

CITYLAND

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Community Preservation Corp. unveiled its design for the Domino Sugar Factory redevelopment. See story on page 29. Image: Rafael Vinoly Architects PC.

CITY COUNCIL

Rezoning/Special Permit, 197-a Plan Murray Hill, Manhattan

Testimony heard on Solow East Side project

Council Member Daniel Garodnick concerned over Solow project's height and density. On February 25, 2008, two City Council subcommittees held a joint public hearing regarding Solow Properties' plan to construct a mixed-use development at the former Con Edison site, located along First Avenue between East 38th and 41st Streets. The subcommittees also heard testimony regarding Manhattan Community Board 6's 197-a plan, which covers the same area.

The Planning Commission significantly modified both plans on January 28, 2008. Solow's modified plan called for seven towers—six residential towers and one commercial office tower—for a total of 3,760,000 sq.ft. of residential floor area and 1,374,000 sq.ft. of commercial floor area. The residential towers would have heights between 600 and 700

feet and feature ground-floor retail as well as a publicly accessible viewing platform overlooking the waterfront. A public school was also part of the Commission-approved plan.

Board 6's 197-a development plan called for height, density and parking restrictions as well as more open space, especially along the waterfront. The Commission, however, heavily modified the plan, deleting sections that discouraged high-density development east of Second Avenue, for example, to encourage ingenuity and creative development in the area. 5 *CityLand* 6 (Feb. 15, 2008); 4 *CityLand* 172 (Dec. 2007).

At the Council's public hearing, Solow's urban planner, Marilyn J. Taylor, emphasized that the sheer-rising towers would minimize the development's footprint to 32.4 percent of the site, leaving the remaining portions open for public space with several public amenities, including a 10,000-square-foot playground, a large public lawn, and a water feature for children to use in the summer. Jim Schmidt, Director of Development for (*cont'd on page 23*)

Second Annual Land Use Conference Scheduled for April 16, 2008

Community Benefit Agreements will be a featured topic at the Second Annual CLE Conference on Land Use to be held at New York Law School on Wednesday afternoon, April 16, 2008, beginning at 2 p.m. Last year's conference, co-sponsored by the New York City Law Department, the Center for New York City Law and the Center for Real Estate Studies, attracted more than 250 people. Last year's attendees enthusiastically recommended that the program, because of its focus on New York City issues, be repeated annually. This year's program will feature two topical panels as well as a current issues panel, which was so well received last year. The afternoon's program, with a partial list of participants, is as follows:

Panel 1. Community Benefit Agreements

Vicki Been, Professor, N.Y.U. Law School
 Ross Moskowitz, Partner, Stook & Stook & Lavan

Panel 2. Spotlight on the High Line: Re-envisioning West Chelsea

David Karnovsky, General Counsel, Department of City Planning

Panel 3. Current Issues Before NYC Land Use Agencies

Phyllis Arnold, Deputy Commissioner for Legal Affairs, Department of Buildings
 Lisa Bova-Hiatt, Deputy Chief for Tax & Bankruptcy Litigation, New York City Law Department
 Mark A. Silberman, General Counsel, Landmarks Preservation Commission
 Margaret P. Stix, General Counsel, Board of Standards and Appeals

You may register by sending us an e-mail at kdaggan@nyls.edu or give us a call at (212) 431-2115. Additional information may be found on www.citylaw.org. I hope that you will be able to attend the conference.

Ross Sandler

CITYLAND

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CITY PLANNING PIPELINE

New Applications Filed with DCP — Jan. 29 - Feb. 29, 2008

APPLICANT	PROJECT/ADDRESS	DESCRIPTION	ULURP #	REPRESENTATIVE
ZONING TEXT AND MAP AMENDMENTS				
CB1/CM Gerson	Washington, Laight St., MN	Text amend. (Tribeca Mixed Use Dist.)	080297ZRM	CB1/CM Gerson
Santo Nostrand LLC	415 Gates Ave., BK	Rezone (const. bldg., UG-6 retail)	080298ZMK	Eric Palatnik, PC
LRHC Bayside NY	41-17 Bell Blvd., QN	Rezone (legalize fitness club)	080293ZMQ	Einbinder & Dunn
Bartow Ave. Dev.	2801 Grace Ave., BX	Rezone (retain resid., allow UG-6)	080286ZMX	Cava Construction
Abyssinian Dev.	Renaissance Site, MN	Rezone (redev. ballroom to mixed use)	080285ZMM	Dewey & Leboeuf
SPECIAL PERMITS/OTHER ACTIONS				
209 Hester St. LLC	209-211 Hester St., MN	Spec. perm. (JLWOA, UG-4 & 6)	080277ZSM	Greenberg Traurig
C/S Realty Holding	306 E. 82nd St., MN	Cert. (transit easement for const.)	080303ZCM	Thomas Hillmer
Anar Realty Inc.	2104 2nd Ave., MN	Cert. (transit easement for const.)	080300ZCM	Fredrick Becker
W. Richmond Realty	4243 Richmond Ave., SI	Cert. (mod. bulk, const. resid. bldg.)	080301ZAR	Stanley Krebushevski
W. Richmond Realty	4247 Richmond Ave., SI	Cert. (mod. bulk, const. comm. fac.)	080302ZAR	Stanley Krebushevski
HPD	St. Mark's Gardens, BK	Acq. priv. prop. (const. 8-story apt.); UDAAP & disp. of City prop.	080287PQK; 080288HAK	HPD
HPD	924 Madison Ave., BK	UDAAP & disp. (7 co-op bldgs.)	080278HAK	HPD
John Dinaso & Sons	Hyilan Blvd., SI	Auth. (mod. parking regs., 38-car lot)	080292RAR	Lauria Assoc.
LPC	Amer. Bank Note Co., BX	Landmark designation	080284HKX	LPC
LPC	Cong. Tifereth Israel, QN	Landmark designation	080294HKQ	LPC
LPC	Jamaica Savings Bank, QN	Landmark designation	080295HKQ	LPC
DOS/DCAS	500 Washington St., MN	Site select. & acq. (UPS facility); spec. perm. (mod. bulk, const. garage)	080280PCM; 080281ZSM	DOS/DCAS
DOT	Shore Parkway, BK	Est. pkwy corridor (reconst. bridge)	080291MEK	DOT

Solow, highlighted the 1,800 full-time construction jobs that would be created during construction, in addition to 5,400 permanent jobs. He also stated that the project would participate in the City's Inclusionary Housing Program, creating 668 units of affordable housing. Further, Schmidt noted that the amended plans reduced the density of the office building from 12 to 10 FAR, and cut the number of parking spaces by 250, to a new total of 1,250.

Chair of the Planning subcommittee, Council Member Daniel Garodnick, whose district includes Murray Hill, stated that the developer needed to "continue this conversation" on the proposed building heights. He also wanted more information on how Solow proposed to address concerns over increased traffic because the large-scale development is located within an already heavily congested area, especially when the nearby United Nations is in session. Council Member Jessica Lappin, whose district is just north of the site, expressed her opposition to the amended plans, calling the proposed towers "too tall, too dense and too commercial." Lappin also expressed her dissatisfaction over Solow's plan to provide half of the affordable housing off-site, urging the developer to make all of the affordable housing on-site.

Ellen Imbimbo testified before the subcommittees regarding Board 6's 197-a plan. Imbimbo urged the Council to undo the Commission's modifications to Board 6's plan in order to preserve neighborhood character and add more desperately needed open space. Manhattan Borough President Scott Stringer testified as well, voicing his strong support for Board 6's plan and calling for significant changes to Solow's plans similar to those discussed by Garodnick and others.

Over 30 members of the public testified at the hearing on February 25th, along with representatives of several elected officials. In general, residents favored further reduction

of the height of the proposed buildings. The subcommittees deferred a vote until their next joint meeting in early March.

Council: East River Realty Company and First Avenue Properties Development (Feb. 25, 2008); Manhattan Community Board 6 197-a Plan (Feb. 25, 2008).

CITY COUNCIL

Rezoning

Borough Park, Brooklyn

Council signs off on Karl Fischer-designed condos

City Council approved rezoning despite Council Member Tony Avella's objection. On February 27, 2008, the City Council approved developer Martin Wydra's rezoning and special permit proposal to build an eight-story mixed-use building and a 259-space parking garage at 886 Dahill Road in the Borough Park section of

Brooklyn. Currently, one- and two-story vacant industrial buildings occupy the 66,000-square-foot site, which is located on Dahill Road between 50th Street and Avenue I. The proposal would rezone the site from an M1-1 and R5 designation to a C4-5X.

The Planning Commission held a public hearing on Wydra's proposal in December 2007. State Assemblyman James F. Brennan and Council Member Simcha Felder, both of whom represent Borough Park residents, supported Wydra and claimed that the proposal would provide the area with desperately needed housing. Local residents, however, testified against the proposal, criticizing it for what they saw as the building's out-of-context height and adverse effect on traffic and congestion. The Commission approved the proposal on January 28, 2008, but not without modifying it to address the residents' concerns. The Commission also required Wydra to work with the Department of Transportation on

traffic mitigation measures.

When the applications reached the Council's subcommittee on Zoning & Franchises a month later, Wydra announced that he had met with local residents on several occasions and further revised the plans in order to address the concerns raised at the Commission's public hearing. He agreed to shrink the building's retail floor area by 95 percent and cut its height from 12 to eight stories.

Wydra also claimed that he had custom-designed the building's residential units to accommodate Borough Park's Orthodox Jewish community with its larger families and households: eighty percent of the residential units would have at least three bedrooms. Local residents, however, remained opposed to the proposal, arguing that the building's units are market-rate, not affordable, and the development would still exacerbate local traffic congestion.

Council Member Tony Avella, Chair of the subcommittee, expressed concern over how emergency vehicles would access the building, as the proposal did not appear to provide adequate street access. Wydra's architect, Karl Fisch-

er, responded that the building would be set back from the street by a landscaped esplanade "buffer," which would be reinforced to withstand use by emergency vehicles.

Council Member Kendall Stewart asked Wydra if any of the building's residential units would be affordable, or if he still planned to offer all of them at market-rate. Wydra responded that they will still be market-rate units, but that he had agreed to set aside a \$1 million fund to assist families in making down payments on the units. Council Member Felder claimed that most of the residents in the affected neighborhood favored the project; and went on to say that while he personally would not want the building in his backyard, it represented a unique opportunity to improve homeownership in the community.

The subcommittee approved the applications with only Avella, who called the proposal "woefully out of character," voting in opposition. Two days later, the full Council approved.

ULURP Process:

Lead Agency: CPC, Neg. Dec.
Comm. Bd.: BK 12, Against, 31-0-0
Boro. Pres.: App'd
CPC: App'd, 12-0-1
Council: App'd, 44-2-4

Council: Dahill Road Rezoning, Brooklyn (Feb. 27, 2008).

CITY PLANNING COMMISSION

Text Amendment

Sunnyside, Queens

Comm. considers its role in Sunnyside Gardens HD

Sunnyside homeowners would no longer need Planning Commission special permits. On February 13, 2008, the Planning Commission heard testimony regarding the Department of City Planning's proposal to amend the zoning for a 16-block area within Sunnyside Gardens. A planned community designed by Clarence Stein and Henry Wright in the 1920s to house working-class families, architecture historians and preservationists have praised Sunnyside Gardens for its large landscaped courtyards and unique mixture of single- and multi-family buildings.

In 1974, the City zoned the area as a Special Planned Community Preservation District to protect its unique character. The preservation district's zoning required property owners to apply to City Planning for a special permit before altering buildings or renovating landscaped areas. This special permit would, in turn, trigger the City's lengthy land use review procedure.

In November 2007, the City designated Sunnyside Gardens as a historic district, the largest historic district in Queens, thus requiring homeowners within the district to submit plans for alterations to any building or landscaped area to Landmarks for approval. 4 *CityLand* 149 (Nov. 15, 2007). City Planning's proposal would eliminate the special permit requirement, making Landmarks the sole City agency in charge



City Council approved Martin Wydra's condominium development, designed by architect Karl Fischer. Image: Karl Fischer Architecture PLLC.



Grand Street Rezoning, Proposed Zoning used with permission of the New York City Department of City Planning. All rights reserved. Grand Street Rezoning, Locator Map used with permission of the New York City Department of City Planning. All rights reserved.

of reviewing all such plans. In addition to recognizing Landmarks' new role in regulating the unique character of the district, the proposal sets forth uniform building height, bulk, density and parking requirements, based upon an R4 zoning.

At the public hearing, Simeon Bankoff, Executive Director of the Historic Districts Council, opposed the proposal and argued that the Commission should not relinquish its current oversight of the area until Landmarks adopts specific agency rules regulating the Sunnyside Gardens Historic District. Bankoff stated that the best scenario would be for the City to establish "proper zoning," in addition to a robust Landmarks regulatory regime, which would require public hearings regarding all rear-yard additions.

Nadezhda Williams, also of HDC, read a letter from noted preservationist-author Jeffrey Kroessler, in which he claimed that Sunnyside Gardens' residents did not support the proposal. Kroessler characterized City Planning's proposal as an "upzoning" that would permit rear-yard sheds and reward

the few residents who made illegal alterations to their property.

The Commission is expected to vote on the proposal by March 12, 2008.

CPC: Sunnyside Gardens Spec. Dist. Text Amendment (N080253ZRQ) (Feb. 13, 2008).

CITY PLANNING COMMISSION

Rezoning

Williamsburg, Brooklyn

Grand Street rezoning advances to Council

Developer of 14-story tower fought to delay rezoning; residents urged speedy approval. The Planning Commission voted unanimously to approve the Department of City Planning's proposal to rezone 13 blocks along Grand Street and adjoining areas in the Williamsburg section of Brooklyn. The area overlaps with the southern boundary of the extensive Greenpoint-Williamsburg rezoning, which the City adopted in 2005. 2 *CityLand* 67 (June 15, 2005).

Currently, the rezoning area is characterized by low-rise, mixed-use three- and four-story attached apartment buildings and rowhouses. Most of these buildings have ground-floor commercial uses—ranging from restaurants and boutiques to bicycle repair shops and printing offices—on the lower floors, and a substantial residential presence on the upper floors. City Planning drafted the proposal after Brooklyn Community Board 1 expressed concern that, under the current R6 zoning, developers could build out-of-character towers two- and four-times the height of existing buildings in the area.

To protect the character of the neighborhood, City Planning drafted a proposal to rezone all blocks along Grand Street and north of Metropolitan Avenue to an R6B district, which would require buildings to line up with adjacent structures and limit their heights to either 40 feet at the street or 50 feet with a setback. For the block bounded by Berry Street, Metropolitan Avenue, Bedford Avenue and North 1st Street, City Planning proposed an R6A zoning, which would limit building

ULURP PIPELINE

New Applications Certified into ULURP

PROJECT	DESCRIPTION	COMM. BD.	ULURP NO.	CERTIFIED
610 Lexington Ave.	Zoning text amend.; spec. perm. (transf. fl. area, waive height)	MN 5	N080177ZRM; 080178ZSM	2/11/2008
531 West End Ave.	Special permit (20 parking spaces); allow curb cut	MN 7	080153ZSM; 080154ZAM	2/11/2008
Heritage House	UDAAP (40 res. units)	MN 11	080195HAM	2/11/2008
Madison/Putnam	UDAAP (48 res. units)	BK 3	080278HAK	2/11/2008
NYPD Auto Repair	Site selection, acquisition of prop.	QN 5	080013PCQ	2/11/2008
4640 Broadway	Zoning map amend. (C1-4 in R7-2)	MN 12	070221ZMM	2/25/2008
St. Mark's Gardens	UDAAP (8-story bldg.); acquisition and disposition of property	BK 8	080288HAK; 080287POK	2/25/2008

heights to either 60 feet at the street or 70 feet with a setback. The proposed rezoning would also change the commercial overlays for the area, increasing the range of permitted uses while lowering parking requirements.

At the public hearing on February 13, 2008, residents urged the Commission to quickly adopt the proposal in order to prevent the developer of a 15-story tower, to be located at 227 Grand Street, to evade the rezoning and claim a vested right to complete construction. The residents claimed that the developer is working at all hours of the day to vest such a right. Peter Gillespie, Executive Director of Neighbors Allied for Good Growth, noted that Board 1 fast-tracked its review of the rezoning to preclude this from happening.

The attorney for the developer, Kenneth Fisher, argued that the Commission should delay approval of the rezoning because his client was close to reaching an agreement with Borough President Marty Markowitz and Board 1 that would address the community's concerns and reduce the height of the tower.

Commission Chair Amanda Burden stated that upon approving the 2005 rezoning, the Commission "had no idea there would be such an assault on the area by developers," who showed "disrespect" to the neighborhood by constructing out-of-context buildings. Commissioner Irwin G. Cantor, citing the residents' allegations, criticized the

developer of 227 Grand Street for working overtime solely to skirt the rezoning and vest its right to complete construction.

The Commission voted unanimously to approve the plan on February 27, 2008, sending it to City Council for review.

ULURP Process:

Lead Agency: CPC, Neg. Dec.
Comm. Bd.: App'd, 23-2-0
Boro. Pres.: App'd
CPC: App'd, 11-0-2
Council: Pending

CPC: Grand Street Rezoning (C080213ZMK) (Feb. 27, 2008).

CITY PLANNING COMMISSION

UDAAP

Stapleton, Staten Island

Planning Comm. OKs \$63M affordable housing dev.

BFC Partners' proposal calls for 160 co-op units. On February 13, 2008, the Planning Commission approved an application to construct a housing project in the Stapleton neighborhood of Staten Island. The Department of Housing Preservation and Development submitted the application on behalf of developer BFC Partners. The application calls for two, five-story, mixed-use buildings with 160 residential units to be located just west of the area that the New York City Economic Development Corporation plans to revitalize with a waterfront esplanade, hotel, and sports complex, and resi-

dential and retail space. 3 *CityLand* 149 (Nov. 15, 2006). Currently, the 75,619-square-foot site is occupied by a 128-space municipal parking lot and a one-story commercial building.

Under the proposal, BFC would build the development in two phases: the first phase would yield 90 residential units and 9,500 sq.ft. of ground-floor retail, the second phase 70 residential units and 6,300 sq.ft. of ground-floor retail. BFC would make all of the residential units affordable by taking advantage of New York City Housing Development Corporation financial incentives.

The proposal also calls for 208 parking spaces to replace the existing municipal lot: 156 spaces for the proposed development's residents, and 52 accessory spaces for the patrons of the proposed ground-floor retail.

According to the Commission, the project would eliminate the existing lot's "blighting influence" on the neighborhood and complement ongoing public and private redevelopment efforts in the Stapleton area, such as the widening of Bay Street. Because the Commission was concerned that the Bay Street project could conflict with the placement of the planned parking spaces, it modified the proposal to prohibit any spaces to be located along the Bay Street frontage. Further, the Commission required at least 52 of the total spaces be open for use by the public.

The Commission voted unanimously to approve the modified proposal on February 13, 2008, sending it to the City Council for its review.

Review Process:

Lead Agency: HPD, Neg. Dec.
Comm. Bd.: SI 1, App'd, 27-8-0
Boro. Pres.: App'd
CPC: App'd, 13-0-0
Council: Pending

CPC: Stapleton Court, Staten Island (C080091HAR) (Feb. 13, 2008).

BOARD OF STANDARDS & APPEALS

Appeal

SoHo, Manhattan

BSA hears appeal on Trump SoHo project

Community group's appeal seeks to halt construction of the 42-story condo-hotel. On February 27, 2008, BSA heard testimony regarding the Department of Buildings' approval for the Trump SoHo condominium hotel under construction at 246 Spring Street. The SoHo Alliance Community Group appealed, arguing that the condominium hotel contravenes the manufacturing zoning district's prohibition against residential development.

Buildings approved the plans for the Trump SoHo on September 28, 2007 with the condition that the developers file a restriction against the property that prohibits owners of any one of the condominium hotel's 413 residential units from living there for more than 29 consecutive days in any 36-day period, or a total of about 120 days per calendar year. The rest of the time, owners would put their Trump SoHo units on the market for transient use on a daily or weekly basis. The restriction, according to Buildings, puts the Trump SoHo under the transient hotel exception to the general prohibition against residential developments in the area. Under the restriction, Buildings would conduct audits and/or issue financial penalties to enforce the transient use requirements.

At the hearing, the attorney for the Alliance, Stuart A. Klein, argued that Buildings' assertion that the Trump SoHo falls within the definition of transient hotels is a "perversion of rational thought." Klein argued that Buildings improperly expanded the statutory definition of transient hotels by allowing Trump SoHo units to be rented out on a

weekly basis, even though the statutory definition only speaks to rentals on a daily basis. Klein also argued that because Trump SoHo units can still be occupied for protracted periods of time, are marketed as condominiums, and have permanent storage areas, they cannot be considered transient hotel units. Lastly, Klein argued that the restriction is unenforceable as the owners of Trump SoHo units could come and go freely.

Buildings countered that the floor plan and amenities for the Trump SoHo are characteristic of a transient hotel, not a residential development. Specifically, Buildings called BSA's attention to the lack of trash chutes and individual mailboxes for Trump SoHo unit owners. Attorney Paul D. Selver of Kramer Levin Naftalis & Frankel, representing the Trump SoHo developers Bayrock Group and Tamir Sapir, echoed Buildings' arguments, claiming that

Trump SoHo units are not designed for residential use because they lack amenities and facilities that such units are required to have by law. Indeed, Selver noted that 98.5 percent of all the units would not have kitchen facilities.

Council Member Tony Avella testified before BSA and stated that he was "appalled" that Buildings "bent the law" when it approved the Trump SoHo. Avella, who is also Chair of City Council's Zoning & Franchises subcommittee, questioned Buildings' ability to enforce the restriction.

Several groups testified against Buildings and the Trump SoHo, arguing that if BSA were to rule against the Alliance, it would be setting a dangerous precedent that would undermine manufacturing areas throughout the City. The opposition included the Greenwich Village Society for Historic Preserva-

BSA PIPELINE

New Applications Filed with BSA — Jan. 29 - Feb. 29, 2008

APPLICANT	PROJECT/ADDRESS	DESCRIPTION	APP. #	REPRESENTATIVE
VARIANCES				
Bokharian Ctr.	182-69 80th Rd., QN	Const. community fac. (FAR, parking)	23-08-BZ	Sheldon Lobel, PC
Torah Academy	44 Beach 6th St., QN	Enlg. comm. fac. (yards, height, setback)	25-08-BZ	Eric Palatnik, PC
SPECIAL PERMITS/OTHER ACTIONS				
Wegweiser & Erlich	53 Beach St., MN	Permit rooftop enlargement	20-08-BZ	Fredrick A. Becker
40 Broad LLC	40 Broad St., MN	Permit PCE	38-08-BZ	Greenberg Traurig
Pilot Realty Co.	1601 Bronxdale Ave., BX	Permit PCE (NY Sports Club)	21-08-BZ	Fredrick A. Becker
Laconia Land Corp.	3957 Laconia Ave., BX	Ext. term, enlg. gas station	40-08-BZ	Rothkrug Rothkrug
A. Mizrachi	1177 E. 23rd St., BK	Enlg. bldg., const. attic	36-08-BZ	Lewis E. Garfinkel
Isaac Ades	1856 E. 24th St., BK	Front, rear adds., const. attic	35-08-BZ	Lewis E. Garfinkel
Hirsch Cemetery	1126 Richmond Ave., SI	Permit 90-ft. radio tower	22-08-BZ	Slater & Beckerman
Mark Lauria	2043 Richmond Ave., SI	Permit 110-ft. radio tower	31-08-BZ	Slater & Beckerman
Kenbar Dev.	77 Richmond Hill Rd., SI	Legalize PCE	39-08-BZ	Eric Palatnik, PC
Catholic Sch. Assn.	100 Merrill Ave., SI	Permit 90-ft. radio tower	37-08-BZ	Slater & Beckerman
Hylan Realty	4360 Hylan Blvd., SI	Permit 50-ft. radio tower	30-08-BZ	Slater & Beckerman
Hebrew Burial Assn.	422 Clarke Ave., SI	Permit 50-ft. radio tower	29-08-BZ	Slater & Beckerman
JDK Hylan Prop.	4845 Hylan Blvd., SI	Permit 50-ft. radio tower	27-08-BZ	Slater & Beckerman
Village Greens	230 Arden Ave., SI	Permit 90-ft. radio tower	24-08-BZ	Omnipoint Comm.
APPEALS				
North Seven Assoc.	144 N. 8th St., MN	DOB permit approval	34-08-A	Kevin C. Shea
Ryle Realty	410 4th Ave., BK	Lift stop-work order	22-08-A	Herrick Feinstein
Robert Scarano	67 Brighton 1st Ln., BK	Dwelling not fronting mapped st.	33-08-A	Yury Menzak
Breezy Pt. Co-op	11 Devon Walk, QN	Dwelling not fronting mapped st.	28-08-A	Gary D. Lenhart
Breezy Pt. Co-op	35 Bedford Ave., QN	Enlg. dwelling in mapped st. bed	26-08-A	Walter T. Gorman

tion, the Municipal Art Society, the East Williamsburg Valley Industrial Development Corporation, Southwest Brooklyn Industrial Development Corporation, Greenpoint Manufacturing and Design Center, Garment Industry Development Corporation, New York Industrial Retention Network, and Manhattan Community Boards 1, 2, and 5.

BSA closed the public hearing, and announced that it will reconvene in April to consider supplemental arguments by both sides.

BSA: 246 Spring Street (247-07-A) (Feb. 27, 2008) (Stuart A. Klein, for SoHo Alliance; Mark Davis, for DOB; Paul Selver, for Trump SoHo).

BOARD OF STANDARDS & APPEALS

Variance

Upper West Side, Manhattan

Dispute over synagogue's condo development

Neighbors claim congregation's program needs could be accommodated by an as-of-right building. The Congregation Shearith Israel Synagogue, a City landmark located at 8 West 70th Street within the Central Park West Historic District, sought a variance from lot coverage, yard, height and setback zoning regulations in order to replace an adjacent community use facility with a nine-story, mixed-use building.

The new building would feature four stories of community facility space—religious classrooms and a 450-person catering hall—and five stories of full-floor residential units. The synagogue would sell the residential units at market-rate to finance the construction of the overall project. In March 2006, Landmarks granted a Certificate of Appropriateness to the synagogue for the proposed development.

Page Cowley, land use committee co-chair for Manhattan Community Board 7, testified against the

proposal due to Board 7's concerns that the new building would block the sightlines from the adjacent residential building, disrupt the historic brownstone character of the block between Columbus Avenue and Central Park West, and further reduce access to light and air for residents on the east side of West 70th Street. Board 7 also argued that the synagogue could build fewer residential units and still raise sufficient funds to construct its community facility.

A representative for State Senator Thomas K. Duane, who represents the Upper West Side, echoed Board 7's concerns. Duane claimed that neighboring residents would suffer diminished property values if BSA were to grant the synagogue's request. Duane also argued that a religious, non-profit institution such as the applicant should not be allowed to utilize variances to generate revenue.

Norman Marcus, former General Counsel to the Planning Commission, also spoke against the application, questioning the economic hardship analysis presented by the synagogue. Marcus pointed out that the calculations excluded

the nonprofit portion of the development. Other residents agreed, finding "very serious flaws" in the synagogue's economic hardship analysis, such as allegedly overstated acquisition costs.

Kate Wood, representing Landmark West!, testified that BSA received over 200 objections to the proposal, over 80 percent of which were from neighbors within a 400-foot radius of the project. Wood argued that nonprofits that choose to enter the for-profit arena should be held to the same zoning law requirements as for-profit entities. Wood also read a statement from Dr. Elliot Sclar, Director of the Center for Sustainable Urban Development at Columbia University's Earth Institute, claiming that the variance would render the "carefully crafted" 1984 Upper West Side rezoning moot.

Attorney Shelly Friedman, representing the synagogue, argued that the proposed building would not block any "legal" light and air, only views. Friedman also requested that his client be able to inspect the affected co-ops or at least view detailed room layout diagrams before BSA took further action.



Congregation Shearith Israel seeks a variance from BSA to construct a nine-story, mixed-use building in the Central Park West Historic District. Image: Platt Byard Dovell White Architects LLP.

BSA Chair Meenakshi Srinivasan stated that the applicant should examine different alternatives, such as reducing the height and designing a complying courtyard. Vice Chair Christopher Collins asked for a more detailed presentation of the proposed daily usage of the new classrooms.

Srinivasan set the next hearing date for April 15th.

BSA: 6-10 West 70th Street, Manhattan (74-07-BZ) (Feb. 12, 2008) (Shelly S. Friedman, for Congregation Shearith Israel; Mark D. Lebow, for residents).

BOARD OF STANDARDS & APPEALS

Variance

SoHo, Manhattan

SoHo building to get restaurant space

Council Speaker Christine Quinn recommended variance's approval. The owner of 521 Broome Street, located between Thompson Street and the intersection of Sixth Avenue and Sullivan Street, sought a variance to allow an eating and drinking establishment on the building's first floor and cellar, both of which are now vacant. The area's manufacturing zoning prohibits such uses below the second floor. The building's upper six floors, occupied by Joint Living Work Quarters for Artists and one market-rate residential unit, would be unaffected by the variance.

Normally, such a request would require the owner to apply to the Department of City Planning for a special permit. The owner, however, opted to apply to BSA for a variance to avoid the costs of seeking such a permit, claiming that the lost profits from the vacant first floor and cellar created a pre-existing financial hardship.

The owner claimed that a variance was necessary because it could not develop the first floor and cellar for manufacturing use. The owner cited as proof the lot's shallow depth,

the building's small elevator and lack of a loading dock, and traffic conditions that would impede customary loading and unloading. The owner also presented BSA with two as-of-right scenarios, both of which would result in a negative rate of return.

BSA granted the owner the variance, noting that the conditions presented, in the aggregate, created practical difficulties that prevented the owner from developing the building in conformance with the zoning. BSA also ruled that the variance would not significantly alter the neighborhood's character, citing the area's growing number of ground-floor commercial uses.

BSA: 521 Broome Street, Manhattan (124-07-BZ) (Feb. 12, 2008) (Sheldon Lobel PC, for owner). CITYADMIN

BOARD OF STANDARDS & APPEALS

Variance

Jamaica, Queens

BSA denies variance for retail development

Developer sought to convert site formerly occupied by a gas station. The owner of a site located in an R3-2 zoning district sought a use variance to construct a one-story retail building. The site, located at 146-93 Guy R. Brewer Boulevard, is currently occupied by a former gas station/auto repair facility that was subject to a use variance that expired in 1997.

The owner argued that it could not develop the site for residential use because it is located on a busy intersection, has a history of commercial use, and once stored underground fuel tanks. Both Queens Community Board 13 and Borough President Helen Marshal, however, recommended that BSA disapprove the variance, citing their concerns over the impact the proposed retail establishment would have on adjacent homes to the east of the site.

BSA agreed and ruled against the owner. It noted that the owner

did not supply evidence that the intersection at 147th Avenue and Guy R. Brewer Boulevard is significantly more congested with traffic than others in the area. Moreover, even if the owner did provide such evidence, BSA ruled that traffic, in and of itself, does not constitute a unique physical condition. BSA also rejected the owner's argument regarding the site's history, noting that a site's prior use does not necessitate a variance unless an owner could supply proof that such past use created physical impediments at the site. Lastly, BSA noted that the underground fuel tanks no longer existed at the site, and that the owner did not provide any proof of impending remediation costs from the tanks formerly located at the site.

BSA: 146-93 Guy R. Brewer Boulevard, Queens (65-07-BZ) (Feb. 5, 2008) (Sheldon Lobel PC, for owner). CITYADMIN

LANDMARKS PRESERVATION COMMISSION

Certificate of Appropriateness

Williamsburg, Brooklyn

Domino Sugar Factory condos spark controversy

Preservation and housing advocates squared off over development plan. On February 5, 2008, Landmarks held a public hearing regarding alterations and additions to the Domino Sugar Refinery complex, located in the Williamsburg section of Brooklyn.

In 2007, the City designated three buildings at the complex. 4 *CityLand* 141 (Oct. 15, 2007). During the designation process, the owner of the property, Community Preservation Corporation, warned Landmarks that the buildings' infrastructure would need extensive retrofitting in order to accommodate residential use. 4 *CityLand* 93 (July 15, 2007).

At the most recent hearing, the owner unveiled the designs for the

complex, which include a five-story glass rooftop addition to the 124-year-old refinery building, five 40-story towers, and a waterfront esplanade. The total development would yield 2,200 residential units, 120,000 sq.ft. of retail space, 100,000 sq.ft. of community facility space, 1,500 parking spaces, and several acres of publicly accessible open space. Fred Bland of Beyer Blinder Belle, one of Community Preservation's architects, characterized the project as a "21st century completion" of the buildings.

Community Preservation CEO Michael Lappin testified that the buildings' current condition is the result of being "repeatedly ravaged by their industrial stewards," and, therefore, required major alterations. Lappin stressed, however, that the alterations would "respect and pay homage" to the buildings' "previous incarnation." Lappin also stated that the redevelopment would create affordable housing units, amounting to 30 percent of the planned units, allow pedestrian access to the Brooklyn waterfront, and create hundreds of new jobs.

Community Preservation's engineer, Robert Silman, echoed Lappin's arguments, calling the

refinery building "a structural mess." Silman called Landmarks' attention to the refinery building's cast-iron columns and beams, which he claimed cannot support residential use. Indeed, according to Silman, the only part of the building suitable for reuse is its envelope.

Housing advocates and some community members supported the proposal. Father Jim O'Shea, Director of Churches United, stated that the purpose of preservation should be to teach a lesson to future generations. Allowing the alterations would show future generations "we created homes for 660 families." Community resident Robert Solano testified that the complex had employed many people in the area before closing after a five-year strike. The redevelopment would, Solano argued, build affordable housing and make for a better history for the complex.

Preservationist groups, however, largely opposed the alterations. Lisa Kersavage of the Municipal Art Society testified that "the proposed addition is inappropriate and needs to be entirely rethought," while similar sentiments were expressed by the Historic Districts Council and the Society for the Architecture of the City.

Commissioner Christopher Moore stated his belief that "preservation and affordable housing can be compatible." Commissioner Stephen Byrns, meanwhile, said that the owner had a "good proposal" overall, but found the proposed development too large and too tall. The hearing was then closed without a vote.

LPC: Domino Sugar Refinery, 292 Kent Ave., Brooklyn (COFA# 08-4774) (Feb. 5, 2008).

CITYLAND Comment: On March 4, 2008, Landmarks asked Community Preservation to amend its proposal.

LANDMARKS PRESERVATION COMMISSION

**Certificate of Appropriateness
Greenwich Village, Manhattan**

Cool reception for demolition of Village bldg.

Developer seeks to demolish 1929 building to construct three-story mixed-use building. On February 12, 2008, Landmarks heard testimony on an application to demolish a two-story commercial building and construct a three-story building with a penthouse in its place.

George H. McCabe designed the existing building, located at 131 Seventh Avenue South in the Greenwich Village Historic District, with a sophisticated brick design and stepped parapet. McCabe, who was a Greenwich Village resident, also designed the Washington Heights Courthouse and various buildings in the Hamilton Fish estate, including a studio on Irving Place located just south of the Fish mansion in the Gramercy Park Historic District.

Architect Ingrid Hustveldt, from the firm Hustveldt Cutler, designed the plans for the new three-story building, which featured a facade of brick and limestone and a copper-clad penthouse. The new building would have ground-floor retail,



Landmarks heard testimony regarding a mixed-use development plan for the former Domino Sugar Factory site. Image: Beyer Blinder Belle Architects & Planners LLP.

while the floors above would be residential. Hustveldt emphasized that the new building would comply with the area's zoning, while respecting the historic district's overall aesthetic. Regarding the existing building, Hustveldt stated that it was an "uninteresting building 80 years ago, and I would argue that it still is."

Preservationists, however, largely disagreed. Christabel Gough of the Society for the Architecture of the City cited McCabe's legacy and praised his use of brick at the existing building. Gough further testified that it would be "tragic for this building to be replaced, especially in the style that is proposed." The Historic Districts Council also testified against demolition.

Commissioner Christopher Moore stated that he was "shocked" that the topic of demolition was even under discussion. Commissioner Margery Perlmutter stated that though the existing building was not one of great distinction, it was nonetheless an important contributor to the historic district. Commissioners Stephen Byrns and Roberta Washington, however, believed that they could potentially support a new building at the site, although not without modifications to Hustveldt's plans. Chair Robert B. Tierney closed the hearing, stating that "if further study is warranted, it will be undertaken."

LPC: 131 Seventh Avenue South, Manhattan (COFA# 08-2618) (Feb. 12, 2008).

LANDMARKS PRESERVATION COMMISSION

Designation

Jamaica, Queens

Third time the charm for Jamaica Savings Bank

Landmarks cites newly found political support behind the designation of 110-year-old Beaux Arts-style building. On February 12, 2008, Landmarks voted to designate the former Jamaica Savings Bank, located on



Jamaica Savings Bank. Photo: LPC.

Jamaica Avenue in Queens. This is the third time Landmarks had voted to designate the building. In 1975 the Board of Estimate rejected Landmarks' designation, and in 1990 the City Council did the same. In both instances, the failure to designate was motivated by the opposition of the building's owner and the local Chamber of Commerce.

The 1898 building, designed by the architecture firm Hough & Duell, is one of the few remaining examples of the Beaux Arts style in Queens. The ornate facade of the four-story building remains largely intact, despite it lying vacant for several years since it ceased to function as a bank in 1964.

Landmarks Chair Robert B. Tierney called it "a matter of personal pride" that the building would be designated under his watch. Tierney claimed that the "thorny problems" that had previously stymied designation are now "substantially resolved," pointing to the support from the building's owner and Council Member Leroy Comrie, whose district includes Jamaica. Commissioner Stephen Byrns stated that the building was one of the finest of its type in Queens, while Commissioner Christopher Moore called it "palatial, if not a palace." Tierney called the bank "intrinsically meritorious" before calling a vote, which designated Jamaica Savings unanimously.

LPC: (Former) Jamaica Savings Bank, 161-02 Jamaica Avenue, Queens (LP-2109) (Feb. 12, 2008).

LANDMARKS PRESERVATION COMMISSION

Designation

Hunts Point, Bronx

Bronx engraving plant landmarked

American Bank Note Company's printing plant serves as an example of early 20th century industrial architecture. On February 5, 2008, Landmarks voted to designate the American Banknote Company printing plant. Constructed in 1911 by architecture firm Kirby Petite & Green, the Round Arch-style plant includes Gothic details and a nine-story tower with a crenellated parapet. The plant printed bank notes, stocks, bonds, checks, and possibly dollar bills, until it closed in 1984.

At the public hearing on January 15th, the current owner of the plant, Taconic Investment Partners, testified in support of designation and stated its desire to develop the plant while respecting its historical architecture. *5 CityLand 14* (Feb. 15, 2008).

At the designation vote, Landmarks Chair Robert B. Tierney singled out Taconic's CEO, Charles Bendit saying he appreciated "what you have done, and what you will be doing." Commissioner and Bronx resident Stephen Byrns called the plant "a landmark in every sense of the word," while Commissioner Roberta Brandes-Gratz emphasized its social, economic, and architectural significance for the local community. Echoing Brandes-Gratz, Commissioner Pablo E. Vengoechea stated that "we need to add landmarks to the Bronx."

The Commission voted unanimously to designate.

LPC: American Bank Note Company Printing Plant, 1201 Lafayette Ave., Bronx (LP-2298) (Feb. 5, 2008).

Landmarks Actions Taken in Jan. 29 - Feb. 29, 2008

FINAL PERMITS TO BE ISSUED AFTER LANDMARKS RECEIVES CONFORMING PLANS

ADDRESS	LANDMARK/HISTORIC DISTRICT	DESCRIPTION	CASE NO.	APP'D
February 5, 2008				
26 Broadway, MN	Standard Oil Building	Install flagpoles, banners	08-5105	W/Mod
2300 South Blvd., BX	Bronx Zoo Admin. Bldg.	Install access ramp	08-4932	Yes
34 Charlton St., MN	Charlton King Vandam HD	Construct additions	08-4638	Yes
182 Columbus Ave., MN	Upper West Side/CPW HD	Reconstruct facade	08-2933	Yes
22 E. 72nd St., MN	Upper East Side HD	Const. rear add., inst. stoop	08-3355	W/Mod
888 Madison Ave., MN	Upper East Side HD	Demo. bldg., const. bldg.	08-1653	W/Mod
1014 Madison Ave., MN	Met Museum HD	Const. roof, rear adds.	08-4507	Yes
37-33 87th St., QN	Jackson Heights HD	Legalize wall, storm door	07-4851	No
February 12, 2008				
10 South St., MN	Battery Maritime Bldg.	Const. roof add., alter windows	08-2410	Yes
200 E. 66th St., MN	Manhattan House	Est. master plan (storefronts)	08-4285	Yes
11 Leonard St., MN	Tribeca West HD	Demo. bldg., const. bldg.	07-8732	Yes
60 Grand St., MN	SoHo-Cast Iron HD	Est. master plan (signs)	07-4685	Yes
478 Broadway, MN	SoHo-Cast Iron HD	Install infill, signage	07-7943	Yes
640 Broadway, MN	NoHo HD	Modify illegal sidewalk	08-4916	Yes
84 Bedford St., MN	Greenwich Village HD	Alt. facade, const. stoop	08-3415	W/Mod
398 West St., MN	Weehawken Street HD	Install infill, signage	08-4381	W/Mod
108 W. 69th St., MN	Upper West Side/CPW HD	Construct rooftop addition	08-1784	Yes
185 W. 80th St., MN	Upper West Side/CPW HD	Install storefront infill	08-0509	W/Mod
159 W. 82nd St., MN	Upper West Side/CPW HD	Legalize facade work	08-2673	Yes
75 Pineapple St., BK	Brooklyn Heights HD	Const. 5-story bldg.	08-5111	Yes
325 Grosvenor, QN	Douglaston HD	Const. addition, garage	08-1615	Yes
February 26, 2008				
175 W. 89th St., MN	Claremont Stables	Const. 1-story penthouse	08-4829	W/Mod
1000 Richmond Terr., SI	Sailor's Snug Harbor	Modify windows	08-5367	Yes
10 Crosby St., MN	SoHo-Cast Iron HD	Install infill	08-4651	Yes
7 W. 8th St., MN	Greenwich Village HD	Replace illegal storefronts	08-0216	Yes
9 W. 8th St., MN	Greenwich Village HD	Replace illegal storefronts	08-0217	W/Mod
25 Fifth Ave., MN	Greenwich Village HD	Repl. gate, inst. service lift	08-1032	W/D
271 W. 10th St., MN	Greenwich Village HD Ext.	Repl. windows, mod. fire escape	07-8170	Yes
15 E. 17th St., MN	Ladies' Mile HD	Install infill	08-3210	Yes
65 Cent. Pk. W., MN	Upper West Side/CPW HD	Alt. masonry, inst. windows	08-5190	Yes
129 E. 70th St., MN	Upper East Side HD	Const. stoop, repl. ironwork	08-4468	Yes
70 W. 71st St., MN	Upper West Side/CPW HD	Const. rear yard add.	08-3583	Yes
186 Riverside Dr., MN	Riverside-West End HD	Install windows	08-2379	W/D
91 Greenpoint Ave., BK	Greenpoint HD	Legalize windows, signs, paint	08-2549	In Part
47-17 39th Ave., QN	Sunnyside Gardens HD	Alter windows, doors	08-4881	Yes
202 Beverly Rd., QN	Douglaston HD	Legalize posts, walkway	08-5183	W/Mod

LANDMARKS PRESERVATION COMMISSION

Designation Calendaring

Greenwich Village, Manhattan

Landmarks calendars NYU towers for designation

Towers were part of Robert Moses' urban renewal project to preserve housing for middle-income Manhattan residents. Landmarks launched public consideration on the designa-

tion of three towers, collectively known as Silver Towers or University Village, located on the block bounded by LaGuardia Place and Bleecker, Mercer, and Houston Streets. New York University uses two of the towers for student and faculty housing, while the third is owned by a private cooperative and protected under the Mitchell-Lama Housing Program.

Pritzker Prize-winning architect I.M. Pei designed the 32-story towers in the International Modernist style. Photographer and architecture critic Cervin Robinson



Silver Towers, also known as University Village.
Photo: LPC.

described the towers as “clear proof that inexpensive housing can be distinguished architecture.”

Landmarks has yet to announce a date for a public hearing on the matter.

LPC: New York University Silver Towers, 106 Bleecker St., Manhattan (LP-2300) (Feb. 12, 2008).

COURT DECISIONS

Eminent Domain

Prospect Heights, Brooklyn

Court affirms dismissal of Atlantic Yards challenge

Residents argued that the project's public uses were illegitimate. The \$4 billion Atlantic Yards project calls for an 18,000-seat arena for the Nets professional basketball team, a 180-room hotel, at least 16 high-rise apartment and office buildings, and eight acres of open space. The project site includes the Atlantic Terminal Urban Renewal Area, as well as surrounding areas developed by commercial and residential structures. The project calls for the Empire State Development Corporation to condemn private land for the project by eminent domain. 5 CityLand 16 (Feb. 15, 2008).

Brooklyn residents filed a law-

suit in federal court, arguing that the proposed condemnation would not serve a public use because it would benefit private developer Forest City Ratner.

Second Circuit Court Judge Robert A. Katzmann affirmed the lower court, concluding that the project would serve several

LANDMARKS PIPELINE

Proposed Designations – February 2008

NAME	ADDRESS	ACTION	DATE
Amer. Bank Note Co.	1201 Lafayette Ave., BX	Designated	2/8/2008
NYU Silver Towers	106 Bleecker St., MN	Calendared	2/12/2008
Cong. Tifereth Israel	109-20 54th Ave., QN	Designated	2/12/2008
Jamaica Savings Bank	161-02 Jamaica Ave., QN	Designated	2/12/2008

CITYLAND PROFILES

EDC President Seth Pinsky discusses Mayor Bloomberg's economic agenda

When Robert C. Lieber left the New York City Economic Development Corporation to replace Deputy Mayor Daniel L. Doctoroff, Mayor Michael R. Bloomberg appointed Seth Pinsky to lead EDC through the end of the administration. As EDC President, Pinsky must now shepherd through such legacy projects as World Trade Center, Hudson Yards, Yankee Stadium, and Willets Point. Less than a month after his promotion, and with less than 700 days remaining in the Bloomberg Administration, Pinsky discussed with *CityLand* EDC's goals and challenges.

Investment Banking and Big Law. As a sophomore in high school, Pinsky spent a summer working in the library of an investment bank founded by James Wolfensohn, who would later become President of the World Bank, and former Federal Reserve Chairman Paul Volcker. Pinsky moved to the City to attend Columbia University, where he graduated with a degree in Ancient History. Upon graduating from college, he returned to the bank as an analyst, focusing on mergers and acquisitions. Looking back, he sees his banking days as a detour—albeit a beneficial one for the financial skills he gained—from his longstanding goal of going to law school and working for the government. After two years at the bank, Pinsky left to attend Harvard Law School.

Pinsky then practiced at the law firm Cleary Gottlieb Steen & Hamilton, whose office was located directly across the street from the World Trade Center. Pinsky says that after 9/11, he decided

“it was the right time to work for the government.” He became a Vice President in EDC's Transaction Services group after an 18-month job search, admitting that he did not even know what EDC did when first told about the position.

Breaking the WTC Deadlock. Pinsky recalled how he compiled a report scrutinizing the finances involved with rebuilding at the World Trade Center site. The report concluded that, even with subsidized debt, the project's costs would likely exceed its revenues because the site was underinsured, the rent charged by the Port Authority was too high, and the market for office space was too weak.

The report proved to be quite effective in breaking the impasse between Larry Silverstein, the City, the State, and the Port Authority. The Mayor, citing the report's findings, adopted a more cooperative approach and moved to reopen negotiations with Silverstein. After several months of tense talks, “we restructured the deal that we think created value for everyone.” Pinsky's team renegotiated the rent schedule and ownership structure at the site. They also allocated the Liberty Bonds—part of federal assistance to subsidize rebuilding after 9/11—to different parts of the project, and set tight construction deadlines backed by stiff financial penalties.

Willets Point and the Bloomberg philosophy. Pinsky said that EDC will renew its efforts to redevelop the long-neglected Willets Point neighborhood of Queens. While recognizing the

project will be “potentially disruptive” for many local businesses, he is confident that it will create substantially more jobs and housing once complete. As he explained, part of the Bloomberg philosophy is that by partnering with the private sector, “we can create more opportunities and more wealth for everyone.” When pressed about the increasingly controversial use of eminent domain, he noted that, considering the scale of development in the City, EDC has been “extremely judicious,” preferring instead to reach deals such as Hudson Yards and the proposed No. 7 subway line extension. He pointed out that in the past, “governments would not have bothered” with negotiation, simply opting to take the land.

22 Months and Counting. Pinsky acknowledged that most of the projects he is working on will not be completed until the next administration, but noted that the goal of EDC is to put the City on a trajectory that will sustain economic development for the long term. When asked about how the specter of budget deficits and an economy in recession affected this long-term approach, Pinsky responded that the City is “shooting for rational investment” now to ensure economic growth in the future. Indeed, Pinsky warned that “you can't cut to the bone and stop investing when the cycle turns negative, because then you are not in a position to capture growth when it turns.”

— Jonathan Reingold

well-established public uses such as tackling blight, constructing a sports arena, and creating new market-rate and affordable housing. Judge Katzmann also noted that the fact that a private developer may benefit from the project does not void the

project's overall public purpose.

Matthew Brinckerhoff, attorney for the residents, said that he intended to seek review of the Second Circuit's decision by the United States Supreme Court.

.....
Goldstein v. Pataki, 2008 U.S. App. Lexis

2841 (2d Cir. Feb. 1, 2008) (Katzmann, J.) (Matthew D. Brinckerhoff, for residents; Preeta D. Bansal, for Empire State Development Corp.; Laura R. Johnson, for New York State; Jeffrey R. Braun, for Forest City Ratner; Jane L. Gordon, for New York City).

*New Decisions Added to CITYADMIN www.citylaw.org – February 2008**

CITY COUNCIL				
RES. NOS.	PROJECT	DESCRIPTION	DATE	
1236	323 E. 198th St., BX	Partial real prop. tax exemption (40 yrs.)	1/30/2008	
† 1237	Tuck-it-Away, MN	Zoning map amendment (M1-2 to C6-2)	1/30/2008	
1238	2024 Hughes Ave., BX	UDAAP by HPD (1 lot)	1/30/2008	
† 1239	Voelker-Orth Museum, QN	Landmark designation	1/30/2008	
† 1240	Standard Varnish Works, SI	Landmark designation	1/30/2008	
† 1241	Gillett-Tyler House, SI	Landmark designation	1/30/2008	
† 1242	511 Grand St. House, MN	Landmark designation	1/30/2008	
† 1243	513 Grand St. House, MN	Landmark designation	1/30/2008	
† 1244	Manhattan House, MN	Landmark designation	1/30/2008	
† 1245	Lord & Taylor Bldg., MN	Landmark designation	1/30/2008	
† 1246	Eberhard Faber Pencil Co., BK	Historic district designation (9 bldgs.)	1/30/2008	
1265	430 E. 149th St., BX	UDAAP by HPD (1 lot)	2/13/2008	
1266	16 Morningside Ave., MN	UDAAP by HPD (1 lot)	2/13/2008	
1267	Marcy/Willoughby, BK	UDAAP by HPD (4 lots)	2/13/2008	
1268	232 Norwood Ave., BK	UDAAP by HPD (1 lot)	2/13/2008	
1269	Mother Gaston/Bergen, BK	UDAAP by HPD (4 lots)	2/13/2008	
1270	484 Convent Ave., MN	UDAAP by HPD (1 lot)	2/13/2008	
1271	Chocolate Factory, MN	Spec. permit (mod. use, height, setback)	2/13/2008	
1272	4213 Second Ave., BK	UDAAP by HPD (1 lot)	2/13/2008	
1273	309 Canal St., MN	Special permit (mod. use, 17 res. units)	2/13/2008	
1274	Hudson Bar & Books, MN	Revocable consent (sidewalk cafe)	2/13/2008	
1275	6214 Fourth Ave., BK	Early childhood center (380 seats)	2/13/2008	
CITY PLANNING COMMISSION				
PROJECT NAME	DESCRIPTION	LOCATION	ULURP #	DATE
The Visionaire	Special permit (100-space garage)	MN 1	C070499ZSM	2/13/2008
Skidmore House	Spec. perm. (resid., retail use, setback)	MN 2	C060525ZSM	2/13/2008
341 Canal St.	Spec. perm. (resid., retail use, setback)	MN 2	C070161ZSM	2/13/2008
Wallabout St. Rezoning	Zoning map amend. (mixed-use development)	BK 1	C060377ZMK	2/13/2008
70 Wyckoff Ave. Rezoning	Zoning map amendment (M1-1 to R6)	BK 4	C050192ZMK	2/13/2008
31st Street Rezoning	Zoning map amendment (R5 to R6A)	QN 1	C060228ZMQ	2/13/2008
Stapleton Court	UDAAP, disp. of City prop. (160 units)	SI 1	C080091HAR	2/13/2008
Bradhurst Cluster	UDAAP (102 res. units)	MN 10	C080108HAM	2/27/2008
215 W. 117th St.	UDAAP (1 lot)	MN 10	C080130HAM	2/27/2008
Prospect/Macy	UDAAP (124 res. units)	BX 2	N080230HAX	2/27/2008
College Avenue	UDAAP (114 res. units)	BX 4	N080224HAX	2/27/2008
Mann Residence	Const. dwelling in spec. natural area dist.	BX 8	N060236ZAX	2/27/2008
Council Towers V	UDAAP (70 res. units)	BX 10	N080217HAX	2/27/2008
Grand St. Rezoning	Zoning map amendment (13 blocks)	BK 1	C080213ZMK	2/27/2008
River Rock Apts.	UDAAP (54 res. units)	BK 16	C080105HAK	2/27/2008
BOARD OF STANDARDS & APPEALS				
ADDRESS	DESCRIPTION	ACTION	CASE NO.	REPRESENTATIVE
521 Broome St., MN	Change use (eating & drinking est.)	App'd	124-07-BZ	Sheldon Lobel, PC.
148 E. 33rd St., MN	Ext. term (149-space garage)	App'd	390-61-BZ	Peter Hirshman

*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 – February 2008*

BOARD OF STANDARDS & APPEALS (CONT.)					
ADDRESS	DESCRIPTION	ACTION	CASE NO.	REPRESENTATIVE	
37 W. 46th St., MN	Ext. term (Osaka Health Spa)	App'd	121-95-BZ	Francis R. Angelino	
441 E. 57th St., MN	Revoke rooftop mech. equip. permit	W/D	154-07-A	Troutman Sanders	
203 E. 86th St., MN	Permit PCE (Pure Yoga studio)	App'd	233-07-BZ	Rothkrug Rothkrug	
686 Gerard Ave., BX	Ext. term (parking lot)	App'd	146-59-BZ	Larry D. Merritt	
1982 Crotona Pkwy., BX	Ext. term (factory, warehouse)	App'd	170-47-BZ	Kenneth H. Koons	
3880 Cannon Pl., BX	Const. 3, 3-story dwellings	W/D	160-07-BZ– 162-07-BZ	Rothkrug Rothkrug	
1 Maya Drive, BX	Const. 6, 3-family dwellings (use, lot coverage, height, yards, parking)	W/D	342-05-BZ; 343-05-BZ	Gerald J. Callendo	
3411 Barker Ave., BX	Appeal (vested right to cont. dev.)	W/D	35-07-A; 36-07-A	Sheldon Lobel, PC.	
1133 83rd St., BK	Enlg. 1-family dwelling (FAR, yards)	App'd	151-07-BZ	Harold Weinberg	
1149 E. 22nd St., BK	Enlg. 1-family dwelling (FAR, yards)	App'd	211-07-BZ	Eric Palatnik, PC.	
8701 Fourth Ave., BK	Legalize PCE (Dolphin Fitness)	App'd	152-07-BZ	Eric Palatnik, PC.	
1630 E. 15th St., BK	Legalize PCE (NY Sports Club)	App'd	122-07-BZ	Fredrick A. Becker	
53 Hope St., BK	Special permit (waive parking reqs.)	App'd	236-07-BZ	Jay A. Segal	
1704 Avenue N, BK	Appeal (vested right to cont. dev.)	App'd	64-07-A	Stuart A. Klein	
1327 E. 21st St., BK	Enlarge 1-family dwelling	W/D	254-06-BZ	Eric Palatnik, PC.	
1865 E. 28th St., BK	Enlg. 1-family dwelling (side yards)	App'd	249-07-BZ	Harold Weinberg	
50 Lawrence Ave., BK	Construct 6-story yeshiva in M1/R5	App'd	306-06-BZ	Sheldon Lobel, PC.	
1582 E. 17th St., BK	Appeal (vested right to cont. dev.)	D'missed	62-07-A	Sheldon Lobel, PC.	
242-02 61st Ave., QN	Conv. supermarket to electronics store	W/D	212-06-BZ	Jeffrey A. Chester	
30-04 73rd St., QN	Ext. time (enlg. 1-family dwelling)	App'd	222-03-BZ	Alfonse Duarte	
50-34 69th St., QN	Enlg. 1-fam. dwelling, change use (office)	Denied	176-07-BZ	Rothkrug Rothkrug	
146-93 Brewer Blvd., QN	Const. 1-story retail bldg. in R3-2	Denied	65-07-BZ	Sheldon Lobel, PC.	
9 Gotham Walk, QN	Const. dwelling in unmapped st. bed	App'd	229-07-A	Gary Lenhart, R.A.	
14 Devon Walk, QN	Const. dwelling in unmapped st. bed	App'd	260-07-A	Gary Lenhart, R.A.	
45-05 Bell Blvd., QN	Ext. time to obtain C of O (Mobil)	App'd	297-99-BZ	Walter T. Gorman	
241-10 128th Dr., QN	Const. in mapped st. (7 bldgs.)	App'd	219-06-A– 225-06-A	Rothkrug Rothkrug	
214-18 24th Ave., QN	Eliminate term, reconfigure parking	App'd	83-97-BZ	Sheldon Lobel, PC.	
31-07 Downing St., QN	Ext. of term (Smile Arcade)	App'd	1038-80-BZ	Davidoff Malito	
2075 Richmond Ave., SI	Reopening, ext. term (1-story retail)	App'd	673-81-BZ	David L. Businelli	
400 Victory Blvd., SI	Legalize PCE (Dolphin Fitness)	App'd	121-07-BZ	Juan D. Reyes, III	
LANDMARKS PRESERVATION COMMISSION					
ADDRESS	LANDMARK/HISTORIC DISTRICT	DESCRIPTION	CASE NO	APP'D	ISSUED
CERTIFICATE OF APPROPRIATENESS					
703 Fifth Ave., MN	St. Regis Hotel	Replace doorway, signage	08-6569	Yes	1/22/2008
200 W. 57th St., MN	Rodin Studios	Enlg. penthouse, const. penthouse	08-7031	Yes	2/7/2008
Governor's Island, MN	Governor's Island HD	Remove windows, door, install infill	08-7058	Yes	2/7/2008
130 Beekman St., MN	South St. Seaport HD	Replace doors, masonry openings	08-6663	Yes	2/15/2008
16 N. Moore St., MN	Tribeca West HD	Remove loading dock, inst. areaway	08-6898	Yes	2/12/2008
60 Grand St., MN	SoHo-Cast Iron HD	Install wall sign	08-7339	Yes	2/19/2008
150 Spring St., MN	SoHo-Cast Iron HD	Replace infill, remove sign	08-6591	Yes	1/28/2008
640 Broadway, MN	NoHo HD	Legalize sidewalk removal, lights	08-7270	Yes	2/14/2008
680 Broadway, MN	NoHo HD	Remove gate, install infill, stair	08-6617	Yes	1/23/2008
360 W. 20th St., MN	Chelsea HD	Replace windows, inst. stair	08-6078	Yes	1/2/2008
175 9th Ave., MN	Chelsea HD	Const. 2 bldgs. (Gen. Theological Seminary)	08-6182	Yes	1/23/2008
22 E. 94th St., MN	Carnegie Hill HD	Alter, replace rear facade	08-6933	Yes	2/4/2008
1681 Amsterdam, MN	Hamilton Heights Ext. HD	Replace security gates	08-6915	Yes	2/5/2008
116 Franklin St., BK	Greenpoint HD	Legalize door removal, infill, windows	08-3160	No	1/22/2008
45 State St., BK	Brooklyn Heights HD	Remove doors, windows, inst. infill	08-5997	Yes	1/14/2008
470 14th St., BK	Park Slope HD	Legalize windows, facade painting	06-6156	No	1/25/2008
37-33 87th St., QN	Jackson Heights HD	Legalize wall, security door	07-4851	No	2/5/2008

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

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



BSA heard testimony from the SoHo Alliance regarding the Department of Buildings' approval for the Trump SoHo condominium hotel. See story on page 27. Image: Handel Architects.

CENTER FOR NEW YORK CITY LAW

UPCOMING EVENTS

BREAKFAST SERIES

Commissioner Martin F. Horn, Department of Correction
Speaking on "Incarceration in a Democracy;"

March 28, 2008

Breakfasts begin at 8:15 a.m. at New York Law School,
47 Worth St., New York, NY. There is no charge, but
please reserve a seat at www.citylaw.org.

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AGENCY NAME	NUMBER OF DECISIONS	YEARS AVAILABLE
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Council	1,084	2003-2005
CPC	827	2003-Present
DOB	68	1999-Present
Landmarks	1,777	2002-Present
Loft Board	1,563	1996-Present

Decisions on www.citylaw.org

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