

CITYLAND

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CENTER FOR NEW YORK CITY LAW

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City takes needed steps to implement plan for two-mile esplanade along the East River from Battery Park to the Williamsburg Bridge. See story on page 105. *Image: NYC EDC.*

CITY COUNCIL

Public Hearing Citywide

Council considers law to allow review of BSA decisions

Proposal would permit Council by a majority vote to review variances and special permits. The City Council's Land Use Committee heard public testimony on July 24, 2007 on Local Law Intro. 261 to amend the City Charter's review procedures on BSA decisions. The amendment, sponsored by Council Member Tony Avella, would give the Council the power to review BSA variances and special permit decisions if a majority of the full Council votes to take review. As currently proposed, the amendment would not authorize the Council to review all BSA decisions; it would be limited to variances and special permits.

BSA is comprised of five May-

oral-appointed commissioners pursuant to the 1991 City Charter. Among other powers, BSA has the authority to modify or waive zoning regulations through variances and to grant special permits for uses that would otherwise violate zoning regulations. The zoning resolution dictates that BSA must ensure an applicant for a variance meets five findings supporting a conclusion that compliance with the zoning regulation is not possible. Since the 1989 Charter's elimination of the Board of Estimate, the governmental body that previously could review BSA decisions, the only path available to challenge BSA's decisions has been to go to court using an article 78 petition. The proposed amendment to the Charter would allow the Council to assess the sufficiency of the evidence used to support the five findings, and to modify or change the decision.

Setting the tone for the hearing, Avella char- (cont'd on page 103)

Remembering the closing of the Williamsburg Bridge, April 12, 1988

The tragic bridge collapse in Minneapolis brought back memories of the closure of the Williamsburg Bridge on April 12, 1988. I was then New York City Transportation Commissioner and, with Sam Schwartz, DOT's Chief Engineer, made the decision and recommendation to Mayor Edward Koch to close the Bridge.

At the pivotal evening meeting about 20 State and City DOT engineers, along with engineers from a private contractor, met to discuss an on-going inspection of the Bridge's approaches. City DOT had already banned subway trains from the Bridge because the portion of the Bridge supporting the subway tracks had been deemed unsafe, and the same was true of the two outer roadways.

That afternoon, inspectors had found gravely corroded beams supporting the inner roadways, the only portion of the Bridge still open. When confronted by the new discoveries, not one of the engineers was prepared to say that the Bridge was safe. One of the engineers, whom I respected and who participated in the final decision, was the lone advocate for keeping the Bridge open, but only on the condition that we limit use to small cars. The other engineers and I thought that it was not possible either to define what was acceptable as a small car, or to carry out such a plan for the three or more weeks that were still needed to complete inspection of the Bridge, and for the unknown additional length of time that it would take to make repairs. More than half of the approaches to the Bridge had not yet been inspected and the corrosion was being found under all roadways, leading to the engineers' conclusion that many more corroded and unsafe areas were still hidden and unknown and posed potential risk of catastrophe.

Foster Beech, the state's top engineer in the New York City Region, said at the meeting where the decision to close was made that, with what we knew then, and given what we did not know, if something happened, our decision to keep the Bridge open would be inexplicable. The state's top engineer, Chuck Carlson, who had come down from Albany, said flatly that if the bridge were a state bridge, he would close it.

The decision to close the Bridge was tough. Mayor Koch stood by it, and repeatedly said that he would rather have motorists inconvenienced than dead. He was right then and is right now, as the people of Minneapolis have tragically learned.

Ross Sandler

CITYLAND

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acterized BSA as, “an entity onto itself,” that had “little opinion of those whose lives are affected by its decisions.” Avella criticized the article 78 petition path for challenging BSA decisions as being prohibitively expensive to afford a reasonable review, and stated that, “no government entity should wield such power.” Avella then listed an extensive number of community boards and civic associations that have already signed on in support of the amendment, and closed by saying that, “BSA has been too long out of control, and this amendment to the Charter would establish a much-needed check.”

When opened to testimony, six members of the public spoke strongly in favor of the proposed amendment and no speakers opposed. Andrew Berman, the Executive Director of the Greenwich Village Society for Historic Preservation, believed that BSA grants variances and special permits without meeting the five findings required by law. Berman praised the proposed amendment as providing a reasonable review process “without opening the door to purely subjective determinations or those based entirely upon political pressure.” Walter Mugdan, President of the Westmoreland Association, a not-for-profit homeowners’ association, said the amendment would significantly assist homeowners in ensuring that BSA more faithfully observes zoning rules and would “allow the Council, a body of elected representatives, to review decisions of BSA, a body of officials appointed by the mayor, not directly responsible to the electorate.” Mugdan further criticized the article 78 review of BSA decisions as overly burdensome and providing no substantive review of the decisions.

The Land Use Committee closed the hearing without a vote. If approved by the Council, the amendment would be placed on the ballot for the next general elec-

tion, which is scheduled for November 6, 2007.

Council: Public Hearing Int. 261/2006 (July 24, 2007).

CITY COUNCIL

Rezoning

Ft. Greene/Clinton Hill, Brooklyn

City down-zones most of Fort Greene/Clinton Hill

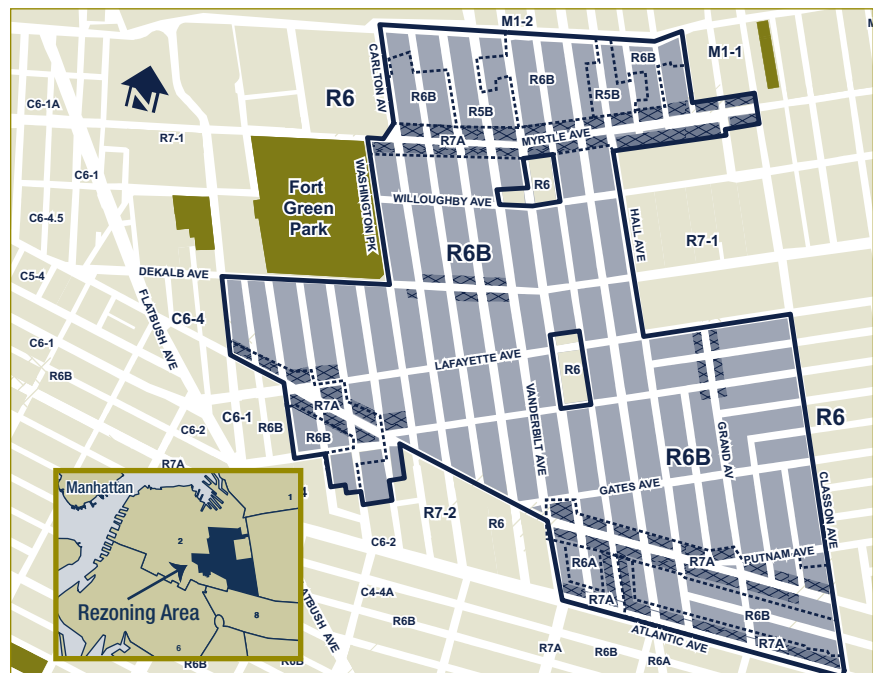
Inclusionary Housing program extended to Atlantic Ave. and Fulton Street. On July 25, 2007, the City Council approved the 99-block rezoning plan for the Fort Greene and Clinton Hill neighborhoods in Brooklyn, including a proposal to apply the City’s inclusionary housing provisions to blocks along Atlantic Avenue and Fulton Street.

Located adjacent to downtown Brooklyn, the residential neighborhoods of Fort Greene and Clinton Hill have faced increasing development pressure during the past five years as developers began to replace the small brownstones that characterize the area with 11- to 13-story apartment towers. Under the previ-

ous zoning, which dates back to 1961, a 97-block area allowed residential and community facility development without any height limit under an R6 zoning designation. Community groups and residents urged City Planning to protect the neighborhood’s lower density.

Under the plan adopted by the City Council, the single R6 zoning district will be replaced by four new zoning districts (R5B, R6A, R6B and R7A) which will set more restrictive limits on height, density and set back. Along the area’s predominantly commercial streets, the rezoning replaced the existing commercial overlays with overlays permitting a broader range of commercial uses beyond neighborhood-serving retail. In the newly-zoned R7A districts along Atlantic Avenue and Fulton Street, City Council voted to apply the City’s inclusionary housing provisions, allowing developers to increase the size of residential projects with an agreement to develop affordable housing either on- or off-site. As approved, developers could increase a project’s size from 3.45 to 4.6 times the project’s lot area.

Following a public hearing on



Inclusionary housing is an integral part of this Brooklyn down-zoning. *Fort Greene/Clinton Hill Rezoning: Proposed Zoning & Locator Map of Rezoning Area used with permission of the New York City Department of City Planning. All rights reserved.*

the plan before the Council's Subcommittee on Zoning & Franchises, the Council proposed to modify the plan by retaining the R7-1 zoning on lots owned by Pratt Institute, which Pratt proposed to redevelop with a new academic facility. With the modification, the full Council voted by 48-0-0 to approve the plan, sending it back to the Planning Commission, which voted unanimously to approve the modifications.

ULURP Process:
 Lead Agency: CPC, Neg. Dec.
 Comm. Bd.: BK 2, App'd, 28-0-2
 Boro. Pres.: App'd
 CPC: App'd, 10-0-1

Council: Fort Greene / Clinton Hill Rezoning (July 25, 2007); CPC: Fort Greene / Clinton Hill Rezoning (C 070430 ZMK – map amendment) (N 070431 ZRY- text amendment) (July 11, 2007). **CITYADMIN**

CITY COUNCIL

Rezoning
 Dyker Heights, Brooklyn

Rezoning approved for Dyker Heights and Ft. Hamilton

Residents sought to end the replacement of single-family homes with large out-of-character apartment buildings. On July 25, 2007, the City Council unanimously approved the rezoning of 159 blocks of the Dyker Heights and Fort Hamilton neighborhoods of Brooklyn. Located at the base of the Verrazano-Narrows Bridge, the rezoned area is generally bound by a LIRR right-of-way, Poly Place, 14th Avenue and the Gowanus Expressway. The rezoning commenced at the request of local residents who hoped to prevent further development of

large multi-family apartments which were beginning to proliferate in both neighborhoods. The area currently features one- and two-family detached and semi-detached homes with lawns and gardens, well maintained row houses, and a local retail corridor.

The Council's vote rezoned a 15-block section, which currently contains smaller homes, to R3A and R3X, thereby restricting development to one- and two-family detached homes with a maximum floor area of .5 times the size of the development lot. In a 65-block section, where row houses predominate, a new R5B zoning limits the size of residential development to a floor area of 1.35 times the lot size. The plan also rezoned 44 blocks to allow both detached and semi-detached, one- and two-family homes with a maximum floor area ratio of 0.9 (R4A, R4B, R4-1). On the neighborhoods' main commercial corridors along Fort Hamilton Parkway, 11th Avenue and 13th Avenue, the plan modified the existing commercial overlays and reduced their depth to limit encroachment of commercial uses onto adjacent residential blocks.



Community's concerns over out-of-character development spurred down-zoning. *Dyker Heights/Ft. Hamilton Rezoning: Proposed Zoning & Locator Map of Rezoning Area used with permission of the New York City Department of City Planning. All rights reserved.*

No opposition appeared at City Council's July 23, 2007 public hearing, or the Planning Commission's June 23, 2007 public hearing. The full Council voted by 48-0-0 to approve.

ULURP Process:
 Lead Agency: CPC, Neg. Dec.
 Comm. Bd.: BK 10, App'd, 40-1-0
 Boro. Pres.: App'd
 CPC: App'd, 11-0-0

Council: Dyker Heights / Ft. Hamilton Rezoning (July 25, 2007).

CITY COUNCIL

Designation
 Douglaston, Queens

Council re-designates home in second attempt

The Council voted to re-designate after court voided first designation. The City Council voted on July 25, 2007 to amend the Douglaston Hill Historic District to include a home at 41-45 240th Street that has been the subject of a protracted designation dispute. 4 *CityLand* 3 (Apr. 15, 2007). Landmarks originally designated the home as part of the Douglaston Hill Historic District in December 2004. The owners, Kevin and Diana Mosley, successfully challenged the home's designation in court, aided by evidence that the house was constructed in the 1920s and not the 1870s as claimed by Landmarks. Landmarks calendared the home for re-inclusion in January 2007 based on the 1920s construction date, putting a stop to the home's renovations, which were 75 percent complete at the time.

The Council's Land Use Committee voted to amend the historic district to re-include the house by a vote of eighteen to three with Council Members Charles Barron, Leroy G. Comrie Jr. and Vincent Ignizio voting against re-inclusion. Barron felt that the homeowners had made a reasonable compromise in trying to appease the preservationists by designing renovations to the house in such a way as to maintain the his-

toric and architectural style of the street. Comrie argued that in this case the homeowner's rights should be protected over preservation goals. Despite voting in favor of re-inclusion, Council Member Miguel Martinez noted his general concerns for the rights of homeowners. Martinez then explained his vote by stating that in this case the designation was based on an ongoing, thorough process, and there was no overnight seizing of the homeowner's rights.

The full Council followed the recommendation of the Land Use Committee and voted to approve.

Council: 41-45 240th Street, Douglaston Hill Historic District, Queens (July 25, 2007).

CITY PLANNING COMMISSION

Certification

Manhattanville, Manhattan

Private business's plan challenges Columbia U.'s proposal

Manhattanville business filed a private rezoning opposing Columbia University's plan to take its lots by eminent domain. Four rezoning applications filed by Tuck-It-Away Storage, a Manhattanville mini-storage company, started the public review process after the Planning Commission certified the applications as complete on July 23, 2007, and sent each to Community Board 9 for comment.

The plan seeks to rezone five lots scattered throughout Manhattanville that currently contain mini-storage facilities run by Tuck-It-Away Storage. The applications propose a commercial zoning to replace the current manufacturing zoning (M1-2 to C6-2), which, the company argued, will allow construction of new mixed-use buildings. The applications do not put forward a final development plan for the sites, but state that Tuck-It-Away anticipates the mini-storage facilities to remain on the

ULURP PIPELINE				
New Applications Certified into ULURP				
PROJECT	DESCRIPTION	COMM. BD.	ULURP NO.	CERTIFIED
Melrose Commons	UDAAP (96 units); special permit (dev. in right-of-way); remove from R-8 district	BX 1	070506HAX; 070507ZSX; 080002ZMX	7/9/2007
University Hts. Rez.	Zoning map amendment	BX 7	060320ZMX	7/9/2007
Century 21 Garage	Zoning map amendment; special permit (parking garage)	BK 10	070203ZMK; 070204ZSK	7/9/2007
50 Howard Street	Special permit (modify use)	MN 2	070105ZSM	7/23/2007
Tuck-It-away Rez.	Zoning map amendments (M1-2 to C6-2)	MN 9	060223ZMM; 060224ZMM; 060225ZMM; 060226ZMM	7/23/2007
Rena Daycare	Acquisition of prop. (daycare ctr.)	MN 12	070354PQM	7/23/2007
Wyckoff House Park	City map amendment (park)	BK 15	050384MMK	7/23/2007
Astoria Studio Apts.	Zoning map amendment	QN 1	050491ZMQ	7/23/2007
Udalls Ravine	City map amendment (park)	QN 11	050302MMQ	7/23/2007

sites and the buildings to be enlarged with residential units above. All four applications provide elevations showing the permitted size of a proposed storage/residential development if the City approves the rezoning plan.

Three of Tuck-It-Away's lots occupy the entire block front on Broadway from West 133rd to West 135th Streets and from West 131st to West 132nd Streets. The remaining lots sit along West 131st Street and West 130th Street, both between Broadway and Twelfth Avenue. The large 17,987-square-foot lot at 3320 Broadway contains several buildings, including the landmarked Claremont Theatre and a 47,000-square-foot mini-storage facility. The company argued in its applications that development rights could be transferred from the Claremont to 3300 Broadway, allowing preservation of the theater and construction of a larger development on the adjacent site. The elevations depict large residential towers over a retail or storage base on both sites.

Two other redevelopment plans proposed for Manhattanville by Columbia University and Community Board 9 have started the public review process. 4 *CityLand* 89 (July 15, 2007). Tuck-It-Away's applications point out that its proposal is consistent with Board 9's plan, since it will retain existing

light industrial uses and increase the potential for more retail and residential units. It also emphasizes that it is vigorously opposed to Columbia University's plan since it calls for the condemnation of Tuck-It-Away's five sites with the assistance of the Empire State Development Corporation.

Board 9's hearing on Tuck-It-Away's plan has yet to be scheduled. The board will vote on both Columbia's and the board's own 197-a Plan on August 20, 2007.

CPC: *Tuck-It-Away Rezoning*, Applications Nos. 060223 ZMM (651 W. 125th St.); 060224 ZMM (614 W. 131st St.); 060225 ZMM (3300, 3320 Broadway); 060226 ZMM (3261 Broadway) (July 23, 2007) (Emily Simons, for Tuck-It-Away).

CITY PLANNING COMMISSION

Site Selection/Disposition

Lower Manhattan

EDC to play key role in East River redevelopment

Plan covers East River waterfront from the Battery to the Lower East Side. The Planning Commission approved two linked applications that will implement an East River Waterfront Concept Plan that was developed in 2005 though a planning effort that included 70 public

CITY PLANNING PIPELINE

New Applications Filed with DCP — July 1 – July 31, 2007

APPLICANT	PROJECT/ADDRESS	DESCRIPTION	ULURP #	REPRESENTATIVE
ZONING TEXT AND MAP AMENDMENTS				
536 W54th LLC/ DCAS	770 11th Ave., MN	Rezone (M1-5 to C6-3; 900 units); Text change (inclusionary housing); Site selection and acq. (NYPD stable); Spec. perms. (bulk modification, commercial use and sign regs.)	080008ZMM; 080009ZRM; 080012PCM; 080010ZSM; 080011ZSM	Wachtel & Masyr
HPD	Melrose Site B-1., BX	Rezone (R8/C1-4 to R8)	080002ZMX	HPD
DCP	The Jamaica Plan, QN	Text change (rear yard, height)	080022ZRQ	DCP
SPECIAL PERMITS/OTHER ACTIONS				
40 Walker St LLC	40 Walker St., MN	Spec. perm. (residential use)	080001ZSM	Greenberg Traurig
433 Broadway LLC	433 Broadway, MN	Renew spec. perm. (retail use)	080021CMM	Greenberg Traurig
Village Care of NY	214 W. Houston, MN	Cert. (105-bed nursing home); Mod. special permit	080004ZCM; 060233AZSM	Bryan Cave
HPD	800 E. 161st St., BX	UDAAP & Dispo. (6-story bldg.); Acq. one parcel (Longwood Gardens)	080019HAX; 080020PQX	HPD
LPC	Fulton Ave. & 172nd St., BX	Landmark (Crotona Play Center, Bathhouse)	080006HKK; 080007HKK	LPC
Kingsbridge 230th	Broadway, BX	Demap & close part of Kimberly Pl.	080014MMX	Wachtel & Masyr
Kent Ave. Prop.	164 Kent Ave., BK	Cert. (waterfront access plan)	080018ZCK	Bryan Cave
LPC	Skillman Ave, QN	Landmark (Sunnyside Gardens HD)	080005HKQ	LPC
NYPD/DCAS	49-21 Metropolitan, QN	Site selection and acq. (fleet storage)	080013PCQ	NYPD/DCAS

meetings and intensive input from the community. The plan calls for revitalization of two miles of the East River waterfront, stretching from the Battery Maritime Building to Pier 42, located just south of the Williamsburg Bridge. This first phase will be funded in part by the Lower Manhattan Development Corporation, which has set aside \$150 million as part of its efforts to redevelop lower Manhattan.

The two applications approved by the Planning Commission on July 25, 2007 will facilitate the construction of five commercial pavilions and improvements to four piers. The applications allow the sale of City-owned property under the FDR Drive and on Piers 15 and 35 to the New York City Economic Development Corporation, and site selection for property located on Piers 35, 36, and 42 and under the FDR Drive.

The pavilions, to be built under the FDR Drive, include 27,000 sq.ft. of space for cultural, recreational, and retail uses. EDC will select the specific operators for the pavilions through a request for proposals after the transfer. On the sites

selected on Piers 35, 36, and 42, the plan calls for new open space, including kayak and small boat docking, picnicking areas, and possibly a beach complete with sand and a floating pool. The plan also calls for open space under the FDR Drive, including indoor recreation facilities, bicycle rental/storage space, cafes and restaurants, performance space for dance or martial arts, and gallery and exhibition space. On a portion of Pier 15, the proposal includes an educational facility focused on maritime or environmental issues.

At the Commission's vote, Chair Amanda Burden emphasized that the pavilions will bring important "revenue producing aspects" to the East River waterfront. Commissioner Karen Phillips praised the plan, calling Chair Burden's role in its development and implementation pivotal. The City Council voted on August 6, 2007 to request to review the proposal, and its Subcommittee on Planning, Dispositions & Concessions plans to hold a hearing later in August.

ULURP Process:

Lead Agency: LMDC, FEIS
Comm. Bd.: MN 1, App'd, 37-1-0
MN 3, App'd, 36-0-0
Boro. Pres.: App'd
Boro. Bd.: App'd
CPC: App'd, 11-0-0
Council: Pending

CPC: East River Esplanade (C 070349 PSM – site selection), (C 070350 PPM - disposition of city-owned property) (July 25, 2007).

CITYADMIN

CITY PLANNING COMMISSION

Site Selection

Hunts Point, Bronx

Upgrade of Hunts Point pollution plant approved

Borough President and community board had raised concerns about odor; traffic and views from nearby park. The Planning Commission on July 25, 2007 unanimously approved the Department of Environmental Protection's plan to upgrade and expand the Hunts Point water pollution control plant by constructing two, 130-foot tall, egg-shaped digester buildings. The plan includes the transfer to Parks of 1.2 acres of land which, during construction, will be used for staging. After completion of construction, Parks will add the 1.2 acres to Barretto Point Park, a new City park located immediately adjacent to the water pollution control plant along the East River. Constructed on former DEP land and opened in 2006, Barretto Point Park provides basketball courts, an amphitheater and a waterfront promenade.

The environmental impact statement completed for the project identified significant impacts to traffic and to the visual character of Barretto Point Park since the 130-foot high digester towers would be prominent and visible to park users. Bronx Borough President Adolfo Carrión raised multiple concerns over the control of odor from the plant, air quality impacts, and the

noise, dust and traffic caused by the towers' construction.

When the project reached the Commission for a public hearing, a DEP representative explained that state and federal regulations required the upgrade and renovation of the plant, which currently serves the Bronx, City Island, Hart Island and the north side of Rikers Island. Following the public hearing, DEP sent a lengthy response to the Commission, addressing each of the concerns set out by Carrión and Bronx Community Board 2. DEP, in the letter, agreed to take additional steps to further mitigate odor impacts, but primarily relied on the agreed-upon mitigation measures, which emerged from the FEIS process.

When the plan came for a vote before the Commission, Chair Amanda Burden's comments focused only on the expansion of Barretto Point Park. Calling the park "one of the highlights of the Bronx," Burden said that she was pleased to vote yes on DEP's plan. The full Commission agreed. The City Council voted on August 6, 2007 to review the plan but has yet to set a hearing date.

ULURP Process:

Lead Agency: DEP, FEIS
Comm. Bd.: BX 2, App'd, 17-5-2
Boro. Pres.: App'd
CPC: App'd, 11-0-0
Council: Pending

CPC: Hunts Point Plant / Barretto Point Park (C 070008 PSX – site selection); (C 070009 MMX – City map amendment) (C 070010 MMX - City map amendment) (July 25, 2007). **CITYADMIN**

CITY PLANNING COMMISSION

Environmental Scope
Williamsburg, Brooklyn

Domino Sugar environmental study gets first review

Community and preservationists comment on plan to construct 2.6 million sq.ft. of housing on former factory site. On July 31, 2007, City

Planning held a public hearing on the draft scope of an environmental impact statement for the proposed transformation of the Domino Sugar Refinery into a large mixed-use development with 2.64 million sq.ft. of residential space, 120,000 sq.ft. of retail space, 100,000 sq.ft. of community facility space, and 1,450 below grade accessory parking spaces. The developer, Refinery Management LLC, a joint venture made up of Katan Group LLC and the Community Preservation Corporation, propose to make 30 percent of the residential space, or 660 units, affordable housing.

The site is located on the Brooklyn waterfront directly north of the Williamsburg Bridge. The developer plans to demolish most of the buildings on the site to make way for the new development. The plan would, however, adaptively reuse the Refinery building. Comprised of the Filter, Pan, and Finishing Houses, the Refinery is currently under consideration for landmark status. On June 26, 2007, Landmarks held a public hearing on the designation but has not yet set a date for a vote. 4 *CityLand* 95 (July 15, 2007). If designated, Landmarks would need to approve any construction plan for the designated buildings.

The plan calls for a change in zoning from heavy manufacturing (M3-1) to residential (R8 and R6) with a commercial overlay (C2-4). The Refinery building would be rezoned to a commercial district (C6-2) to allow a range of residential, commercial, and community uses. The proposal would also change the zoning on 39 nearby lots not controlled by the developer (from M3-1 to M1-2) to allow current manufacturing uses to remain but to limit future uses to those compatible with the new residential neighbors. The plan also includes several special permits and an application to expand the inclusionary housing program to cover the project.

At the hearing, representatives

from industrial advocacy organizations urged that the environmental review carefully consider the effect of the rezoning on the current manufacturing businesses in the area. Community representatives commended the affordable housing aspect of the project. Father Richard J. Beuther, representing a Catholic church two blocks from the site, claimed that the area's gentrification reduced his congregation, which he described as predominantly Spanish speaking working poor, from over 1,700 in 1999 to only 600. Preservationists urged Planning to carefully analyze the industrial history of the site and argued for a comprehensive historical analysis before work begins.

City Planning closed the comment period on August 10, 2007.

.....
Hearing on Domino Sugar Rezoning, Draft Scope of Work (July 31, 2007).

BOARD OF STANDARDS & APPEALS

Appeal
Manhattan

BSA hears dispute over interpretation of Sliver Law

Neighbors claimed that two Manhattan developments violated the height limit. On July 17, 2007, BSA held public hearings on the Department of Buildings' issuance of permits for two projects: a one-story penthouse addition to 515 East Fifth Street and a one-story mechanical room addition to 441 East 57th Street. Local residents claimed that the penthouse and the mechanical room violated Section 23-692 of the zoning resolution, also known as the Sliver Law.

The City enacted the Sliver Law in 1983 to limit the height of buildings in certain zoning districts to either the width of the street, or to the height of an abutting structure if the abutting structure was taller than the street's width. In 2005, the owner of 515 East Fifth Street added a sixth story and an additional pent-

BSA PIPELINE

New Applications Filed with BSA — July 1 – 31, 2007

APPLICANT	PROJECT/ADDRESS	DESCRIPTION	APP. #	REPRESENTATIVE
VARIANCES				
Fabrizio Realty	4566 Broadway, MN	Const. mixed-use development	183-07-BZ	Eric Palatnik
Domenick Licata	32 Fountain Ave., BK	Const. 3-family dwelling	184-07-BZ	Eric Palatnik
Domenick Licata	36 Fountain Ave., BK	Const. 3-family dwelling	185-07-BZ	Eric Palatnik
BX Jewish Boys	2261 Bragg St., BK	Add 7 stories to synagogue	178-07-BZ	Dominick Salvati
Maurice Dayan	886 Glenmore Ave., BK	Const. 2-family dwelling	177-07-BZ	Maurice Dayan
74-21 Queens LLC	74-21 Queens Blvd., QN	Const. 9-story mixed-use bldg.	179-07-BZ	Sheldon Lobel, P.C.
Fei Guo	50-34 69th St., QN	Allow commer. use/enlg. bldg.	176-07-BZ	Rothkrug Rothkrug
SPECIAL PERMITS/OTHER ACTIONS				
47 Development	47 W. 13th St., MN	Permit phys. cult. est. (spa)	180-07-BZ	Sheldon Lobel, P.C.
Harry Shlyonsky	229 Exeter St., BK	Enlarge 1-family dwelling	182-07-BZ	Harold Weinberg
Pat Quadrozzi	72-18 Amstel Blvd., QN	Extend radio tower 20 ft.	181-07-BZ	Omnipoint Comm.
APPEALS				
FDNY	122-02 Liberty Ave., QN	Modify C of O	186-07-A	FDNY

house set back from the street. While the sixth story did not exceed 60 feet, the width of East Fifth Street, local residents claimed that the nine-foot high penthouse did. Similarly, residents argued that the mechanical penthouse at 441 East 57th Street clearly violated the limit.

At BSA, Kevin Finnegan, representing the tenants association at 515 East Fifth Street, criticized Buildings' reasoning for granting the permits. Calling it a very simple case dealing with a completely unambiguous statute, Finnegan disagreed with Buildings' argument that the Sliver Law was an aesthetic piece of legislation, designed only to address the visual impact that tall skinny buildings would pose on certain neighborhoods. Buildings should simply enforce the law as written, rather than interpret it to fit what it believed to be the intent behind the law.

Stephen P. Kramer, Buildings' Senior Counsel, noted that the Sliver Law did not specifically define building height. This was done purposely, according to Kramer, for situations like this, where the building is consistent with the character of the neighborhood and the penthouse is setback from the front of the building and cannot be seen from the sidewalk. Kramer also claimed that Buildings' practical

construction of the Sliver Law made it applicable to the "real world."

BSA Chair Meenakshi Srinivasan stated that she appreciated Buildings' sympathy towards homeowners attempting to develop their land, but she remained troubled by its attempt to find a way around the clear language of the law. Commissioner Dara Ottley-Brown commented that Buildings was taking a clear standard and actually "muddling" it. Ottley-Brown questioned Buildings' interpretation of the law, which she described as, "As long as you don't see it, it's okay."

Marvin B. Mitzner, the attorney for the property owner of 515 East Fifth Street, argued that statutory intent is always relevant, whether or not the statute is plain or ambiguous. 515 East Fifth Street is not a "sore thumb," commented Mitzner, nor is it a sliver such as the kind the Sliver Law was meant to prevent. Looking to the actual language of the law, Mitzner noted that the law differentiates "building or other structure" from "building." Mitzner argued that the penthouse was an "other structure," separate from the building, and should not be included in determining the building height. Commissioner Susan Hinkson questioned the characterization of the penthouse

as a structure separate from the building, especially when it shares mechanical systems, stairs and plumbing with the building.

Several local residents testified against Buildings' interpretation, as did representatives for Borough President Scott Stringer, City Council Member Rosie Mendez, State Senator Martin Connor and State Assemblyman Sheldon Silver.

BSA closed the public hearings

LETTERS & COMMUNICATIONS

To the Editor,

I am writing to correct and clarify statements made in your article (July, 2007) on the City Comptroller's audit of the Board of Standards and Appeals.

You accurately state the Comptroller's conclusion that the Board correctly determined and accounted for fees. However, you also state that "several fees did not have any receipts." The Comptroller's report specifically states that "the Board issued receipts for all funds collected". While the Comptroller noted that the Board did not always obtain a receipt when depositing collected fees at DCAS, this is something very different from your implication that the Board failed to issue receipts when collecting applicant fees.

You also report that "auditors observed as much as \$94,420 in an unlocked desk drawer" and that "BSA employees were using several receipt books". It is important to understand, however, that the desk drawer in which funds are placed has a lock, that the Board only accepts checks or money orders – not cash – and that the Board used more than one receipt book at the same time because books are divided by application type.

In order to remove misperceptions which may have been created by your coverage, we would appreciate your publishing this letter.

Jeff Mulligan, Executive Director
NYC Board of Standards and Appeals

on both buildings and set September 11, 2007 as the decision date on both cases.

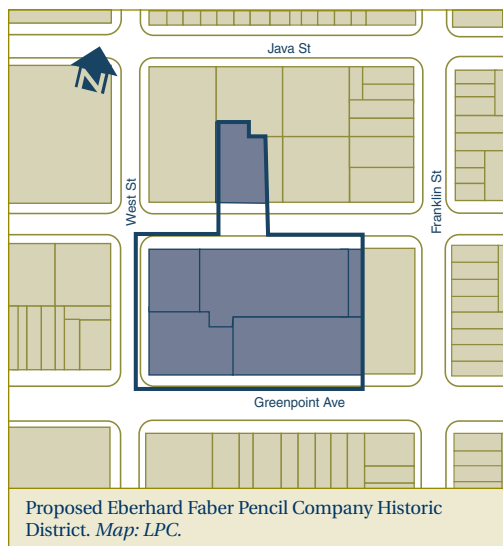
BSA: Hearing on 515 East Fifth Street (67-07-A), July 17, 2007 (Kevin Finnegan, for residents; Stephen P. Kramer, for DOB; Marvin B. Mitzner, for 515 East Fifth Street LLC); Hearing on 441 East 57th Street (154-07-A), July 17, 2007 (Caroline Harris, for 435 E. 57th St. Condo Corporation).

LANDMARKS PRESERVATION COMMISSION

Designation Hearing
Greenpoint, Brooklyn

Eberhard Faber factory cluster heard by Landmarks

Nearby demolition and development lent urgency to potential designation. On July 24, 2007, Landmarks heard testimony on the proposed Eberhard Faber Pencil Company Historic District. The proposed historic district comprises five buildings dating from the 1880s to the 1920s relating to the former Eberhard Faber pencil factory. The company moved to this Brooklyn location after a fire at its Manhattan plant in 1872 and remained there until 1956. The buildings feature stone lintels and terra cotta reliefs in the shape of pencils and the company's logo, a five-pointed star.



The Department of Buildings issued permits in 2005 permitting the demolition and alteration of some former Eberhard Faber buildings, including an alteration permit for 58 Kent Street within the potential historic district. Buildings' BIS system describes the work proposed for 58 Kent Street as a nine-story addition and interior demolition. The owners have already demolished two other former factory buildings.

At the hearing, speakers generally supported the designation. A representative from the Society for Industrial Archeology gave a brief history of the company, and called the complex "a symbol of quality and innovation." Michael White, from the Waterfront Preservation Alliance of Greenpoint and Williamsburg, stated that the complex was "unique in that it comprises both 19th and 20th century buildings," and that the main building "has long been an iconic presence in the neighborhood." Lisa Kersavage of the Municipal Art Society brought old Eberhard Faber pencils to the hearing to pass around, and supported designation based on the complex's role in Brooklyn's industrial history, and for "its charming decorative details."

The lone dissenting voice came from a representative of DL Labs, a tenant in one of the buildings, who claimed that Landmarks' map was inaccurate, and that the interior of one of the buildings was abandoned and completely destroyed. Landmarks Chair Robert Tierney promised to look into the allegations and to clarify the boundaries of the proposed district. No date has been set for Landmarks' vote.

LPC: Eberhard Faber Pencil Company Historic District (LP-2264) (July 24, 2007).

CITYLAND Comment: Designation of 58 Kent Street by Landmarks would

not revoke previously issued building permits.

LANDMARKS PRESERVATION COMMISSION

Designation
SoHo, Manhattan

Two Federal row houses designated as landmarks

Despite homeowner objections, rare residences designated unanimously. Landmarks designated two Federal-era row houses at 486 and 488 Greenwich Street as individual landmarks on July 24, 2007. The two-and-a-half story houses, built in 1823 for German tailor and developer John Rohr, now contain commercial establishments on their ground floors. The houses retain their peaked dormered roofs, stone lintels and sills, and essential identity as three-bayed row houses despite numerous alterations over the years. The buildings' survival is notable given the area's transformation into residential lofts and industrial and commercial uses.

At the April 10, 2007 hearing, the row houses' owners, Jon and Geoffrey Hendricks, expressed ambivalence over the potential landmarking. The Hendricks testified that landmarks were "an important part of the city," but worried about associated costs. Supporters of designation included the Greenwich Village Society for Historic Preservation and the Society for the Architecture of the City. 4 *CityLand* 61 (May 15, 2007).

At the designation, Commissioner Joan Gerner called the buildings "elegant," while Commissioner Libby Ryan referred to them as examples of "an endangered species." Landmarks voted unanimously to designate the two buildings as individual landmarks.

LPC: 486 Greenwich Street House (LP-2225); 488 Greenwich Street House (LP-2224) (July 24, 2007).

LANDMARKS PRESERVATION COMMISSION

Designation Calendaring
DUMBO, Brooklyn

Proposed DUMBO district set for landmark hearing

Rapidly gentrifying neighborhood starts process towards landmark status. On July 24, 2007, Landmarks calendared a 15-block area on Brooklyn's waterfront adjacent to the Manhattan Bridge approach as a potential historic district. In the late nineteenth and early twentieth centuries, DUMBO developed as a primarily industrial area at a time when Brooklyn was counted among the country's largest manufacturing centers. DUMBO's East River loca-

tion attracted a wide variety of industries, including coffee, paper and paint. Now no longer an industrial hub, developers have converted many of the former factory buildings into apartments and condominiums.

The district's architectural significance lies in its array of American industrial design throughout several decades. Early buildings in the district feature brick facades and wooden beams, while later buildings possess terra cotta ornament, steel framing, and, eventually, reinforced concrete. The area is also characterized by the arches supporting the Manhattan Bridge approach, and the presence of original street paving, sidewalks, and railroad tracks. Landmarks' research department addressed the

district's historical significance, calling it "a reminder of Brooklyn's and New York City's industrial heyday."

LPC: DUMBO Historic District (LP-2273) (July 24, 2007).

LANDMARKS PRESERVATION COMMISSION

Designation

Williamsburg, Brooklyn

McCarren Pool and Play Center landmarked

WPA-funded pool currently used for concerts and other performances. On July 24, 2007, Landmarks designated the McCarren Play Center in northern Brooklyn as an individual City landmark. The play center includes one of the largest swimming pools in the city, as well as a bath house and viewing terraces.

Named after state assemblyman Patrick Henry McCarren, the pool and play center was built with Works Progress Administration funds under the aegis of Parks Commissioner Robert Moses, who opened it with great fanfare in 1936 along with Mayor Fiorello LaGuardia. Landmarks considered several WPA-era pools and play centers alongside McCarren Play Center, and designated two others, the Sunset Play Center in Brooklyn, and the Thomas Jefferson Play Center in Manhattan. 4 *CityLand* 26 (March 15, 2007). The pool, empty for several years, has recently played host to summer concert series, as well as dance performances and film screenings.

While the concerts have been a matter of some contention among neighborhood residents, Commissioner Libby Ryan found them a positive example of adaptive reuse, and commented that she was happy Landmarks did not regulate use. Commissioner Joan Gerner reminisced about learning to swim in McCarren Pool, and Chair Robert Tierney took the unusual step of inviting Council Member Rosie

Landmarks Actions Taken In July 2007

FINAL PERMITS TO BE ISSUED AFTER LANDMARKS RECEIVES CONFORMING PLANS

ADDRESS	LANDMARK/HISTORIC DISTRICT	DESCRIPTION	CASE NO.	APP'D
July 10, 2007				
344 W. 72nd St., MN	Chatsworth Apartments	Enlarge penthouse	07-0104	Yes
443 Broadway, MN	SoHo-Cast Iron HD	Install flagpole, banner	07-4392	No
351 Bleecker St., MN	Greenwich Village HD	Modify illegal storefront	07-7645	No
32 Little W. 12th, MN	Gansevoort Market HD	Legalize security gates, signs	07-6629	W/Mod
2020 Broadway, MN	Upper West Side/CPW HD	Install storefront	07-1140	W/Mod
25 E. 78th St., MN	Metropolitan Museum HD	Inst. roof adds., access lift	07-8679	Yes
39 Clifton Pl., BK	Clinton Hill HD	Replace sidewalk	07-8934	Yes
147 Montague St., BK	Brooklyn Heights HD	Install storefront, signage	07-7872	W/Mod
132 State St., BK	Brooklyn Heights HD	Replace windows	07-6090	Yes
314 38th Rd., QN	Douglaston HD	Construct additions, porch	07-7797	W/Mod
July 17, 2007				
105 Chambers St., MN	The Cary Building	Install windows, rooftop add.	07-4961	Yes
53 Beach St., MN	Tribeca West HD	Construct rooftop addition	06-5028	Yes
27 Wooster St., MN	SoHo-Cast Iron HD	Construct new building	07-8965	Yes
524 Broadway, MN	SoHo-Cast Iron HD	Construct bulkhead	07-4390	Yes
102 Greene St., MN	SoHo-Cast Iron HD	Inst. infill, rooftop add.; Report to CPC (mod. use)	07-6197; 07-6478	Yes; Yes
250 Mercer St., MN	NoHo HD	Construct rooftop add.	07-2575	Yes
160 Fifth Ave., MN	Ladies' Mile HD	Inst. infill, const. rear add.	07-8044	W/Mod
23 E. 64th St., MN	Upper East Side HD	Alt. facades, inst. storefronts	07-5465	Yes
25 E. 77th St., MN	Upper East Side HD	Construct rooftop addition	07-7204	Yes
14 E. 95th St., MN	Carnegie Hill HD	Construct roof, rear adds.	07-5972	Yes
35-52 88th Ave., QN	Jackson Heights HD	Legalize brick wall, metal gate	98-1230	Yes
July 24, 2007				
220 E. 42nd St., MN	Daily News Bldg. Lobby	Replace desk, inst. turnstiles	07-7709	Yes
300 Cent. Pk. W., MN	Eldorado Apartments	Construct addition	07-3917	Yes
441 W. 21st St., MN	Chelsea HD	Inst. windows, gate	07-7615	W/D
161 W. 78th St., MN	Upper West Side/CPW HD	Const. rear yard addition	07-7362	Yes
1185 Park Ave., MN	Carnegie Hill HD	Modify door opening	07-7274	Yes
406 Ft. Totten, QN	Fort Totten HD	Demo 19 bldgs., master plan	07-7927	Yes

Mendez to speak at the designation. Mendez testified to her long support of the designation, and thanked Landmarks for undertaking the project. Landmarks voted unanimously to designate.

LPC: McCarren Play Center (LP-2244) (July 24, 2007).

LANDMARKS PRESERVATION COMMISSION

Designations

Midtown, Manhattan

Two East 56th Street townhouses designated

French Renaissance Revival style buildings housed financiers in area known as “Banker’s Row.” On July 24, 2007, Landmarks unanimously designated both the Frederick & Birdsall Otis Edey Residence and the Henry Seligman Residence as individual City landmarks. Both French Renaissance revival style residences were built off Fifth Avenue at the turn of the century.

Architectural firm Warren & Wetmore designed the Edey residence, as well as several other City landmarks, including Grand Central Terminal and Steinway Hall. The Edey Residence is considered one of the earliest examples of Warren and



Henry Seligman residence at 30 West 56th Street designated. Photo LPC.

LANDMARKS PIPELINE

Proposed Designations – July 2007

NAME	ADDRESS	ACTION	DATE
Lord & Taylor Bldg.	424 Fifth Ave., MN	Calendared	7/17/2007
511 Grand Street	511 Grand St., MN	Heard	7/24/2007
513 Grand Street	513 Grand St., MN	Heard	7/24/2007
486 Greenwich House	486 Greenwich St., MN	Designated	7/24/2007
488 Greenwich House	488 Greenwich St., MN	Designated	7/24/2007
11th Street Public Bath	538 E. 11th St., MN	Calendared	7/24/2007
Webster Hall	119 E. 11th St., MN	Calendared	7/24/2007
Elizabeth Girls Home	307 E. 12th St., MN	Calendared	7/24/2007
Edey Residence	10 W. 56th St., MN	Designated	7/24/2007
Seligman Residence	30 W. 56th St., MN	Designated	7/24/2007
Jefferson Play Center	East Harlem, MN	Designated	7/24/2007
Eberhard Faber HD	Greenpoint, BK	Heard	7/24/2007
McCarren Play Center	McCarren Park, MN	Designated	7/24/2007
Sunset Play Center	Sunset Park, BK	Designated	7/24/2007
Sunset Bath House	Sunset Park, BK	Designated	7/24/2007
DUMBO HD	DUMBO, BK	Calendared	7/24/2007
Orth Museum & Garden	149-19 38th Ave., QN	Calendared	7/24/2007

Wetmore’s use of the Beaux-Arts style. Frederick Edey grew affluent as a stockbroker and financier, while his wife, Birdsall Otis, gained prominence as a leading suffragette and eventual president of Girl Scouts of the USA. Commissioner Christopher Moore supported designation for both the architectural significance and social history of the building, and Commissioner Libby Ryan praised the facade’s reliefs.

C.P.H. Gilbert designed the Seligman Residence for banker Henry Seligman and his wife Adelaide, members of the family known as “the American Rothschilds.” Gilbert also designed several significant, individually-landmarked residences, including the Woolworth Mansion and the De Lamar house, now the Polish Consulate. Before voting to designate, several commissioners identified the building’s facade as a key component of its significance.

After Commissioner Pablo Vengochea called the Seligman Residence “another wonderful building,” Commissioner Joan Gerner seemed to summarize Landmarks’ views, calling the 56th Street neighborhood a “who’s who of architecture.”

LPC: Frederick C. and Birdsall Otis Edey

Residence, 10 West 56th Street (LP-2226); Henry Seligman Residence, 30 West 56th Street (LP-2227) (July 24, 2007).

LANDMARKS PRESERVATION COMMISSION

Designation Calendaring

Midtown South, Manhattan

Landmarks to consider Lord & Taylor’s 5th Ave. bldg.

Hearing set for August 7th. On July 17, 2007, Landmarks voted unanimously to consider the Lord & Taylor building on 424 Fifth Avenue at West 38th Street for individual designation. Architectural firm Starrett & Van Vleck designed the 1914 building, and was also responsible for other iconic department stores, including the landmarked Saks Fifth Avenue building. Landmarks’ research department found that the Lord & Taylor building appeared to be Starrett & Van Vleck’s first department store commission.

Built in an Italian Renaissance revival style, the building was Lord & Taylor’s second flagship store. Landmarks voted in 1977 to designate the original 1870 Lord & Taylor store at 901 Broadway at 20th Street. The

company considered the Fifth Avenue location more upscale due to its proximity to Tiffany's and other fashionable stores. The building's notable features include a projecting copper cornice, and a two-story colonnade on top of the building.

A hearing was set for August 7th.

LPC: Lord & Taylor Building, 424 Fifth Avenue (LP-2271) (July 17, 2007).

ECONOMIC DEVELOPMENT CORPORATION

Public Notice & Board Meeting
Citywide

Lycée Français and DoubleClick on IDA's July Calendar

July public hearing notice lists \$143 million in bond offerings and six straight leases. The New York City Industrial Development Agency, a component of the Economic Development Agency, held its monthly public hearing on July 19, 2007. The 14 project applications detailed in IDA's public notice included over \$143 million in bond offering and six straight leases.

The largest bond application on the July calendar was made by the Lycée Français de New York, an exclusive Upper East Side private school, for a \$55.6 million civic facility revenue bond to be used to refinance 2002 IDA bonds. The private school used the 2002 bonds to acquire, design and develop a portion of its 150,000-square-foot school located on East 75th Street at York Avenue. The financial assistance requested to be conferred by IDA for the new bond would include exemption from City and State mortgage recording taxes.

DoubleClick, Inc., an internet advertising provider, applied for a straight lease for the renovation and equipping of 23,088 sq.ft. of office space at its global headquarters at 111 Eighth Avenue in Manhattan. DoubleClick is currently the subject of a contentious \$3.1 billion acquisition proposal by Google. If

approved, IDA would offer DoubleClick financial assistance in the form of City and State sales and use tax exemptions.

HeartShare Human Services of New York, a non-profit agency serving individuals with developmental disabilities, children, and families, applied for a \$10.3 million civic facility revenue bond. Of the \$10.3 million, HeartShare would use \$5.4 million to refinance an outstanding line of credit used for acquisition, construction, and furnishing of 34 housing projects and the agency's administrative offices.

IDA's board of directors met on July 23, 2007, and approved four new transactions, including straight leases for DCD Marketing, an advertising and printing company, and Excellent Poly, a plastic bag manufacturer, both located in Brooklyn. In Queens, three architectural woodworking manufacturers and Safe Art SAT, a company that moves and stores fine art, will be the beneficiaries of straight leases from IDA.

The official public hearing notice and the board meeting's press release can be found at <http://www.nyc.gov/edc>.

New York City Industrial Development Agency, *Notice of Public Hearing* (July 19, 2007); *Board of Directors Meeting Press Release* (July 24, 2007).

COURT DECISION

Article 78 Petition
Randall's Island, MN

Suit challenges Randall's Island concession

Claim alleges that the City improperly skipped land use approvals in Randall's Island agreement on private school use. Parents of public school students and community residents from East Harlem filed an article 78 petition in Supreme Court on June 14, 2007, seeking to void the City's approval of a concession agreement between 20 private schools and the Randall's Island

Sports Foundation. The petition asks the court to invalidate the agreement and force the City to restart the approval process, this time following the City's full land use review process, ULURP.

The City began renovation of Randall's Island in June 2007. When completed in 2009, the park will feature 67 fields, including 35 for softball/baseball and 32 for soccer, football and lacrosse. To help fund the \$130 million dollar project, the City entered into a concession agreement with 20 area private schools. The concession gives the schools exclusive use of two-thirds of the fields for 20 years during after school hours between 3pm and 6 pm. In exchange, the private schools will pay the City \$2.85 million per year, for a total of \$52.4 million. The Franchise Concession Review Committee approved the agreement in February 2007, with only Manhattan Borough President Scott Stringer voting against the proposal. The six-person committee also included four representatives from the Mayor's Office and one representative from the City Comptroller.

The article 78 petition claims that the project qualifies as a "major concession" under the City's Charter and land use review procedures because it encompasses more than 30,000 sq.ft. of park land. Major concessions must go through the full land use review process, including review by the affected community boards, the Planning Commission, and possibly the City Council. The challengers argued that the concession covers 171 acres, or 7.4 million sq.ft., thus far exceeding the threshold of a major concession.

The City has until early August to respond based on an extension granted by petitioners.

District 4 President's Council v. FCRC, Index No. 108327/2007 (N.Y.Cty.Sup.Ct. June 14, 2007) (Friedman, J.) (Norman Siegel, Alan Klinger, for District 4; Michael Cardozo, for City).

MAS's Kent Barwick reflects on promoting a more livable city

Kent Barwick has a stickball bat hiding in the corner of his office. He swears he does not use it, and who can argue with him? His office is in the Villard Houses in Midtown, and its courtyard is too small for a game. But physical boundaries aside, he would never have the time to show off his skills. Mr. Barwick, a graduate of Syracuse University and a Harvard University Loeb Fellow, is the current president of the Municipal Art Society, a group for which he has served since 1968 as executive director and president; an unlikely stop after being an ad agency creative director. He recently announced that he will step down in 2008. Having also served as Chair of the Landmarks Preservation Commission from 1978 to 1983, he sat down with *CityLand* to reflect on a long career of tending to the city.

A Golden Age. With more than 3,000 designations during Mr. Barwick's six-year term as Landmarks Chair, many describe the period as its golden age. Mr. Barwick offers two explanations: Ed Koch and the Supreme Court. Mr. Barwick describes Koch as a mayor who treated the job of Landmarks Chair with respect, and viewed it as a quasi-judicial role, one that the office of the mayor should not interfere with. Koch "was wonderful to work for," and "accepted that landmarks preservation was like housing, or education, or rights for seniors: a significant subject."

Prior to the 1978 U.S. Supreme Court decision in *Penn Central Transportation Co. v. N.Y.C.*, where the nation's highest court upheld the constitutionality of the City's landmarks law, Mr. Barwick recalls "the fear that the law might be found to be unconstitutional." This fear served as a deterrent to designation, as Landmarks constantly felt that it was walking on eggshells and should only step in if there was an "imminent danger." After *Penn Central*, Landmarks "played catch-up," designating very obvious buildings and districts, such as the Woolworth Building, the New York Yacht Club, and the Upper East Side Historic District.

The Ambush Syndrome. One lamentation of the designation process that Mr. Barwick recalls is its open-ended nature, which is both "dangerous and irresponsible." It creates what Mr. Barwick calls the "ambush syndrome," which affects both

developers and preservationists. On the one hand, a developer may, in the middle of the night, knock down a building that it fears would be eligible for designation. On the other hand, the developer may have spent three years on a proposed skyscraper project, only to have the existing building designated, leaving the developer asking why nobody said anything earlier. "The City owes it to communities and developers to provide a reasonable roadmap," Mr. Barwick says, "so that everything isn't a last minute big fight." There are things that "obviously by anyone's standards" should be protected, and the City "should do a reasonable job of getting to the end of that list." Making a list would not close the door to all other buildings, Mr. Barwick said, but at least "everything wouldn't be open all the time."

One Man's Trash. When Landmarks designated the Greenwich Village Historic District in the 1960s, it left out all the 19th century factory buildings and early 20th century gas stations because it viewed those structures as "modern intrusions." A decade later, Mr. Barwick's commission was amazed that its predecessors failed to notice "these wonderful factory buildings."

Mr. Barwick is convinced that "there is always room for each generation to discover things that are important." The irony of this statement can be found in a recent list produced by MAS, documenting important modern architecture. Some of the buildings on this list were buildings that Mr. Barwick actively protested against. One such building, the Marriot Marquis, knocked down "two of the best theaters in New York," the Helen Hayes and the Morosco. Mr. Barwick is sympathetic, though, and acknowledges that someone who does not remember the theaters might find the Marriot to be an interesting building. "That's what life's about," he reflects.

The Popular Vote. At MAS, Mr. Barwick oversaw many events that won over the populace en route to winning over the courts. Some, like Grand Central Terminal's preservation, had the benefit of working to save "something that people love." Others, like Times Square, were tougher to sell. Why preserve an area that

has "nothing more than massage parlors, dirty book stores, and X-rated movies?" But by arranging to turn off Times Square's signs, MAS dramatized its character, and "that is why it worked."

Change in Advocacy. The top-down approach to advocacy used by MAS in the past has begun to increasingly disappear in favor of a more grassroots approach. For the last 15 years, MAS has focused its efforts on 197-a plans, which, under the City Charter, allow community boards to propose their own future development plans. While "the culture of city government doesn't pay much attention to community-based plans," Mr. Barwick believes that as these younger people go on to become Council members and district leaders, the plans will "become much more accepted." In the end, Mr. Barwick says advocacy today is not so much different from the 60s; it all comes down to the people that get involved. He points out that the people living in Brooklyn brownstones near the Atlantic Yards are just like the people in 1960 that lived in the West 70s, or Chelsea or Greenwich Village: magazine writers, doctors, lawyers, "the professional brains of NY," as he puts it, and they are being "ignored and ridden roughshod over" by the City and the state. These citizens "are bringing their wits, humor and sense of theater — all the things that have made them successful — to try and get a neighborhood for their future."

Miles of Water. Mr. Barwick sees MAS's most transforming event involving the city's waterfront. Looking over all 763 miles of New York Harbor, he remembers it as "an absolutely stupefying experience" where he could see the scale of the opportunity and how rapidly it was slipping away. Thanks to the Clean Water Act, life is coming back to the harbor, but New Yorkers remain conspicuously absent. Sealed off for years by arterial highways, decrepit piers, chain-link fences and polluted waters, he believes that New Yorkers are "unacquainted" with their waterfront. Despite the changes in the City and in MAS since its 1893 formation, Mr. Barwick confidently remarked that MAS still has "plenty to do" towards its mission: to promote a more livable city.

— Clinton Daggan

New Decisions Added to **CITYADMIN** *www.citylaw.org – July 2007**

CITY COUNCIL				
RES. NOS.	PROJECT	DESCRIPTION	DATE	
964	AM & G Waterproofing, BK	Amend zoning (maintenance fac.)	7/25/2007	
965	366 E. 154th St., BX	UDAAP by HPD	7/25/2007	
966	TNS Development, BK	UDAAP by HPD	7/25/2007	
967	379 Hopkinson Ave., BK	UDAAP by HPD	7/25/2007	
968	84 Poplar Ave., SI	UDAAP by HPD	7/25/2007	
969	2950 Park Ave., BX	Disapproval of UDAAP by HPD	7/25/2007	
970	Douglaston Hill HD, QN	Landmark designation	7/25/2007	
971	30 W. 26th St., MN	Sidewalk cafe	7/25/2007	
972	Atlantic Ave Ext., QN	City map amendment	7/25/2007	
973	Station Pl./Archer Ave., QN	City map amendment	7/25/2007	
974, 975	In rem action No. 50, BK	In rem action	7/25/2007	
976	149 Rockaway Pkwy., QN	Withdrawal of Health & Hospital plan	7/25/2007	
† 977	Crown Heights N. HD, BK	Landmark designation	7/25/2007	
978	Wakefield Rezoning, BX	Zoning map amendment (70 blocks)	7/25/2007	
979	Dyker/Ft. Hamilton Rez., BK	Zoning map amendment (150 blocks)	7/25/2007	
980	521 W. 135th St., MN	UDAAP by HPD	7/25/2007	
981	1243 Troy Ave., BK	UDAAP by HPD	7/25/2007	
982	45 Euclid Ave., BK	UDAAP by HPD	7/25/2007	
983	3537 Barnes Ave., BX	UDAAP by HPD	7/25/2007	
984	132-03 178th St., QN	UDAAP by HPD	7/25/2007	
985	30 Hill St., SI	UDAAP by HPD	7/25/2007	
CITY PLANNING COMMISSION				
PROJECT NAME	DESCRIPTION	LOCATION	ULURP #	DATE
Wakefield/Eastchester Rez.	Zoning map amendment (70 blocks)	BX 12	C070409ZMX	6/20/2007
† Crown Heights HD	Report to Council on designation	BK 8	N070459HKK	6/20/2007
Dyker/Ft. Hamilton Rezoning	Zoning map amendment (159 blocks)	BK 10	C070387ZMK	6/20/2007
Atlantic Ave. Extension	City map amendment (narrow st., est. park)	QN 12	C070077MMQ	6/20/2007
Station Plaza/Archer Ave.	City map amendment (widen st.)	QN 12	C070078MMQ	6/20/2007
Shellbank Basin	Site selection, acquisition of prop.; Mod. waterfront access (destratification facility)	QN 10	C070345PCQ; N070346ZAQ	7/9/2007
63 Nassau St. Building	Report to Council on designation	MN1	N070488HKM	7/11/2007
450 W. 17th St. Garage	Special permit (210-space garage)	MN 4	C060341ZSM	7/11/2007
135 Cent. Pk. W. Garage	Special permit (allow 12 accessory)	MN 7	C050540ZSM	7/11/2007
† Manhattan Ave. HD	Report to Council on designation	MN 7	N070487HKM	7/11/2007
NYCFD Rescue 3	Site selection (rescue facility, parking)	BX 3	C070300PCX	7/11/2007
Thomas Street	City map amendment (parking lot)	BK 1	C030429MMK	7/11/2007
Fort Greene/Clinton Hill Rez.	Zoning map amendment; zoning text amendment	BK 2	C070430ZMK; C070431ZRY	7/11/2007
Liberty Ave. Apartments	Special permit (floor area); UDAAP by HPD (64-unit community facility)	BK 5	C070312ZSK; C070313HAK	7/11/2007
Commerce Bank 4th Ave.	Zoning map amendment (C1-3 in R4-1)	BK 10	C060271ZMK	7/11/2007
Commerce Bank 65th Street	Zoning map amendment (C2-3 in R5)	BK 10	C060272ZMK	7/11/2007
Ulmer Park Library	Acquisition of property (branch library)	BK 13	C060209PQK	7/11/2007
Jamaica Plan	Zoning map amendment; zoning text amendment; urban renewal plan (368 blocks); designation as urban renewal area; dispose City property; City map amendment	QN 8, 12	C070314AZMQ; C070158MMQ; N070315AZRQ; C070322HDQ; C070316HUQ; C070318PPQ; N070317HGQ;	7/11/2007
† Wyeth House	Report to Council on designation	SI 3	N070489HKR	7/11/2007
East River Esplanade	Site selection, disposition of City property	MN 1, 3	C070349PSM; C070350PPM	7/25/2007
Bradhurst URA Site 27	UDAAP by HPD (75 res. units)	MN 10	N070467HAM	7/25/2007
Hunts Pt. Plant/Barretto Pt. Park	Site selection for water plant; City map amendments (est. park)	BX 2	C070008PSX; C070010MMX; C070009MMX;	7/25/2007
Plaza 75	Zoning map amendment (R6B to R7X)	QN 4	C070065ZMQ	7/25/2007
BOARD OF STANDARDS & APPEALS				
ADDRESS	DESCRIPTION	ACTION	CASE NO.	REPRESENTATIVE
35 West End Ave., MN	Extend spec. perm. (Crunch Fitness)	App'd	149-95-BZ	Rothkrug Rothkrug
1255 E. Gun Hill Rd., BX	Const. 1-story add. to gas station	App'd	52-55-BZ	Carl A. Sulfaro

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*New Decisions Added to CITYADMIN www.citylaw.org – July 2007**

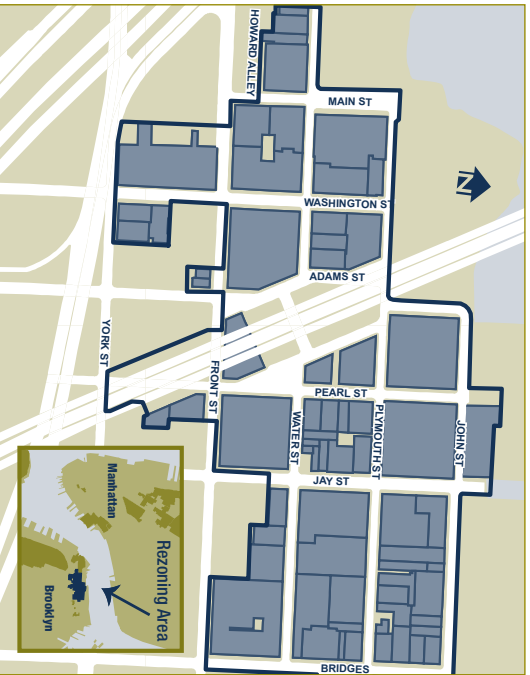
BOARD OF STANDARDS & APPEALS (CONT.)					
ADDRESS	DESCRIPTION	ACTION	CASE NO.	REPRESENTATIVE	
87 Union Ave., BK	Permit 5-story yeshiva in M1-2 zone	App'd	261-06-BZ	Sheldon Lobel, P.C.	
1472 E. 19th St., BK	Vested rts. to continue construction; Ext. time to complete foundation	App'd; Denied	45-07-A; 84-06-BZY	Eric Palatnik, P.C.	
1458 E. 26th St., BK	Convert 2 dwellings to 1-fam. dwelling	App'd	308-06-BZ	Eric Palatnik, P.C.	
1243 E. 29th St., BK	Enlarge 1-family dwelling	App'd	104-07-BZ	Lewis Garfinkel	
2761 Plumb 2nd, BK	Ext. time to obtain C of O (TGI Friday's)	App'd	214-00-BZ	Sheldon Lobel, P.C.	
1826 Coney Island, BK	Ext. time to obtain C of O	App'd	196-02-BZ	Peter Hirshman	
1803 Voorhies Ave., BK	Permit 4-story res. bldg.	App'd	29-06-BZ	Sheldon Lobel, P.C.	
166-11 N. Blvd., QN	Legalize use change (car sales)	App'd	133-94-BZ	Alfonso Duarte	
31-09 35th Ave., QN	Variance to enlarge church	App'd	43-06-BZ	Fredrick A. Becker	
146-10 Brewer Blvd., QN	Permit 62-ft. radio tower	App'd	32-07-BZ	Synder & Synder	
56-56 Main St., QN	Build in mapped st. bed (Commerce Bank)	App'd	37-07-A	Cozen O'Connor	
117-57 142nd Pl., QN	Const. 2-story, 2-family dwelling (yards)	App'd	322-06-BZ	Rothkrug Rothkrug	
1045 Beach 9th, QN	Permit 4-story yeshiva; build in mapped street bed	App'd	98-06-BZ; 284-06-A	Eric Palatnik, P.C.	
140 Beach 25th, QN	Dismissed (12, 2 & 3-family homes)	App'd	41-05-A	Sheldon Lobel, P.C.	
49-30 Galasso Pl., QN	App. warehouse not in mapped st.	App'd	70-07-A	John C. Chen	
19 Janet Ln., QN	Reconst., enlg. 1-fam. dwelling	App'd	137-07-A	Gary Lenhart, RA	
72-36 43rd Ave., QN	Construct 2, 3-family dwellings	App'd	163-06-BZ	Sheldon Lobel, P.C.	
76-19 Roosevelt, QN	Ext. special permit (Club Atlantis)	App'd	199-00-BZ	John C. Chen	
85-10 Roosevelt, QN	Ext. special permit (Flamingos)	App'd	189-96-BZ	John C. Chen	
202-06 Hillside, QN	Ext. of term (gas station)	App'd	215-06-BZ	Vassalotti Assoc.	
241-15 Hillside, QN	Ext. of term (gas station)	App'd	741-49-BZ	Carl A. Sulfaro	
80-16 Cooper Ave., QN	Leg. phys. cult. est. (NY Sports Club)	App'd	97-07-BZ	Fredrick A. Becker	
3304 Amboy Rd., SI	Ext. term, add canopy, picnic tables	App'd	737-86-BZ	Rampulla Assoc.	
28 Sand Ct., SI	Const. 2-story, 2-family dwelling	App'd	232-06-A	Rothkrug Rothkrug	
64 Chatham St., SI	Const. 1-family dwelling	App'd	86-07-A	Sheldon Lobel, P.C.	
146 New Dorp Ln., SI	Special permit (phys. cult. est.)	App'd	131-06-BZ	Papa Architects	

LANDMARKS PRESERVATION COMMISSION

ADDRESS	LANDMARK/HISTORIC DISTRICT	DESCRIPTION	CASE NO	APP'D	ISSUED
CERTIFICATE OF APPROPRIATENESS					
601 W. 26th St., MN	Starrett-LeHigh Bldg.	Install marquee	07-9533	Yes	6/19/2007
1220 Fifth Ave., MN	Museum of the City of NY	Redesign front courtyard	07-9725	Yes	6/29/2007
35 Empire Blvd., BK	Bureau of Fire Communications	Replace radio tower	07-9417	Yes	6/18/2007
Peck Slip, MN	South St. Seaport HD	Remove street bed, construct park	07-8600	Yes	6/18/2007
330 Pearl St., MN	South St. Seaport HD	Install balconies, remove windows	07-9121	Yes	6/6/2007
71 Hudson St., MN	Tribeca West HD	Inst. dormers, bulkhead, railing	07-9100	Yes	6/6/2007
529 Broadway, MN	SoHo-Cast Iron HD	Est. master plan (infill, windows)	07-9555	Yes	6/26/2007
59 W. 8th St., MN	Greenwich Village HD	Legalize signage	07-5662	No	6/19/2007
550 Hudson St., MN	Greenwich Village HD	Replace infill, inst. ramp, windows	07-9642	Yes	6/22/2007
133 Fifth Ave., MN	Ladies' Mile HD	Const. penthouse, inst. HVAC	07-9322	Yes	6/14/2007
18 W. 23rd St., MN	Ladies' Mile HD	Repl. storefront, const. roof add.	07-9810	Yes	6/27/2007
870 Fifth Ave., MN	Upper East Side HD	Install windows	07-9332	Yes	6/14/2007
121 W. 69th St., MN	Upper West Side/CPW HD	Const. stoop, create areaway	07-9169	Yes	6/13/2007
50 W. 76th St., MN	Upper West Side/CPW HD	Const. rear yard addition, stoop	07-9800	Yes	6/27/2007
180 W. 81st St., MN	Upper West Side/CPW HD	Remove steps, replace infill	07-9623	Yes	6/22/2007
753 St. Nicholas, MN	Hamilton Hts./Sugar Hill HD	Demo bldg., const. 6-story bldg.	07-9295	Yes	6/12/2007
4620 Delafield Ave., BX	Fieldston HD	Construct 2-story additions	07-9223	Yes	6/13/2007
12 Sidney Pl., BK	Brooklyn Heights HD	Replace rear add., repl. windows	07-8934	Yes	5/8/2007
162 Columbia Hts., BK	Brooklyn Heights HD	Alter rear porch, const. deck	07-9827	Yes	6/29/2007
2 Willow Pl., BK	Brooklyn Heights HD	Replace fence, modify sidewalk	07-9507	Yes	6/12/2007
132 Greene Ave., BK	Clinton Hill BK	Replace cladding, install signage	07-9509	Yes	6/21/2007
513 12th St., BK	Park Slope HD	Legalize windows, panning	07-1678	No	6/13/2007
311 Knollwood, QN	Douglaston HD	Const. rear add., remodel exterior	07-8786	Yes	6/26/2007

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*The Center for New York City Law
 New York Law School
 47 Worth Street
 New York NY 10013-2960*



Proposed DUMBO Historic District. See story on page 110. Map: LPC.

**CENTER FOR NEW YORK CITY LAW
 UPCOMING EVENTS**

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The City Law Breakfast Series resumes this fall.

**FUTURE DATES: September 21, 2007
 October 19, 2007
 November 9, 2007**

Breakfasts begin at 8:15 a.m. at New York Law School, 47 Worth Street, New York, New York. There is no charge for the City Law Breakfast Series, but please reserve a seat at www.citylaw.org or by phone at 212-431-2115.

CITYADMIN		
Decisions on www.citylaw.org		
AGENCY NAME	NUMBER OF DECISIONS	YEARS AVAILABLE
BSA	2,449	2002-Present
Council	1,175	2003-2005
CPC	708	2003-Present
DOB	68	1999-Present
Landmarks	1,617	2002-Present
Loft Board	1,487	1996-Present

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