included the 17-story SoHo Grand Hotel and the 16-story loft at 100 Sixth Avenue. BSA asked the developer to study a reduced, 66,733-square-foot building (a 5.89 FAR).

BSA granted the variance for the reduced development, finding that SoHo Island would gain a reasonable return on its investment with a 66,733-square-foot residential and retail building. BSA approved an eight-story, 116-foot tall building with 23 residential units and 6,685 sq.ft. of ground floor retail.

BSA: 74/88 Avenue of the Americas (130-05-BZ) (April 4, 2006) (Elise Wagner, for SoHo Island). **CITYADMIN**

## BOARD OF STANDARDS & APPEALS

### Special Permit

Midwood, Brooklyn

### BSA legalizes newly constructed oversized home

Owner claims to be unaware that contractor built home larger than permit authorized. Yitzchok Shindler applied to Buildings for a permit to enlarge the first, second and third floors of his home at 1231 East 21st Street at Avenue K in Brooklyn. Buildings received complaints about the construction and, upon inspection, found that Shindler had demolished most of the home and built beyond the permit's scope. His home was now over 1,600 sq.ft. larger than the zoning permitted and had increased from 2,569 sq.ft. to 4,135 sq.ft.

Shindler applied to BSA to legalize his new 4,135-square-foot home, explaining that his contrac-

tor illegally constructed floors in areas proposed to have rooms with towering, double-height ceilings. Shindler claimed to be unaware that the work was illegal and said it was caused by the fact that during construction the contractor found that termite damage and age required the demolition of the home's framing. Shindler submitted affidavits from the plumber and contractor explaining the extent of the termite damage and the poor condition of the house.

BSA first noted that it doubted the credibility of Shindler's claim of being unaware that the work was illegal, but it approved the permit. BSA agreed that the frame of the house could not be retained and noted that it had granted special permits in the past for similar-sized requests for increased floor area.

BSA: 1231 East 21st Street (133-05-BZ) (April 11, 2006) (Sheldon Lobel, P.C., for Shindler). **CITYADMIN**

## LANDMARKS PRESERVATION COMMISSION

### Hearing

West New Brighton, Staten Island

### Owner, Council Member clash on designation of SI bungalow

Owner claims house not unique and had been altered. On April 18, 2006, Landmarks held a hearing on the proposed designation of the Mark W. Allen house in Staten Island. The house exemplifies craftsman-style architecture, an indigenous American style that originated in California and became popular throughout the United States following World War I. The Allen house, one of very few craftsman bungalows built in Staten Island, is typified by its overhanging eaves, asymmetrical roof planes, and stone work. The house was built in 1920-21, for Mark W. Allen, a prominent Staten Island politician. Allen was known as the father of the Goethals Bridge and



Home of Mark W. Allen in Staten Island. Photo: LPC.

the Outer Bridge Crossover for his instrumental part in their development. Allen also served in the State Senate, as president of the Staten Island Chamber of Commerce, and unsuccessfully ran for Staten Island Borough President.

Proponents of designation included Council Member Michael McMahon, who called the bungalow "historically and architecturally significant," and spoke of it serving as "a bridge to Staten Island's pastoral past." McMahon asked Landmarks to "act now to preserve the house for future generations of New Yorkers." Community resident Michael Morrell, who also urged swift designation, spoke of Allen's impact on the history of Staten Island's North Shore, and called the house a "centerpiece of the neighborhood."

The Allen house's current owner, Marie Busiello, adamantly opposed landmarking her home, often interrupting designation supporters with mocking snorts and calls of "why don't you buy it then?" When her turn to speak arrived, Busiello vigorously denied any architectural or historical signifi-

cance to her home, asserting there were many similar bungalows all over the City, including seven on her block. Busiello claimed that her house had been on the market for over a year, and potential buyers had been dissuaded from bidding because of the possible landmark status, including one who backed out of a contract after receiving a call from Council Member McMahon. She alleged that McMahon was only interested in landmarking the building because his chief of staff lived next door. Busiello brought documentation to the

hearing showing that she had done extensive work to the roof, gutters, and windows of the house, which she claimed had diminished the original fabric but had provoked no outcry from neighbors. Busiello ended her presentation with the statement that, as an American, she had the right to sell her property without interference.

Landmarks Chair Robert B. Tierney agreed to look at Busiello's documents, and closed the hearing without further discussion.

LPC: Mark W. Allen House, 665 Clove Road, Staten Island (LP-2190) (April 18, 2006).

## LANDMARKS PRESERVATION COMMISSION

### Designations

Manhattan

### Two buildings designated

Buildings with distinctive decorative terra cotta landmarked. On April 18, 2006, Landmarks approved 2 Park Avenue and the Stewart & Company Building, at 404 Fifth Avenue, as City landmarks. 2 Park Avenue, designed by Ely Jacques Kahn and built between 1926-28, is a significant example of Art Deco architecture. One of the first Americans to adopt the emergent European Art Deco style, Kahn's work is characterized by interweaving forms and

## LANDMARKS PIPELINE

### Proposed Designations – April 2006

NAME	ADDRESS	ACTION	DATE
Estey Piano Factory	112 Lincoln Ave., BX	Heard	4/11/2006
Amer. Tel. Co. Bldg.	195 Broadway, MN	Heard	4/18/2006
Amer. Tel. Co. Interior	195 Broadway, MN	Heard	4/18/2006
2 Park Avenue	2 Park Ave., MN	Designated	4/18/2006
Stewart & Co. Bldg.	402 Fifth Ave., MN	Designated	4/18/2006
Claremont Theater	3320 Broadway, MN	Calendared	4/18/2006
Loew's Paradise	2405 Grand Concourse, BX	Heard	4/18/2006
Orchard Beach Bath	895 Pelham Shore Rd., BX	Heard	4/18/2006
Astoria Play Ctr.	Astoria, QN	Heard	4/18/2006
Mark Allen House	665 Clove Rd., SI	Heard	4/18/2006



geometric masses. In 2 Park, these qualities are exemplified by the terra-cotta decoration, meant to evoke the colors of ancient Greek ruins.

The Stewart and Company Building was built in 1914 by Warren & Wetmore, designers of Grand Central Station and the Vanderbilt Hotel, when the area was an upscale shopping district. The building is similar to the Chicago school of loft-style architecture in its color scheme and decoration. In recent years, the unique blue and white terra cotta facade has undergone a facelift, the building's windows have been replaced, and the building has been threatened by the proposal to construct a development at 400 Fifth Avenue that would include a cantilevered tower over the Stewart Building.

LPC: Item Nos. 4 and 5, 2 Park Avenue, 402 Fifth Avenue (April 18, 2006).

## LANDMARKS PRESERVATION COMMISSION

Certificate of Appropriateness  
West Village, Manhattan

### Western Beef building gets facelift

Overly visible addition reduced by one story to obtain approval. Paul Pariser, of Taconic Investment Partners LLC, sought Landmarks approval to revamp 401 West 14th Street, the prominent building on the northwest corner of West 14th Street and Ninth Avenue currently occupied by the Western Beef market. Taconic planned to renovate the three-story, 1923 Arts and Crafts-style building for high-end retail use after Western Beef vacates. Taconic submitted a design by Cook + Fox to replace the existing frontage with an all-glass storefront, install a metal canopy and add a two-story penthouse.

Due to the Western Beef building's prominence on Ninth Avenue, Landmarks questioned Taconic's



Western Beef building in the West Village. Photo: Kevin E. Schultz.

original design and raised concerns over the visibility of the addition from other streets within the Gansevoort Market Historic District. Cook + Fox submitted a second design, reducing the penthouse to one story and proposing dark glazing and metal framing to further diminish its visibility. Landmarks approved the redesign, noting that the area was undergoing a transformation with modern developments mixing with the district's historic buildings and that the addition was in keeping with these changes.

LPC: 401 West 14th Street (COFA #06-3877) (April 7, 2006). CITYADMIN

## LANDMARKS PRESERVATION COMMISSION

Hearing  
Mott Haven, Bronx

### Estey Piano Company Factory receives hearing

New York's oldest known piano factory begins landmarking process. On April 11, 2006, Landmarks held a public hearing on the Estey Piano Factory, located at 112 Lincoln Avenue in the Mott Haven area of the Bronx. The factory was built between 1885 and 1886 by the firm of A. D. Ogden and Sons. An addi-

tion was added in 1890, and further additions were built between 1895 and 1919. Though not as renowned as Astoria for Steinway Pianos' factory, Mott Haven was once a center of piano manufacturing in the United States with more than 50 firms with factories in the area.

Currently housing artists' studios, the Estey Piano factory is the oldest such factory in New York, and a focal point of the Mott Haven neighborhood. Its signature seven and one-half-story clock tower is visible from the waterfront and the Harlem River, and the brick facade building is a well-preserved example of late 19th-century industrial architecture in the American round arch tradition.

At the April hearing, Landmarks Chair Robert B. Tierney said, "the time is right for a fresh look," referring to a previous 1992 hearing. Community representative Edward Kirkland, who supported designa-



Estey Piano Company Factory. Photo: LPC.

tion, spoke of the clock tower "staying intact through a century of change and decay" in the South Bronx. Calendaring the factory for designation seemed enthusiastically supported by the Commission, with Commissioner Christopher Moore asking whether there were any other piano factories that Landmarks might be interested in designating. The research department responded that it was studying other similar buildings in the area.

LPC: Estey Piano Company Factory, 112 Lincoln Avenue (LP-2195) (April 11, 2006).

## LANDMARKS PRESERVATION COMMISSION

Certificate of Appropriateness  
Wingate, Brooklyn

### Landmarks refused to legalize home alteration

Owner demolished projecting bay and built sun deck. Without permits, George Aigen demolished a projecting bay on his home at 58 Midwood Street and built a deck in its place. Aigen's house was built in 1898 and is part of a string of Romanesque Revival/neo-Renais-

sance style rowhouses within the Prospect-Lefferts Gardens Historic District.

After Landmarks issued a warning letter for the demolition, deck construction and additional demolition of a rear shed, Aigen applied to legalize the work. Landmarks denied Aigen's request, explaining that the projecting bay was a significant feature of the Midwood Street rowhouses and its demolition substantially diminished the value of Aigen's home within the row.

Landmarks informed Aigen that the warning letter would remain in effect and he faced a potential NOV and fines if his home remained in its current condition.

LPC: 58 Midwood Street (CD# 06-7244) (April 11, 2006). CITYADMIN

## COURT DECISIONS

Electric Siting Plant  
Williamsburg, Brooklyn

### TransGas Brooklyn power plant hits hurdle

Electric power plant proposed for site where City seeks to build 28-acre park as part of its Greenpoint-Williamsburg rezoning. On April 12, 2006, the Public Service Commission recommended denial of the second application of TransGas Energy Systems, LLC to construct an eight-acre electric power plant at 1 North 12th Street in Williamsburg, Brooklyn on a site that the City plans to condemn for a new 28-acre waterfront park.

After it spent \$1.5 million on the option to purchase the site and \$10 million in development costs, TransGas filed its first application with the Siting Board in December 2002 to obtain approval of its proposed power plant. After extensive hearings at which the City argued that the plant would curb residential development and interfere with its massive rezoning plan for Greenpoint and Williamsburg, the Siting

### Landmarks Actions Taken in April 2006

FINAL PERMITS TO BE ISSUED AFTER LANDMARKS RECEIVES CONFORMING PLANS				
ADDRESS	LANDMARK/HISTORIC DISTRICT	DESCRIPTION	CASE	APP'D
<b>April 11, 2006</b>				
253 Broadway, MN	Home Life Insurance Co.	Replace windows	06-5975	Yes
35 Mercer St., MN	SoHo-Cast Iron HD	Legalize rooftop bulkhead	06-4048	Yes
134 Wooster St., MN	SoHo-Cast Iron HD	Legalize bracket sign	04-1132	W/D
250 Mercer St., MN	NoHo HD	Replace sidewalk	06-5723	W/D
593 6th Ave., BK	Park Slope HD	Legalize window installation	05-8827	W/D
58 Midwood St., BK	Prospect Lefferts HD	Legalize bay removal	06-5634	No
27-03 Shore Rd., QN	Douglaston HD	Legalize const. w/o C of A	06-5915	No
<b>April 18, 2006</b>				
136 W. 18th St., MN	W. 18th St. Stable	Install new infill	06-5073	Yes
325 W. Broadway, MN	SoHo-Cast Iron HD	Rooftop add., 9-story new bldg. modification of use and bulk	06-4312 06-4310	W/Mod W/Mod
372 Lafayette St., MN	NoHo HD	Amend approved design	06-5651	W/Mod
444 W. 14th St., MN	Gansevoort Market HD	Install windows, infill	06-5506	Yes
580 Park Ave., MN	Upper East Side HD	Enlarge penthouse addition	06-5317	Yes
920 Fifth Ave., MN	Upper East Side HD	Enlarge rooftop addition	06-5332	Yes
466 Columbus Ave., MN	Upper West Side/CPW HD	Const. rooftop add., alt. facade	06-5007	Yes
646 West End Ave., MN	Riverside-West End HD	Const. side and rear yard add.	06-6447	Yes
<b>April 25, 2006</b>				
10 Richmond Ter., SI	Staten Island Bor. Hall	Install flagpoles, banners	06-6112	Yes
164 Duane St., MN	Tribeca West HD	Const. rooftop fences	06-6207	W/D
50 Howard St., MN	SoHo-Cast Iron HD	Alter infill, install ramp Issue report for change of use	06-3717 06-6262	W/Mod W/Mod
565 Broadway, MN	SoHo-Cast Iron HD	Extend fire escape	06-4788	Yes
73 8th Ave., MN	Greenwich Village HD	Install new infill	06-4785	W/D
14 W. 23rd St., MN	Ladies' Mile HD	Legalize windows	06-5563	No
583 Park Ave., MN	Upper East Side HD	Const. ramp, modify railings	06-6094	Yes
4 E. 64th St., MN	Upper East Side HD	Legalize canopy, doors	05-7400	No
741 Madison Ave., MN	Upper East Side HD	Install infill	06-5965	W/Mod
955 Lexington, MN	Upper East Side HD	Replace windows	06-5134	W/D
954 Lexington, MN	Upper East Side HD	Legalize awning	06-4506	No
878 Park Ave., MN	Upper East Side HD	Replace windows	06-6251	No
248 Cent. Pk. W., MN	Upper West Side/CPW HD	Const. rooftop addition	06-4234	In Part
1048 Fifth Ave., MN	Metropolitan Museum HD	Modify window opening	06-5716	Yes
65 E. 90th St., MN	Carnegie Hill HD	Alter facade	06-5255	Yes
1402 Lexington, MN	Carnegie Hill HD	Legalize storefront alt.	06-6333	No



Board rejected TransGas' application in April 2004, more than a year before the City rezoned the area in May 2005. The Board's examiners found that the plant's visual impact and its effect on adjacent uses could not be mitigated and added that the City's pending rezoning significantly weighed into its rejection.

TransGas amended its application, proposing to move the plant underground so that four to seven acres above the plant could then be used as parkland. The new design would include six to eight surface structures throughout the site that would stand up to 15 feet tall. Security needs would require TransGas to guard the entire eight acres.

The City and Brooklyn Borough President Marty Markowitz opposed the plan, questioning, among other things, the feasibility of using the site for parkland due to the need for high security, the obstructing surface structures, and the call for only a few feet of soil between the power plant and the park.

The Public Service Commission recommended dismissal of TransGas' second application, explaining that it did not deviate enough from the first to merit a second look. The Commission also rejected the plan since it would require consents from the City for use of the City's water or the City's property to build steam and water pipes. The Commission found that denying the consents would not usurp the Siting Board's authority. The Board must now review the Commission's recommendation.

Condemnation actions by both the City and a corporation related to TransGas are pending. In the City's action to take the property for parkland, Judge Abraham Gerger ruled that the City's condemnation circumvented the Siting Board's exclusive authority to determine the location of major electric plants. Gerger stayed the matter until the Siting Board rules.

The Public Service Commission's full recommendation is available at: <http://www3.dps.state.ny.us>.

NYS Bd. of Electric Generation Siting and the Environment, PSC Recommendation Concerning Further Proceedings, Case No. 01-F-1276 (April 12, 2006); *In the Matter of Bushwick Inlet Phase 1*, 2005 NY Slip Op 52047U, Dec. 14, 2005 (Kings Cty.Sup.Ct.) (Gerger, J.).

## COURT DECISIONS

**Board of Standards & Appeals  
Red Hook, Brooklyn**

### Challenge to use variance moves forward

*Neighborhood coalition challenged variance to developer of site adjacent to Brooklyn Cruise Ship Terminal.* In late 2003, when 160 Imlay Street LLC received a use variance to convert a six-story industrial building in Red Hook, Brooklyn into a luxury condominium, the Red Hook-Gowanus Chamber of Commerce filed an article 78 petition challenging the variance. The Chamber, however, named only BSA in its petition and as a result the petition has been appealed all the way to the Court of Appeals, where it was sent back to the trial court for a determination of whether the claim could proceed without Imlay. *2 CityLand* 172 (Dec. 2005).

Nearly 28 months after Imlay received the variance, Justice Yvonne Lewis ruled that the Chamber's article 78 challenge could proceed without Imlay. The court found that dismissing the claim for failure



Industrial building at 160 Imlay Street sits vacant in Red Hook. Photo: Kevin E. Schultz.

to name Imlay as a necessary party would leave BSA's decision unchallenged and the Chamber without recourse. The court found that the Chamber would suffer the greater prejudice because it had no other remedy, while Imlay would retain its right to use the property commercially even if it could not build the luxury condos. Finally, Justice Lewis dismissed Imlay from the suit, but ruled that it could intervene in the proceedings if it so chose.

*In re Red Hook-Gowanus Chamber of Commerce v. BSA*, 2006 Slip Op 50648U, Apr. 18, 2006 (Kings Cty.Sup.Ct.) (Lewis, J.).

## COURT DECISIONS

**DEP/City Planning Commission  
Little Italy, Manhattan**

### Condemnation challenge time barred

*Owner must file four months from Council's action; challenge cannot be raised as a defense.* In September 2003, DEP started the process to condemn a 12,500-square-foot lot at 142 Grand Street in Manhattan as part of the City's construction of the Third Water Tunnel. The largest capital project in the City's history, the Third Water Tunnel construction will enable the City to close and repair the City's two functioning water tunnels for the first time since they commenced operations in 1917 and 1936. Construction commenced in the 1970s and 13 miles of the planned 60-mile water tunnel are operational.

The City's proposed condemnation was to enable construction at 142 Grand Street of a 512-foot deep shaft connecting the Third Water Tunnel to the City's water mains and a large chamber, three feet below the surface, to regulate water pressure. The City esti-

mated a 30-month construction period, after which, the lot could return to its original condition with the City retaining access to maintain the water pressure chamber.

The Planning Commission approved DEP's application to condemn 142 Grand Street in April 2004. The City Council, which had 20 days after the Commission's vote to request review, waived. In November 2004, DEP started the second step in the condemnation and filed in court to take title from the owner, Grand Lafayette Properties LLC, which operated a 95-space parking lot on the site. In its response, the owner argued that the City did not need the entire lot. The lower court ruled that the



Third Water Tunnel site in Little Italy. Photo: Jeffrey Ocasio.

City proved its need for the entire lot and, on appeal, the First Department agreed. *2 CityLand* 109 (Aug. 15, 2005).

On April 4, 2006, the Court of Appeals denied the owner's appeal, ruling that it failed to challenge the

condemnation correctly. When the City's ULURP process is used to satisfy the hearing requirement for a condemnation, an owner's only method to challenge the taking is to file an article 78 action. The owner should have filed an action within four months from the expiration of the Council's 20-day right to review. It erred by raising it as a defense to the City's court filing for the transfer of title. The lower courts, the Court of Appeals ruled, should not have considered the owner's claim that the taking was excessive.

*In re City of New York (Third Water Tunnel, Shaft 30B)*, 2006 NY Slip Op 02453 (April 4, 2006) (Jack M. Weiss, for Grand Lafayette; Michael A. Cardozo, Paul T. Rephen, for City).

## CITYLAND PROFILES

*Manhattan Borough President Stringer looks to initiate land use policy and community board reform*

Since taking office in January 2006, Manhattan Borough President Scott Stringer has set land use policy and community board reform as priorities.

Stringer hired Anthony Borelli as his Director of Land Use, Planning and Development. Before joining the Borough President's office, Borelli studied urban planning at Columbia University and worked with the university's Urban Technical Assistance Project, which provides urban planning consultation to distressed communities. Borelli then served as District Manager of Community Board 4 for five years, where he dealt with the highly complex Hudson Yards and High Line/West Chelsea rezonings and large developments like the John Jay College expansion.

*CityLand* interviewed Borelli to discuss Borough President Stringer's land use agenda.

**ULURP Recommendations.** Borelli commented that the Borough President's ULURP recommendations will attempt to address Manhattan planning issues holistically, considering a proposal's local impact as well as the borough-wide implications that could emerge from the project. Through its role in the ULURP review process, Stringer's office will push for land use policy changes and rezoning initiatives.

In his first four months in office, the Borough President implemented this approach in his recommendations on special permit applications for parking garages. Borelli, testifying in opposition to a parking garage permit at 325 Fifth Avenue, requested that City Planning work with his office to set policy for parking below 110th Street. *3 CityLand* 26 (March 15, 2006). Borelli explained to *CityLand* that the Borough President would like to see more statistics, such as the number of existing spaces and the number of drivers, to address parking garage applications more comprehensively. In response, City Planning Director Amanda Burden has directed Planning staff to provide the Borough President's office with data, including the current number of accessory and public parking garages in Manhattan. With this data, Borelli intends to develop guidelines for evaluating future Manhattan parking garage applications.

Borelli mentioned affordable housing as an additional target. According to Borelli, Stringer will advocate application of the inclusionary housing templates created for the Hudson Yards rezoning in other areas of Manhattan to create incentives for the increased development of affordable housing. Stringer plans to use his role in the

ULURP process to obtain the Planning Commission's cooperation in addressing affordable housing.

**Community Board Reform.** Upon taking office, Stringer, a former community board appointee, formed an independent committee made up of various government watchdog groups, such as the Regional Plan Association and NYPIRG, to oversee board appointments and revamp recruitment efforts. Stringer, in reforming Manhattan's community boards, seeks to increase participation and depoliticize the process. Stringer's staff presented to local churches and clubs to educate them about community boards and the land use process. So far, over 120 new members have been appointed to Manhattan's community boards, filling all vacancies.

**Community Board Resources.** Stringer's office plans to be a resource for community boards, providing training sessions and planning assistance. Borelli is developing a fellowship program that will match Manhattan Community Boards with an urban planning student who will assist in planning issues for the district, specifically in drafting 197-a plans. Borelli said that the program would provide much needed planning expertise to the boards.



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

CITY COUNCIL				
RES. NOS.	PROJECT	DESCRIPTION	DATE	
235	Mother Gaston Blvd., BK	UDAAP by HPD (6 lots)	4/5/2006	
236	West 131st St., MN	UDAAP by HPD (4 lots)	4/5/2006	
237	West 132nd St., MN	UDAAP by HPD (7 lots)	4/5/2006	
238	South Jamaica I, QN	Urban Renewal Plan	4/5/2006	
239	115-42 Sutphin Blvd., QN	Disposition of property (UDAAP)	4/5/2006	
240	<b>Union Utopia Rezoning, QN</b>	<b>Zoning map amendment (83 blocks)</b>	<b>4/5/2006</b>	
† 241-251	Yankee Stadium, BX	City map amendments; acquisition and disposition of property; tennis facility; special permits	4/5/2006	
252	22 Caton Place, BK	Zoning map amendment (R6 to R7A)	4/5/2006	
253	Clifton Place, BK	UDAAP by HPD (1 lot)	4/5/2006	
254	2966 Fulton St., BK	UDAAP by HPD (1 lot)	4/5/2006	
255	Mother Gaston Apts., BK	UDAAP by HPD (50 res. units)	4/5/2006	
256	Action No. 48, BK	UDAAP by HPD (41 lots)	4/5/2006	
257	Action No. 48, BK	UDAAP by HPD (8 lots)	4/5/2006	
258	Midwood Rezoning, BK	Zoning map amendment (80 blocks)	4/5/2006	
279	Malta St. LLC, BK	UDAAP by HPD (12 lots)	4/26/2006	
280-281	Atlantic Terrace, BK	Zoning map amendment (C6-1 to C6-2); UDAAP by HPD (80 units)	4/26/2006	
† 282	Bayswater Rezoning, QN	Zoning map amendment (82 blocks)	4/26/2006	
283	<b>Fieldston HD, BX</b>	<b>Landmark designation</b>	<b>4/26/2006</b>	
† 284-285	Madison Park West, MN	Zoning map amendment; special permit (54-space garage)	4/26/2006	
286	Site Hancock I, BK	UDAAP by HPD	4/26/2006	
287-288	Wazobia House, BK	UDAAP by HPD (43 units); special permit (community facility)	4/26/2006	
289	Kings County Hospital, BK	Land lease by HHC	4/26/2006	
CITY PLANNING COMMISSION				
PROJECT NAME	DESCRIPTION	LOCATION	ULURP #	DATE
311 West Broadway	Special permits (150-space garage; use, height, yards); zoning text amendment	MN 2	C060203ZSM; C060202ZSM; N060201ZRM	4/5/2006
Village Care Nursing Home	Special permit (100-bed nursing home)	MN 2	C060233ZSM	4/5/2006
Gateway & Lore Condos	UDAAP by HPD (125 units)	MN 10	C060240HAM	4/5/2006
Beacon Park	UDAAP by HPD (198 units)	MN 10	C060212HAM	4/5/2006
Southern Blvd. Apartments	UDAAP by HPD (123 mixed-income units)	BX 3	N060332HAX	4/5/2006
Sound Dale Day Care Center	Acquire 1211 Croes Ave. (day-care center)	BX 9	C060001PQX	4/5/2006
Jesup Heights II	UDAAP by HPD (67 units)	BX 4	C060250HAX	4/26/2006
Netherland Ave./SAR	City map amendment (for school field/lot)	BX 8	C030425MMX	4/26/2006
Grand Street Child Care	Acquisition of property (day-care center)	BK 4	C050371PQK	4/26/2006
BOARD OF STANDARDS & APPEALS				
ADDRESS	DESCRIPTION	ACTION	CASE NO.	REPRESENTATIVE
74 Ave. of Amer., MN	Const. 8-story mixed-use bldg.	App'd	130-05-BZ	Elise Wagner
111 W. 28th St., MN	Amend variance (add mezzanine)	App'd	148-03-BZ	Francis Angelino
663 Second Ave., MN	Extend time to complete construction	App'd	280-01-BZ	Stadtmauer Bailkin
900 Second Ave., MN	Legalize phys. cult. est. (spa)	App'd	146-05-BZ	Howard Weiss
523 W. 37th St., MN	Extend time to complete construction; vested common law right to complete const.	W/D; App'd	370-05-BZY; 371-05-A	Kramer Levin
410 8th Ave., MN	Permit phys. cult. est. (spa)	App'd	301-05-BZ	Sheldon Lobel, P.C.
269 E. Burnside Ave., BX	Extend variance term, legalize auto service stat.	App'd	65-05-BZ	Sheldon Lobel, P.C.
1425 E. 24th St., BK	Legalize enlargement to 1-family dwelling	App'd	359-04-BZ	Eric Palatnik, P.C.
1702 E. 9th St., BK	Construct 6-story hotel	W/D	26-05-BZ	Cozen O'Connor
1901 Nereid Ave., BX	Construct 2-family dwelling	App'd	136-05-BZ	Gerald Caliendo, R.A.
10824 Flatlands Ave., BK	Extend variance term (gas station)	App'd	645-59-BZ	Vassalotti Associates
102/04 Franklin Ave., BK	Construct 3-story dwelling	App'd	245-04-BZ	Mitchell S. Ross
806 Coney Is. Ave., BK	Permit transient hotel	App'd	338-04-BZ	Martyn & Don Weston
139 Langham St., BK	Enlarge 2-story dwelling	App'd	179-05-BZ	Harold Weinberg, P.E.
118 Oxford St., BK	Extend time to complete construction	App'd	263-98-BZ	Rothkrug Rothkrug
245 16th St., BK	Extend time to complete foundation	App'd	350-05-BZY	Eric Palatnik, P.C.
1161 E. 21st St., BK	Enlarge 1-family dwelling	W/D	129-05-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 – April 2006\*

BOARD OF STANDARDS & APPEALS (CONTINUED)					
ADDRESS	DESCRIPTION	ACTION	CASE NO.	REPRESENTATIVE	
1231 E. 21st St., BK	Legalize 1-family dwelling (FAR, open space)	App'd	133-05-BZ	Sheldon Lobel, P.C.	
210-12 48th Ave., QN	Extend variance (ag. nursery, parking lot)	App'd	240-90-BZ	Joseph Morsellino	
52-15 Roosevelt Ave., QN	Extend special permit (eating, drinking est.)	App'd	139-92-BZ	Samuel Valencia	
11-11 44th Dr., QN	Extend time to complete construction	App'd	136-01-BZ	Eric Palatnik, P.C.	
31-07 Downing St., QN	Extend special permit (arcade)	App'd	1038-80-BZ	Davidoff Malito	
85-05 Astoria Blvd., QN	Extend time to complete construction	App'd	410-68-BZ	Sheldon Lobel, P.C.	
59-67 69th St., QN	Const. 1-family dwelling (FAR, open space, yards)	App'd	373-04-BZ	Fredrick A. Becker	
43-36 Cornell Lane, QN	Enlarge 1-fam. dwelling not on mapped st.	App'd	92-05-A	Sheldon Lobel, P.C.	
38 Kildare Walk, QN	Enlarge 1-fam. dwelling not on mapped st.	App'd	20-06-A	Gary Lenhart, R.A.	
54 Graham Place, QN	Enlarge 1-fam. dwelling not on mapped st.	App'd	14-06-A	Gary Lenhart, R.A.	
5525 Amboy Rd., SI	Re-establish variance for retail use	App'd	194-05-BZ	David Businelli, R.A.	
34 Duncan Rd., SI	Enlarge 1-family dwelling	App'd	285-05-BZ	Rothkrug Rothkrug	
LANDMARKS PRESERVATION COMMISSION					
ADDRESS	LANDMARK/HISTORIC DISTRICT	DESCRIPTION	CASE	APP'D	ISSUED
CERTIFICATE OF APPROPRIATENESS					
1501 Broadway, MN	Paramount Building	Legal. platform, est. scaffold plan	06-6832	Yes	3/28/2006
45 Rockefeller Plz., MN	Rockefeller Center	Alter display window, service bays	06-6941	Yes	4/3/2006
311 East 58th St., MN	311 East 58th Street	Install painted wall sign	06-6395	Yes	3/7/2006
105 Franklin St., MN	Tribeca East HD	Remove infill, fire escape	06-5340	Yes	3/20/2006
32 Laight St., MN	Tribeca North HD	Install infill, ramp	06-6858	Yes	3/28/2006
26 Wooster St., MN	Soho-Cast Iron HD	Install access lift	06-7235	Yes	4/11/2006
686 Broadway, MN	NoHo HD	Replace facade	06-6956	Yes	3/29/2006
92 Perry St., MN	Greenwich Village HD	Install cornice, infill	06-6995	Yes	4/4/2006
59 Horatio St., MN	Greenwich Village HD	Legalize infill, paint columns	06-6739	Yes	3/24/2006
15 Charles St., MN	Greenwich Village HD	Install infill, awnings	06-7239	Yes	4/11/2006
28 W. 8th St., MN	Greenwich Village HD	Legalize new infill	06-3325	No	3/23/2006
401 W. 14th St., MN	Gansevoort Market HD	Alter facade, const. addition	06-3877	Yes	4/7/2006
15 E. 26th St., MN	Madison Square North HD	Const. rooftop add., install infill	06-6644	Yes	3/17/2006
580 Park Ave., MN	Upper East Side HD	Alter openings, install doors	06-6664	Yes	3/20/2006
710 Park Ave., MN	Upper East Side HD	Replace balcony enclosure	06-6568	Yes	3/27/2006
5 E. 64th St., MN	Upper East Side HD	Alter facade, install windows	06-7033	Yes	4/5/2006
20 E. 65th St., MN	Upper East Side HD	Const. rooftop bulkhead	06-6727	Yes	3/21/2006
65 Cent. Pk. W., MN	Upper West Side/CPW HD	Alter penthouse facade	06-6742	Yes	3/22/2006
760 Park Ave., MN	Upper East Side HD	Replace windows	06-6530	Yes	3/15/2006
765 Park Ave., MN	Upper East Side HD	Alter penthouse, const. addition	06-6966	Yes	4/12/2006
116 E. 73rd St., MN	Upper East Side HD	Alter facade, const. entrance	06-6436	Yes	3/9/2006
15 W. 81st St., MN	Upper West Side/CPW HD	Remove addition top, repl. windows	06-7258	Yes	4/11/2006
479 W. 152nd St., MN	Hamilton Hts Sugar Hill NW	Construct bulkhead	06-6731	Yes	3/21/2006
917 President St., BK	Park Slope HD	Replace windows	06-5291	No	3/22/2006
545 8th St., BK	Park Slope HD	Construct 2-story addition	06-7104	Yes	4/12/2006
40 Willow Pl., BK	Brooklyn Heights HD	Construct rooftop addition	06-6294	Yes	3/2/2006
58 Midwood St., BK	Prospect-Lefferts Gard. HD	Legalize bay removal; const. deck	06-5634	No	4/11/2006
122 Prospect Ave., QN	Douglaston HD	Construct additions	06-7058	Yes	4/5/2006
302 Warwick Ave., QN	Douglaston HD	Construct additions	06-6863	Yes	3/27/2006
Selected New Building Permit Applications – Published by DOB from April 3 – 28, 2006					
OWNER	SITE	GROSS FLOOR AREA (SQ. FT.)	STORIES/HT.		
Julius Schwarz, Bayrock/Sapir Organization LLC	246 Spring St., MN	382,230	41/ 454 ft.		
Jonathan Fair, Williamsburg Edge LLC	34 N. 7th St., BK	312,275	15/ 150 ft.		
Kent Swanson, 281 Broadway Holdings LLC	57 Reade St., MN	141,346	20/ 208 ft.		
Richard Meilman, 413 West 14 Associates	414 W. 15th St., MN	127,469	18/ 220 ft.		
Jonathan Fair, Williamsburg Edge LLC	27 N. 6th St., BK	112,133	6/ 60 ft.		
Michael Yanko, 23rd Street Development LLC	39 W. 23rd St., MN	90,670	21/ 117 ft.		
Chaim Simkowitz, Downtown Developers LLC	840 Bergen St., BK	72,073	5/ 57 ft.		
Marc Altheim, Senior Living Options	385 3rd Ave., MN	59,790	18/ 181 ft.		
Emma Knox, Rugged Cross Baptist Church	12 Patchen Ave., BK	49,475	6/ 57 ft.		
David Grasso, 245 10th Avenue LLC	245 10th Ave., MN	48,642	11/ 125 ft.		

Source: DOB Business Information System (BIS) at <http://www.nyc.gov/html/dob/html/bis.html>.

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Moondance Diner may be demolished to make room for residential/retail development in SoHo. Story on page 55. *Photo: Kevin E. Schultz.*

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AGENCY NAME	NUMBER OF DECISIONS	YEARS AVAILABLE
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Council	1,144	2003-Present
CPC	560	2003-Present
DOB	68	1999-Present
Landmarks	1,338	2002-Present
Loft Board	1,275	1996-Present

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