

CITYLAND

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CENTER FOR NEW YORK CITY LAW

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Toll Brothers' proposed development along Gowanus Canal. See story on page 4.
Image: GreenbergFarrow.

CITY COUNCIL

Rezoning/Text Amendment

Melrose, Bronx

Melrose housing project approved by Council

Council approves plan after HPD modifies affordable housing component. On December 18, 2008, the City Council modified the Department of Housing Preservation and Development's plan to build a mixed-use, mixed-income development in the Melrose section of the Bronx. The award-winning project, known as Via Verde/The Green Way, integrates sustainable design with affordable cooperative and rental housing. 5 *CityLand* 169 (Dec. 2008).

At the Council's Planning, Disposition & Concessions Subcommittee hearing, Council Member Maria del Carmen Arroyo praised the project, but expressed concern that the

cooperatives' current target, 110 percent of the area median income, would prevent many local residents from purchasing the units. Arroyo asked HPD to reconsider the income target before the Subcommittee voted. The vote was laid over, and when the Subcommittee reconvened on December 18th, Chair Daniel R. Garodnik announced that an agreement had been reached between HPD and Arroyo. They agreed that if additional subsidies were made available before July 31, 2010 or the commencement of marketing the project's units, then up to 20 of the co-ops would be available for purchasers earning 80-100 percent of the area median income. Garodnik added that, contingent on market conditions and subject to HPD approval, the co-ops could be offered to those with incomes higher than 110 percent of area median income. The Subcommittee approved the

(cont'd on page 3)

Legislators: Enact the Ravitch Commission Recommendations!

Kurt Vonnegut in his 1976 novel, *Slapstick*, envisioned a depopulated Manhattan that had been renamed Skyscraper National Park. Heavy gravity had destroyed the elevators in Manhattan's skyscrapers leaving their high floors unreachable, and a Green Death had killed off the population. *Slapstick's* main protagonist lived alone on the first floor of the Empire State Building; he walked about the empty City.

With the yawning financial gap at the Metropolitan Transportation Authority and the reluctance by the Legislature to come to the aid of public transit, one can begin to see the outline of New York City as a version of Skyscraper National Park. The intense development of New York City depends on public transit. New York City would be inconceivable without the swift underground subways and thousands of above ground buses. The City is a machine sustained by its subterranean electric railroads that move the people back and forth. It is all connected, benefitting everyone.

The Auto Club complains that drivers already pay too much, suburbanites claim that they should be exempt, and riders resist fare increases. The Ravitch Commission's recommendations of fares, taxes and tolls, however, neatly spread the burden, and its management recommendations strengthen fiscal controls at the MTA. Governor Paterson deserves credit for turning to Ravitch and his Commission as the initial step towards consensus and action.

The spider web of rail and bus lines defines this community, a community rarely called upon to act collectively on a public policy touching the entirety of the population. Public transportation is such an issue, which is why the fanciful image of a transit-less, empty Manhattan turned into a Skyscraper National Park is so threatening.

Vonnegut needed Heavy Gravity and a Green Death to empty Manhattan. We could do the same with rust alone.

Ross Sandler

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modified plan, as did the Land Use Committee and the full Council.

Review Process

Lead Agency: HPD, Neg. Dec.
 Comm. Bd.: BX 1, App'd, 20-0-0
 Boro. Pres.: App'd
 CPC: App'd, 12-0-0
 Council: App'd, 51-0-1

Council: Via Verde (Dec. 18, 2008).

CITY COUNCIL

Special Permit

SoHo, Manhattan

Space added for hotel and retail uses on Crosby St.

Subcellar, cellar, and first floor of 11-story hotel may be used for hotel and retail uses. On January 28, 2009, the City Council approved Crosby Street Hotel LLC's special permit application requesting an additional 19,116 sq.ft. for hotel and retail uses within an 11-story hotel at 79 Crosby Street in SoHo, Manhattan. The surrounding neighborhood is mostly three- to seven-story buildings and loft buildings with ground floor retail.

Normally prohibited below the floor level of the second story in M1-5B districts, hotel and retail uses may be allowed in such areas through a special permit from the City Planning Commission. In order for the Commission to grant the special permit, it must find that the owner of the space, or a predecessor in title, has made a good faith effort to rent the space to a permitted use at fair market value. In cases where the building occupies less than 3,600 sq.ft. of lot area, the Commission must also find that the good faith marketing effort was actively pursued for at least six months prior to the date of the special permit application.

The Commission granted the special permit, finding that the applicant had made the requisite good faith marketing effort for more than six months. The Commission noted that the applicant had enlisted the help of a real estate broker famil-

CITY PLANNING PIPELINE

New Applications Filed with DCP — Dec. - Jan. 31, 2009

APPLICANT	PROJECT/ADDRESS	DESCRIPTION	ULURP NO.	REPRESENTATIVE
ZONING TEXT AND MAP AMENDMENTS				
DCP	Waterfront Public Access, CW	Txt. chg. to design regs. & admin. reqs.	090239ZRY	
DCP/CAS/SBS/HPD	Coney Island Comp. Plan, BK	Rezoning to create amusement district; txt. chg. to create Spec. Coney Island District; acq. of parcels via DCAS; acq. of parcels; UDAAP & disp. to facil. res. dev.; unrestr. disp. via DCAS	090272ZMK; 090273ZRK; 090274PQK; 090275PQK; 090276HAK; 090277PPK	
HPD	Coney Island Commons, BK	Rezone (R6 to R7-2) to facil. YMCA & two bldgs; UDAAP and disp.	090250ZMK; 090251HAK	
DCP	Brighton Beach, BK	Rezone approx. 54 blocks; incl. housing regs. in C4-4A and R7A	090284ZMK; 090285ZRK	
2630 Realty Corp.	2636 E. 14th St., BK	Rezoning (R5/C1-2 to R5/C2-2).	090238ZMK	Vincent Petraro PLLC
HPD	Gowanus Green, BK	Estab. Luquer St. & const. 8 bldgs.	090295MMK	
EDC	W. 195th St. Demapping, BX	Demap portion to redev. Armory	090237MMX	Wachtel & Masyr
Related Retail	Reservoir Ave. Demapping, BX	Demap portion to facil. traffic mvmnt.	090236MMX	Wachtel & Masyr
Ralph Iodice	E. 233rd St. Rezoning, BX	Rezone (R5 to C4-2) to const. bldg.	090247ZMX	Archisegno & Assoc.
SDS 15 William St.	William Beaver House, MN	Txt. chg. to elim. prohib. on curb cuts; spec. perm. for park. garage	090293ZRM; 090294ZSM	Greenberg Traurig Jay Segal
G&R 11th Ave.	246 11th Ave., MN	Txt. chg. to facil. dev. of bldg.	090243ZRM	Fried Frank
PA/NJT	ARC (Access to Regions Core), MN	Txt. chg. for new rail station; spec. perm. for W. 34th St. rail st. entrances; spec. perm. for RR st. entrances; spec. perm. for RR st. entrances; spec. perm. for RR st. entrances; spec. perm. for bulk regs.; spec. perm. for bulk regs.; spec. perm. for bulk regs.; spec. perm. for bulk regs.	090262ZRM; 090263ZSM; 090264ZSM; 090265ZSM; 090266ZSM; 090267ZSM; 090268ZSM; 090269ZSM; 090270ZSM; 090271ZSM	Kramer Levin
CB 8	UES Midblock Text, MN	Txt. amend. (bulk regs. w/in R8B)	090278ZRM	
DCP	Cord Meyer-Forest Hills, QN	Rezone 32 blocks (R1-2 to R1-2A)	090283ZMQ	
DCP	North Flushing Rezoning, QN	Rezoning of 257 blocks; txt. chg. to estab. R1-2A dists.	090281ZMQ; 090282ZRY	
Frank Sarcona	Albourn Ave. Demapping, SI	Elimin. portion of Albourn Ave.	090248MMR	Dennis Dell'angelo
SPECIAL PERMITS/OTHER ACTIONS				
LPC	2138 McDonald Ave., BK	Landmark (Hubbard House)	090292HKK	
HPD	Liberty/Fountain Apts., BK	UDAAP & Disp. to dev. 3-story bldg.	090227HAK	
HPD	404 Claremont Parkway, BX	UDAAP & Disp. to exp. playground	090228HAX	
CAS	Commerce & Watson Aves., BX	Unrestr. Disp. by DCAS to EDC	090249PPX	EDC
Saw Realty, Inc.	427 Washington St., MN	Cert. to perm. loft in mixed-use dist.	090233ZCM	Harris Arch.
David Novros	433 Broome St., MN	Spec. perm. to allow const. of fl. area	090253ZSM	
HPD	Lower East Side Girls Club, MN	UDAAP to facil. 12-story bldg.	090252HAM	
LPC	288 E. 10th St., MN	Landmark (St. Nicholas Church)	090255HKM	
W. Chelsea Bldg.	507 W. 25th St. (High Line), MN	Cert. to waive easement access vol.	090244ZCM	Jeffrey Toback
LPC	275 Madison Ave., MN	Landmark (275 Madison Ave. bldg.)	090290HKM	
CAS	41st St., Bush Terminal, MN	Disp. of city prop. for indust. use	090232PPK	
LPC	220 W. 57th St., MN	Landmark (Soc. of Civ. Eng. House)	090254HKM	
Lincoln Center	Julliard School Bookstore, MN	Spec. perm. to enlrg. bookstore	860382FZSM	Lincoln Ctr. Dev.
LPC	518 W. 125th St., MN	Landmark (NY Pub. Library)	090288HKM	
LPC	224 E. 125th St., MN	Landmark (NY Pub. Library)	090289HKM	
LPC	90 Bayview Ave., SI	Landmark (Bayview Ave. house)	090291HKR	
Pollos Mario	63-20 Woodhaven Blvd., QN	Enclsd. sidewalk cafe w/ 40 seats	090241ECQ	
Robert Seminara	281 Benedict Rd., SI	Cert. that no spec. perm. req'd.	090226RCR	Mark D. Lipton

iar with marketing space in SoHo, placed weekly advertisements in four periodicals, and notified industry groups and the Industrial Space Bank at the New York City Economic Development Corporation before submitting the application.

None spoke in opposition at Council's public hearing before its Subcommittee on Zoning & Franchises, and the Subcommittee recommended approval as did the Land Use Committee. The full Council approved the application shortly thereafter.

ULURP Review

Lead Agency: CPC, Type II action
Comm. Bd.: MN 2, App'd, 36-1-0
Boro. Pres.: App'd
CPC: App'd, 13-0-0
Council: App'd, 46-0-3

Council: Crosby Street Hotel (C 080505 ZSM – spec. perm.) (Jan. 28, 2009).

CITY COUNCIL

Text Amendments

Clinton, Manhattan

Council approves changes to Clinton theater bonus

Amendments to Special Clinton District refine theater bonus zoning text. In 2005, the City Council approved several applications submitted by the Department of City Planning intended to revitalize the Far West Side of Manhattan. Among the approved actions was the establishment of the Special Hudson Yards District and the creation of a floor area bonus for theater use applicable to "Theater Row" in the Special Clinton District. 2 *CityLand* 4 (Feb. 15, 2005). In November 2007, City Planning submitted an application containing text changes to the Special Hudson Yards District that also included modifications to the theater bonus in the Special Clinton District. In response to concerns raised during the public review process, the proposed theater bonus amendments were separated from the application and were set aside for

further review. In October 2008, City Planning filed a new application that included the previously proposed theater bonus amendments as well as several new amendments also relating to the theater bonus.

The theater bonus applies to a one and a half block area bounded by West 42nd Street, West 41st Street, Dyer Avenue, and Eleventh Avenue. The original theater bonus text explained that residential developments that included floor area for "legitimate" theater space could utilize the theater bonus to add 3.0 FAR to the maximum base 10.0 FAR found in the C6-4 district. City Planning's amendments clarify that for every three square feet of theater bonus floor area, one square foot of such area must be used for new performance space. The amendments also expand the types of theater (non-profit performing arts) and uses (rehearsal space) that may generate the bonus.

City Planning's text changes also create a new role for the Commissioner of the NYC Dept. of Cultural Affairs. Before a developer can qualify for the theater bonus, the DCA Commissioner would have to supply a letter to the Chair of the City Planning Commission opining on the sufficiency of the performance space and its operator.

In addition, under the prior text, a development could not receive a Temporary Certificate of Occupancy until the theater space was substantially complete or "usable by the public." The amendments create an alternative method to obtain a TCO while ensuring the completion and quality of the theater space; a TCO may be issued if the DCA Commissioner certifies that the "core and shell" of the performance space has been completed in accordance with a core and shell agreement already accepted by the DCA Commissioner and that ownership of the performance space has been transferred to the prospective operator.

The City Planning Commission, after reviewing comments from

Manhattan Community Board 4 and Manhattan Borough President Scott Stringer, modified the proposed amendments. The changes include requiring the core and shell agreement to include details describing the structural and mechanical systems of the proposed theater space. Also, the Commission granted CB4, the local Council Member, and the Borough President 45 days to review theater bonus applications prior to Chairperson certification.

Council approved the modified text amendments on January 28, 2009.

Council: Special Clinton District Theater Bonus Zoning Text (Jan. 28, 2009).

CITY PLANNING COMMISSION

Rezoning/Text Amendments

Carroll Gardens, Brooklyn

CPC considers Toll Brothers' waterfront project

Borough President believes development along Gowanus Canal may encourage DEP to initiate cleanup effort. On January 7, 2009, the City Planning Commission heard testimony on Toll Brothers' proposed waterfront development at 363-365 Bond Street in the Carroll Gardens neighborhood of Brooklyn. The project would be located on two full blocks along the Gowanus Canal, bounded by Carroll Street, Second Street, and Bond Street.

In order to facilitate the proposed development, Toll Brothers submitted several applications, including a rezoning of the two-block area from M2-1 to M1-4/R7-2, a text amendment for a special mixed-use district, and a special permit to modify height, setback, rear yard, and inner court regulations. Highlights of the project include two low-rise, five-story buildings fronting Bond Street, a series of four-story townhouses along First and Second Streets, and two 12-story buildings fronting the canal. The project would also contain approximately



Toll Brothers' proposed development, as seen from Bond St. looking south. Image: GreenbergFarrow.

2,000 sq.ft. of community facility space, 2,000 sq.ft. of retail space, and 23,000 sq.ft. of publicly accessible waterfront space along the canal. Toll Brothers expects the development to provide about 460 residential units, 30 percent of which would be affordable to families making 40–80 percent of area median income.

Brooklyn Borough President Marty Markowitz recommended approval of the project, but did so subject to several conditions, including a reduction in building heights north of First Street to eight stories. Despite his concerns, Markowitz believed that a new development would help focus DEP's attention on the needed cleanups in and around the canal.

Some local residents, however, testified in opposition. One resident stated that the Commission should not allow residential development on a “grossly polluted” brownfield until the entire Gowanus Canal area was sufficiently studied and cleaned. John Hathaway, Director of the Carroll Gardens Neighborhood Association, took issue with the 12-story building heights, claiming they would be out of context with the surrounding neighborhood and would alter the views of the nearby Carroll Gardens Historic District. Hathaway supplied an alternative design that decreased building heights to eight-stories and increased heights elsewhere to retain the amount of floor area and affordable housing pro-

posed by Toll Brothers.

The Planning Commission has until February 17, 2009 to vote on the proposal.

CPC: Hearing on 363-365 Bond Street (C 090047 ZMK – rezoning); (C 090048 ZSK – spec. perm.); (N 090049 ZRK – text amend.).

CITY PLANNING COMMISSION

Special Permit

Clinton/Hell's Kitchen, Manhattan

37-space garage opposed by Borough Pres. and CB4

Opponents disputed developer's claim that there was insufficient parking within the vicinity of the site. On January 21, 2009, the City Planning Commission heard testimony regarding 405 West 53rd Street Development Group LLC's special permit application for a 37-space accessory parking garage within a seven-story mixed-use development in the Clinton/Hell's Kitchen section of Manhattan. The garage would occupy portions of the cellar and ground floor of the development, which consists of approximately 83 owner-occupied units and commercial space. The site, formerly a 225-space surface public parking lot, is located at 405-427 West 53rd Street between Ninth and Tenth Avenues.

Ethan Goodman of Wachtel & Masyr LLP spoke on behalf of the applicant. He explained that the unattended, self-park accessory spaces would be for the exclusive use of the residents, and would not be rented on a per-hour or other transient basis. Since accessory parking was not allowed as-of-right under current zoning, the developer needed a special permit from the Commission based partly on insufficient parking “within the vicinity” of the building. When Borough President Scott Stringer and Community Board 4 reviewed the application, they recommended denial because they believed this finding had not been met.

ULURP PIPELINE

New Applications Certified into ULURP

PROJECT	DESCRIPTION	COMM. BD.	ULURP NO.	CERTIFIED
Ideal Steel	Dispose City prop.	BX 9	090249PPX	1/5/2009
Bush Terminal B & C	Dispose City prop.	BK 7	090232PPK	1/5/2009
Coney Island Commons	Rezoning; UDAAP; project approval; dispose City prop.	BK 13	090250ZMK; 090251HAK	1/5/2009
Region's Core Proj.	Zoning text amendment; special permits	MN 4, 5	N090262ZRM; 090263ZSM	1/20/2009
N. Flushing Rezoning	Rezoning; zoning text amendments	QN 7, 11	090281ZMQ; 090282ZRY	1/20/2009

Goodman testified that about one-third of the building's units comprised of three, four, and five bedroom apartments, and that, based on neighborhood census data for a building with this many bedrooms, residents were projected to own 52 automobiles. Goodman further explained that, after studying the parking lots and garages within a three-block radius, only 45 spaces could be provided out of existing parking.

Commissioner Betty Y. Chen pointed out that, after studying the availability of spaces within a quarter-mile radius of the site, there were approximately 1,534 vacant spaces during the day and 2,578 vacant spaces overnight. Goodman responded that it was inappropriate to use the quarter-mile radius test since most spots identified within the quarter-mile radius were "theater district spots" along and near Eighth Avenue. Goodman stated that a three-block radius was a more appropriate measurement, especial-

ly for the large families that would live in the building, since a quarter-mile distance equated to about a ten minute walk.

Anna Levin of CB4's land use committee disagreed with Goodman, and stated that there was sufficient parking available even if the three-block radius was used. Levin testified that the developer had "overlooked" an 81-space parking facility located on the same block that had already been reviewed by CB4 and that "will be approved" by BSA by the time construction is complete.

Although Levin believed that the developer had not met the findings required for the special permit, she added that CB4 would be willing to accept 17 spaces, or about 20 percent of the total units. When asked by the Commission to explain the logic in denying the extra spaces, Levin responded that CB4's recommendation of denial was based on the argument that the owner failed to meet the required findings, and that if

the Commission granted a special permit here without an adequate logical justification, it would encourage the submission of other, more problematic applications.

Anthony Borelli, Land Use Director for Manhattan Borough President Scott Stringer, also testified that there was a sufficient amount of parking in the area. Borelli noted that the "standard" quarter-mile radius test, which included Eighth Avenue, revealed 1,300-2,000 available spots to address the demand generated by the project. Though Borelli admitted that Stringer did not think the garage would create significant traffic problems, he added that Stringer believed strict adherence to the Zoning Resolution was necessary, and recommended denial of the application.

The Commission has until March 13, 2009 to vote.

CPC: Hearing on 405-427 West 53rd Street Garage (C 070305 ZSM – spec. perm.) (Jan. 21, 2009).

GLE UPDATE: CONSTRUCTION CODES

The New York City Construction Codes, effective July 1, 2008, are modeled after the family of codes published by the International Code Council. In enacting the new codes, as modified to fit New York City's environment, New York City joined the community of jurisdictions that have adopted the so-called I-codes in one form or another. This will enable the City to be part of the ongoing national consideration of new building design and construction technologies.

The new codes enhance fire and construction safety, recognize national standards for materials and construction, and focus the enforcement scheme in new and flexible ways. As enacted, the codes incorporate both the collective wisdom of more than 350 years of building regulation in New York City as well as the latest in design and construction technologies.

You will find documents representing the legislative history of the new codes, including the Administration's Memorandum in Support of Local Law 33, with its section-by-section analysis, on the web site of the Department of Buildings, which can be accessed through the City's website www.nyc.gov.

In conjunction with the new codes, the Mayor's Office of Long Term Planning and Sustainability has developed PlaNYC, a blueprint to make New York City a healthier, more reliable and sustainable place. "Greening" the codes was among the Plan's recommendations, and the Department of Buildings has joined with the Mayor's Office to develop stand-alone revisions to the new codes. In addition, we anticipate helping to build further legislative proposals into development of an Existing Building Code and into the three-year revision cycle for the codes as a whole.

The new codes are the product of years of effort from both the public and the private sectors. They represent what is possible when stakeholders with otherwise adversarial relationships set out to achieve a shared goal. The staff members at Buildings are grateful for the cooperative effort and are excited to implement and enforce a set of codes which will inform the City's leadership in safe, innovative, and efficient building design and construction for years to come.

— Olivia Goodman & Phyllis Arnold

Olivia Goodman & Phyllis Arnold presented "The New NYC Construction Codes" on Dec. 2, 2008.

DEPARTMENT OF CITY PLANNING

Environmental Scope
Midtown South, Manhattan

Scoping hearing held for Vornado's 15 Penn Plaza site

Vornado exploring new development options for current site of Hotel Pennsylvania. On January 27, 2009, the Department of City Planning held a public hearing on the draft scope of an environmental impact statement for the proposed developments at 15 Penn Plaza in Manhattan. Bounded by Seventh Avenue to the west, West 33rd Street to the north, and West 32nd Street to the south, the Vornado Realty Trust-controlled property currently houses the 1700-room Hotel Pennsylvania.

In order to respond to changing market conditions, Vornado put forth two different development scenarios, both of which require discretionary approvals from the City Planning Commission, including zoning map amendments, text amendments, and various special permits.

The first scenario comprises a 2.84 million sq.ft. single tenant office tower that reserves 1.52 million sq.ft. for office space and another five floors for trading operations. The second scenario scales back the gross square footage of the building to 2.65 million, and allows for 1.85 million sq.ft. of office space and 380,447 sq.ft. of retail space. 228,114 sq.ft. of the retail space could alternatively be used for trading uses. In addition to providing the City with Class A office space, Vornado would seek to improve local mass transit conditions, as both scenarios contemplate re-opening and renovating the pedestrian passageway under the south side of West 33rd Street.

DCP: Draft Scope of Work, 15 Penn Plaza EIS (CEQR No. 09DCP019M) (Jan. 27, 2009).

BOARD OF STANDARDS & APPEALS

Vested Right
Homecrest, Brooklyn

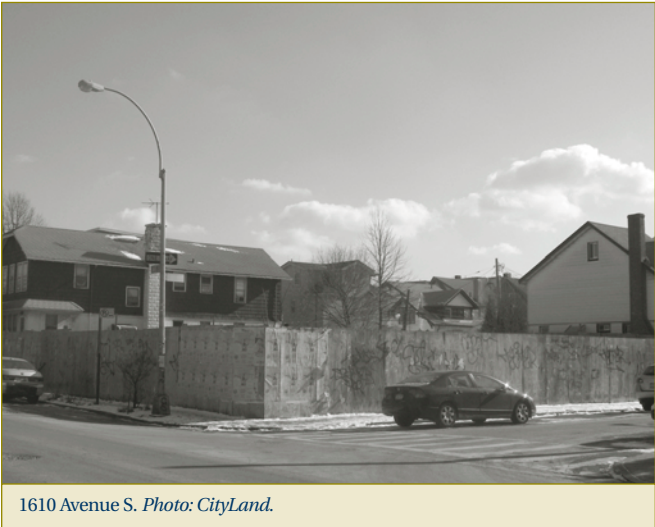
Brooklyn owner wins right to complete construction

Board rules that excavation and foundation work completed prior to permit revocation is still considered in vested rights analysis if revocation is later rescinded. On January 11, 2006, the Department of Buildings issued a permit to the owner of 1610 Avenue S to construct a six-story 25-unit residential building with community facility use on the first floor. After a special audit review, Buildings notified the owner of its intent to revoke the permit unless certain zoning and Building Code objections were resolved. Though the owner completed excavation and began work on the foundation, it failed to resolve the objections, and Buildings revoked the permit on February 14, 2006. The next day, the City Council approved a rezoning in Homecrest which changed the zoning on the owner's lot from R6 to R4-1. The owner eventually resolved all the objections, and Buildings rescinded all outstanding letters of intent to revoke; however, the zoning change caused the proposed development to be out-of-compliance, and the owner filed an appeal with BSA to complete construction.

Elected officials, Brooklyn Community Board 15, and the Madison-Marine-Homecrest Civic Association all opposed the application. They claimed that the owner had not obtained a vested right to complete construction since the

excavation and foundation work completed through February 14, 2006 was performed pursuant to an invalid permit. They also argued that substantial construction had not been performed because the east and south walls could not be considered permitted foundation walls since they were shoring walls that would need to be replaced. The opposition also believed that the presence of "shoddy" work allowed BSA to deny the permit, and that the owner's allegedly false statements about the work performed required BSA to deny the application.

BSA disagreed with the opposition, and ruled that the applicant had obtained a vested right to complete construction. Although Buildings had revoked the owner's permit, BSA found that Buildings' rescission of the revocation restored the owner's rights as if they were never taken away, and thus, excavation and foundation work performed prior to the revocation could be counted towards a vested rights analysis. BSA also determined that the amount of work completed at the site amounted to substantial construction even if the east and south walls did not factor into the analysis. Turning to the issue of "shoddy" work, BSA explained that it could not make a decision regarding the adequacy of work performed because such work was within Buildings' purview. Lastly, BSA declined to consider any



BSA PIPELINE

New Applications Filed with BSA — Dec. 2, 2008 - Jan. 29, 2009

APPLICANT	PROJECT/ADDRESS	DESCRIPTION	APP. NO.	REPRESENTATIVE
VARIANCES				
Lantern Group	3857 Third Ave., BX	Const. community facility	299-08-BZ	Sheldon Lobel PC
James Woods	4368 Furman Ave., BX	Const. 3-fam. dwelling (yard)	302-08-BZ	Rothkrug Rothkrug
Tenseishinbikai	2307 Farragut Rd., BX	Const. church (yard)	10-09-BZ	Francis R. Angelino
5621 21st Ave. LLC	5611 21st Ave., BK	Const. synagogue (yards)	13-09-BZ	Moshe Friedman
Joseph Romano	24 Nelson Ave., SI	Continue use (auto repair)	6-09-BZ	Rampulla Assocs.
SPECIAL PERMITS/OTHER ACTIONS				
CMG Group LLC	125 Fulton St., MN	Permit phys. cult. est.	8-09-BZ	Sheldon Lobel PC
Third & Fifty-Eight	969 Third Ave., MN	Permit phys. cult. est.	306-08-BZ	Sheldon Lobel PC
201 E. 67 LLC	201 E. 67th St., MN	Permit phys. cult. est.	308-08-BZ	Ron Mandel
Lutheran Svcs.	831 Eagle Ave., BX	N/A	3-09-BZ	Duane Morris LLP
Sandra Zagelbaum	1082 E. 26th St., BK	Enlg. 1-fam. dwelling	7-09-BZ	Fredrick A. Becker
Itzhak Bardror	3496 Bedford Ave., BK	Enlg. dwelling	297-08-BZ	Lewis E. Garfinkel
Abraham Zlotnick	1156 E. 22nd St., BK	Extend first floor	298-08-BZ	Lewis E. Garfinkel
Leah Friedman	1134 E. 23rd St., BK	Enlg. 1-fam. dwelling	312-08-BZ	Fredrick A. Becker
39-01QB LLC	39-01 Queens Blvd., QN	Permit phys. cult. est.	1-09-BZ	Fredrick A. Becker
Gerry Kaplan	63-03 Fresh Pond Rd., QN	Permit phys. cult. est.	9-09-BZ	Gerald J. Caliendo
APPEALS				
Juda Chetrit	5 Beekman St., MN	N/A	12-09-A	Zygmunt Staszewski
38-30 28th LLC	38-30 28th St., QN	N/A	11-09-A	Howard Goldman
Breezy Pt. Co-op.	936 Bayside, QN	Dwelling not fronting mapped st.	2-09-A	Gary D. Lenhart
Dutch Kills Ptrs.	39-35 27th St., QN	Appeal stop-work order	300-08-A	Blank Rome LLP
Block 17 Lot 112	124 Montgomery Ave., SI	N/A	317-08-A	Margaret R. Garcia
EXTEND CONSTRUCTION PERIOD				
D.A.B. Group LLC	77 Rivington St., MN	Ext. time to complete const.	311-08-BZY	Slater & Beckerman
163 Orchard LLC	163 Orchard St., MN	Ext. time to complete const.	307-08-BZY	Howard Zipser

argument regarding the owner's alleged false statements, and reminded the opposition that since BSA was an administrative body, it could not base its decision on principles of equity or fairness.

BSA: 1610 Ave. S, Brooklyn (266-07-A, 191-08-BZY) (Dec. 9, 2008) (Stuart A. Klein, for owner). **CITYADMIN**

BOARD OF STANDARDS & APPEALS

Appeal

Williamsburg, Brooklyn

Building permit upheld despite ongoing litigation

Developer not required to submit a recorded easement or restrictive declaration ensuring rooftop access to adjoining buildings to meet open space requirements. A developer

agreed to purchase 144 North 8th Street from Iqbal LLC and two affiliated entities, along with the unused development rights from Iqbal's adjoining tax lot, to facilitate the construction of a 16-story mixed-use building in Williamsburg, Brooklyn. In order to meet open space requirements for the 16-story design, the developer needed access to the rooftops of the two existing buildings on Iqbal's adjoining tax lot. Believing it would have acquired such access upon purchase, the developer applied for a Buildings permit to construct the 16-story building, and it was granted. Shortly thereafter, the property transaction closed, and the developer obtained title to 144 North 8th Street and the unused development rights from Iqbal's tax lot.

A dispute subsequently arose between Iqbal and the developer,

and Iqbal sued the developer, claiming, among other things, that the developer was not authorized to access the rooftops. The developer then counterclaimed for a declaratory judgment that it did have a right of access to the rooftops. After Iqbal filed the lawsuit, Buildings issued a Letter of Intent to revoke the permit, and requested an easement agreement between the parties granting access to the rooftops. No easement agreement was provided, and so Buildings issued a stop work order. The developer then submitted a revised zoning analysis showing a 10-story building, an alternative design that could be built if the developer was unable to use the rooftops. Based on the revised analysis, Buildings partially lifted the stop work order, and allowed construction of the lower ten stories to proceed. With construction of the building underway, several residents and community organizations requested that the Brooklyn Borough Commissioner issue a final determination on the validity of the permit. The Commissioner found that the permit was valid, and the determination was appealed to BSA.

The opposition claimed that the permit was invalid because a "legal document," such as a recorded easement or restrictive declaration, was required to ensure rooftop access prior to the granting of the permit. The opposition conceded that the zoning law provision it cited did not require submission of an easement, but claimed that the lack of a written easement violated Building's Legal Policy and Procedure Notice 1/04. They also argued that since Buildings had requested a recorded easement in its Letter of Intent, an easement was now required to demonstrate compliance with the open space requirements. The opposition also claimed that the ongoing litigation over the right to access the rooftops prevented the developer from establishing compliance with the open space requirements, rendering the

permit invalid.

BSA denied the opposition's appeal, ruling that submission of an easement or restrictive declaration prior to the issuance of a building permit was not necessary. Though Buildings had requested proof of an easement, it was not required since providing such was merely an alternative means of compliance with open space requirements. BSA also ruled that the ongoing litigation between the developer and Iqbal was irrelevant because the lawfulness of the permit was dependent on the permit application's compliance with the zoning law at the time of its issuance. BSA concluded that the developer's submitted plans and the recorded zoning lot development agreement were sufficient to establish compliance with open space requirements of the zoning law at the time Buildings issued the permit.

BSA: 144 North 8th St. (34-08-A) (Dec. 9, 2008) (Kevin Christopher Shea, for appellants; Howard Hornstein, Peter Geis, for developer). **CITYADMIN**

LANDMARKS PRESERVATION COMMISSION

Designation Hearing
Chelsea, Manhattan

Designation hearing held on Chelsea rowhouses

Proposed district among the few documented underground railroad stops in New York City. On January 13, 2009, Landmarks heard testimony on the potential designation of Lamartine Place as a historic district. Lamartine Place is comprised of 12 buildings at 333 through 359 West 29th Street, between Eighth and Ninth Avenues in Manhattan. Built in the 1840s, the Greek Revival rowhouses were commissioned by Cyrus Mason, a New York University professor. It is believed that Mason named the development for Alphonse de Lamartine, an anti-slavery French politician.

In 1851, 337 West 29th Street

was purchased by James Gibbons, husband of Abigail Hooper Gibbons, a noted abolitionist and prison reformer. Abigail Gibbon's father, Isaac Gibbons, was known as "a father of the Underground Railroad." Other residents of Lamartine Place included Samuel Sinclair, editor of the New York Tribune, and Joseph Hodges Choate, a lawyer and diplomat. Though the houses were set on fire during the draft riots of 1863, they remained standing. And despite some alterations, the rowhouses have retained much of their original fabric.

Testimony in favor of designation was unanimous. Representatives of Council Speaker Christine C. Quinn, Manhattan Borough President Scott Stringer, and Assembly Member Richard Gottfried all testified in support, with Stringer's representative stating that the buildings had survived turbulent times and remained as a symbol of the City's abolitionist movement. Julie Finch, representing the 13th Street Meeting of the Society of Friends, called the district a poignant reminder of the draft riots and associated lynchings.

The Historic District Council's Nadezhda Williams stated that since the buildings were near the Moynihan/Penn Station Redevelopment area, "the importance of safeguarding these houses that safeguarded so many others is heightened." Following public testimony, Chair Robert B. Tierney read into the record a letter from Carl Westmoreland of the National Underground Railroad Freedom Center in Cincinnati, Ohio. Westmoreland advocated preservation of the buildings as a reminder of the "white, upper-class



Lamartine Place/West 29th Street. Photo: Lacy J. Redwine.

people" that stood with people of African heritage.

Landmarks has not set a date to vote on designation.

LPC: Lamartine Place Historic District, 333-359 W. 29th Street, Manhattan (LP-2324) (Jan. 13, 2009).

LANDMARKS PRESERVATION COMMISSION

Designation

Murray Hill, Manhattan

43-story Art Deco skyscraper designated

1931 building among Texas architect's diverse body of works. Landmarks voted unanimously to designate 275 Madison Avenue as an individual City landmark on January 13, 2009. The 43-story tower was designed by architect Kenneth Franzheim for Houston banker Jesse H. Jones. Though he made his fortune in banking and real estate development, Jones also served as Chairman of the Reconstruction Finance Corporation and as Secretary of Commerce under President Franklin D. Roosevelt. Jones often retained Franzheim for his development projects, including an auditorium built in Houston for the 1928 Democratic Convention.

275 Madison was built towards the end of the City's skyscraper boom, which ended during the Great Depression. The Art Deco building features a three-story high ornamented base, and a 40-story slab-form tower. The tower's setbacks and unique shape were largely inspired by the 1916 Zoning Resolution, partly enacted to keep tall buildings from blocking light and air to the street. The building features prominently in photographer Berenice Abbott's series "Changing New York." Commissioner Pablo Vengoechea called it one of the City's iconic skyscrapers,

and noted significance in its reflection of the Zoning Resolution's shaping of the skyline.

The same day, Landmarks designated two public libraries in Harlem, a 19th-century Dutch-American farmhouse in Brooklyn known as the Hubbard House, and 90 Bayview Avenue in Staten Island, an ornate 1880s Renaissance-revival residence.

LPC: 275 Madison Avenue Building, 275 Madison Ave., Manhattan (LP-2286) (Jan. 13, 2009).



275 Madison Ave. Image: LPC.

Landmarks Actions Taken in Dec. 2008 - Jan. 2009

FINAL PERMITS TO BE ISSUED AFTER LANDMARKS RECEIVES CONFORMING PLANS

ADDRESS	LANDMARK/HISTORIC DISTRICT	DESCRIPTION	CASE NO.	APP'D
December 16, 2008				
425 Lafayette St., MN	Papp Public Theater	Inst. stoop, lights, mech. equip.	09-1042	Yes
652 Lexington Ave., MN	Central Synagogue	Inst. HVAC equip, lighting	09-4600	Yes
137 Duane St., MN	Tribeca South HD	Alter rooftop addition	09-4330	W/Mod
591 Broadway, MN	SoHo-Cast Iron HD	Install storefront infill	09-4432	Yes
137 W. 74th St., MN	Upper West Side/CPW HD	Const. rear yd. addition	09-4256	Yes
36 Grace Ct., BK	Brooklyn Heights HD	Alter front facade	09-5763	Yes
January 6, 2009				
48 Wall St., MN	Bank of New York Bldg.	Install signage	09-2736	In Part
27A Harrison St., MN	315 Washington St. House	Legalize shutters	09-1209	Yes
73-50 L. Neck Pkwy., QN	Creedmoor Farmhouse	Install fence, gate	09-3996	Yes
67 Greene St., MN	SoHo-Cast Iron HD	Inst. infill, alt. loading dock	09-4838	Yes
80 Washington Pl., MN	Greenwich Village HD	Const. rear, roof adds.	09-2481	Yes
10 E. 60th St., MN	Upper East Side HD	Inst. signs, display boxes	09-5753	Yes
40 E. 66th St., MN	Upper East Side HD	Mod. storefront openings	09-5228	W/Mod
104 W. 70th St., MN	Upper West Side/CPW HD	Construct stair bulkhead	09-5074	Yes
131 Riverside Dr., MN	Riverside-West End HD	Replace ramp, stairs	09-4641	W/Mod
1107 Fifth Ave., MN	Carnegie Hill HD	Est. master plan (windows)	08-7559	W/Mod
56 Cambridge Pl., BK	Clinton Hill HD	Leg. mailbox, lights, paint	09-3865	In Part
345 Adelphi St., BK	Fort Greene HD	Const. rear yard addition	09-4137	Yes
146 Columbia Hts., BK	Brooklyn Heights HD	Const. deck, mod. windows	09-4853	Yes
January 13, 2009				
131 Seventh Ave. S., MN	Greenwich Village HD	Const. roof add., repl. windows	09-3702	Yes
84 Jane St., MN	Greenwich Village HD	Const. rear, roof adds.	08-7198	Yes
17 E. 17th St., MN	Ladies' Mile HD	Leg. bulkheads, inst. roof equip.	08-6069	Yes
713 Madison Ave., MN	Upper East Side HD	Const. rear, roof adds.	09-3728	Yes
117 W. 81st St., MN	Upper West Side/CPW HD	Alter rooftop addition	09-3811	Yes
103 Richmond Rd., QN	Douglaston HD	Const. rear add., alt. windows	08-6555	Yes
215 Hollywood Ave., QN	Douglaston HD	Const. add., portico, enlg. garage	09-2026	Yes
39-61 47th St., QN	Sunnyside Gardens HD	Alt. porch, const. roof add.	08-4573	W/Mod
January 20, 2009				
150 Nassau St., MN	American Tract Society Bldg.	Replace windows	09-4697	Yes
75 W. 252nd St., BX	Wave Hill House	Inst. ramp, egress platform	09-4753	Yes
49 Grove St., MN	Greenwich Village HD	Replace windows	07-4285	W/Mod
12 E. 72nd St., MN	Upper East Side HD	Demo. bldg., const. bldg.	09-0937	Yes
4620 Delafield Ave., BX	Fieldston HD	Amend C of A (const. add.)	09-5756	Yes
Fort Totten, QN	Fort Totten HD	Construct playground	09-4492	Yes
202 Shore Rd., QN	Douglaston HD	Replace additions, curb cuts	09-4586	Yes

LANDMARKS PRESERVATION COMMISSION

Certificate of Appropriateness
Greenwich Village, Manhattan

St. Vincent's future remains uncertain

Commissioners deeply divided in their responses to proposed new hospital. In the most recent chapter of St. Vincent Catholic Medical Center's process to gain approval for a consolidated, modern hospital, Landmarks met on December 16, 2008, to discuss the proposed new building. A month earlier, Landmarks had approved the demolition of the 1964 O'Toole building on Seventh Avenue between West 12th and West 13th Streets, clearing the way for construction of a new hospital on the site. 5 *CityLand* 158 (Nov. 15, 2008).

Landmarks Chair Robert B. Tierney allowed St. Vincent's the opportunity to summarize the proposal, describe the process by which it reached its current design, and respond to public testimony from the previous hearing. Attorney Shelly Friedman testified that the new building would "truly be a hospital of

LANDMARKS PIPELINE

Proposed Designations – Dec. 2008 - Jan. 2009

NAME	ADDRESS	ACTION	DATE
Aschenbrodel Verein	74 E. 4th St., MN	Calendared	12/16/2008
St. Nicholas of Myra	288 E. 10th St., MN	Designated	12/16/2008
Lamartine Place HD	333-359 W. 29th St., MN	Calendared	12/16/2008
Burrill House	36 E. 38th St., MN	Calendared	12/16/2008
John Peirce Residence	11 E. 51st St., MN	Calendared	12/16/2008
Logan Residence	17 W. 56th St., MN	Calendared	12/16/2008
26 W. 56th St. House	26 W. 56th St., MN	Calendared	12/16/2008
Society of Civil Engineers	220 W. 57th St., MN	Designated	12/16/2008
Grammar School 9	460 West End Ave., MN	Heard	12/16/2008
NYPL, Woodstock	761 E. 160th St., BX	Calendared	12/16/2008
NYPL, Hunt's Point	871 S. Blvd., BX	Calendared	12/16/2008
Ulmer Brewery	31 Belvedere St., BK	Calendared	12/16/2008
Ridgewood North HD	Ridgewood, QN	Heard	12/16/2008
Jamaica High School	167-01 Gothic Dr., QN	Heard	12/16/2008
Public School 66	85-11 102nd St., QN	Heard	12/16/2008
St. George Church	103 Washington St., MN	Heard	1/13/2009
Van Wyck Mead House	110 Second Ave., Mn	Heard	1/13/2009
Lamartine Place HD	333-359 W. 29th St., MN	Heard	1/13/2009
275 Madison Ave. Bldg	275 Madison Ave., MN	Designated	1/13/2009
John Peirce Residence	11 E. 51st St., MN	Heard	1/13/2009
NYPL, Bruce Branch	518 W. 125th St., MN	Designated	1/13/2009
NYPL, 125th Street	224 E. 125th St., MN	Designated	1/13/2009
NYPL, Woodstock	761 E. 160th St., BX	Designated	1/13/2009
NYPL, Hunt's Point	871 Southern Blvd., BX	Designated	1/13/2009
Hubbard House	2138 MacDonald Ave., BK	Designated	1/13/2009
Fillmore Place HD	Williamsburg, BK	Calendared	1/13/2009
90 Bayview Ave. House	90 Bayview Ave., SI	Designated	1/13/2009

the future” and would not require a new structure after 30 years. Bernadette Kingham-Bez, senior vice-president of St. Vincent’s, claimed the new hospital would be built to “evolve with the health care needs of the future.”

Bill Higgins, of Higgins and Quasebarth, stated that the proposal fit into a “tradition of hospital design as a formal expression of hospital technology and philosophy,” and invoked the history of vertical forms and large sculptural structures in Greenwich Village. Friedman added that if the building were approved by Landmarks, the project would still require a rezoning, zoning text amendments, and possibly special permits from the City Planning Commission.

Ian Bader, of Pei Cobb Freed & Partners Architects LLP, testified that the curvilinear, 299-foot tall building “mediates between the two juxtaposed street grids of Greenwich Village and Manhattan.” Bader also

presented an alternate plan, showing how the hospital would look if it were built in a more conventional rectangular shape. Bader claimed a rectangle would lead to a loss of view corridors, an increase in the height of the street wall, and a significant increase in girth. Bader emphasized that the building had been reduced in height and size since the last hearing. *5 CityLand*91 (July 15, 2008).

Although Tierney said that hospitals should generally not be located in historic districts, he stated that the proposal was “headed in the right direction.” Tierney found that the proposal’s strengths outweighed its weaknesses, and that it was an example of significant architecture which would contribute to the collection of unique buildings in Greenwich Village.

Tierney interpreted the comments of elected officials, including Council Speaker Christine C. Quinn, Borough President Scott Stringer, State Senator Thomas K. Duane,

and Assembly Member Deborah Glick, to generally support the project. Commissioner Fred Bland also expressed support, finding the design “ingenious,” and that it had the potential to surpass the building it would replace.

Commissioner Pablo Venogoechea found the design generally acceptable, but argued that the threshold issue was the building’s height, which still needed reduction. Commissioner Roberta Brandes-Gratz expressed frustration with the application, stating that it was her understanding that the hardship application only applied to the demolition of the O’Toole Building. Brandes-Gratz argued that the proposed hospital would overwhelm the historic district because of its improper scale.

Commissioner Stephen Byrns stated that the proposal was “as inappropriate now as when I first saw it.” Byrns found that the proposal consisted of “too much bulk on too small of a footprint,” and said, “I regret that the proposal has lingered so long on this path.” Commissioner Margery Perlmutter echoed Byrns’ sentiments, saying the proposal was “so far away from anything that speaks to the district, I don’t know where to begin.”

Commissioner Thomas Moore disagreed with many of his colleagues, arguing that the real landmark in this instance was the hospital itself. Moore emphasized the importance of the hospital’s continued operation. He added that necessity was the mother of the proposed design, that the design reflected community input, and that it was as streamlined as it could be.

Landmarks did not vote on the proposal, and Tierney did not state whether the proposal would be voted on or whether St. Vincent’s would return with yet another amended design.

LPC: 20 Seventh Avenue, Manhattan (08-4933) (Dec. 16, 2008).

LANDMARKS PRESERVATION COMMISSION

Designation Hearing

Ridgewood, Queens

Widespread support for proposed Queens district

Early 20th-century development in Ridgewood served as home to German community. On December 16, 2008, Landmarks held a hearing on the potential designation of a historic district in Ridgewood, Queens. The district would encompass 91 buildings built between 1908 and 1911 by developer Gustave Mathews and local architect Louis Allmendinger. Constructed by local craftsmen, the Renaissance and Romanesque Revival four-story apartment buildings, which characterize the district, feature yellow brick facades, ornamental metal cornices, and decorative brick work. Many of the buildings retain their original cut-glass door and wrought-iron railings on the stoops.

The development, in its early years, primarily housed German immigrants. Many of the residents worked in skilled trades, and moving to Ridgewood constituted an upward progression from the tenements of the Lower East Side and Brooklyn. Previously farmland, the neighborhood became accessible through trolley lines and, later on, the elevated train. At the time of their construction, Ridgewood apartment buildings, with their large air wells and high-quality construction, embodied a higher standard for working class housing. Landmarks' research department noted that the caliber of materials and workmanship "attest to the excellent architectural integrity of these buildings nearly a century later."

Speakers supporting the project included Council Member-elect Elizabeth Crowley, who praised the buildings as unique and possessing "a tremendous amount of integrity." Paul Kezner, of the Ridgewood Prop-

erty Owners' Association, testified that he "wholeheartedly" supported designation, and spoke of the history of the district, including the German beer barons who owned the nearby Schaefer and Rheingold breweries and their employees who lived in Ridgewood. The

Historic District Council's Simeon Bankoff voiced support for designation, but suggested that the district's boundaries be extended, noting that approximately 3,000 units in the area, as a whole, created "a truly distinct sense of place." Council Member Diane Reyna also sent a letter in support of designation.

Landmarks has not set a date for Commissioner discussion or vote.

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LPC: Ridgewood North Historic District, Queens (LP-2319) (Dec. 16, 2008).

ADMINISTRATIVE DECISIONS

Environmental Control Board

Carroll Gardens, Brooklyn

Three entities fined for demolition of exterior wall

Removal of exterior wall required prior registration with DEP. 116 Third Place LLC hired a general contractor to manage demolition at 116 Third Place in the Carroll Gardens neighborhood of Brooklyn. The general contractor hired a subcontractor, who demolished an entire exterior wall of a building. An officer discovered that the subcontractor demolished the wall without first registering with the New York City Department of Environmental Protection, and issued Notices of Violation to



Ridgewood North Historic District. Image: LPC.

all three companies.

At a hearing before an ALJ, the companies argued that the NOV's were defective since the issuing officer noted that demolition had occurred without a "permit" yet the statute cited in the NOV's required registration, not a permit. The companies alternatively argued that removal of the rear wall of the building did not require registration with DEP since the removal did not amount to a demolition. The companies further argued that only one of the three could be responsible for the violation.

An ALJ affirmed each of the NOV's, and the companies appealed to ECB. The Board rejected the companies' position, ruling that the NOV's had provided enough detail to afford the companies with adequate notice of the correct charge. The Board also found that demolition of an entire building was not necessary to trigger the registration requirement; rather, registration was required before demolishing a "portion" of a building. The Board concluded that since all three companies allowed the demolition to proceed without registration, all three could be charged.

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NYC v. Excel Builders & Renovators Inc., et al., ECB Appeal Nos. 45730-45732 (Nov. 18, 2008). **CITYADMIN**

ADMINISTRATIVE DECISIONS

Environmental Control Board
Midwood, Brooklyn

Demolition NOV dismissed

Board reverses ALJ, finds that lot was vacant when owner purchased property. 1115 Ocean Parkway LLC purchased a vacant lot in the Midwood section of Brooklyn and constructed a five-story building. An officer issued a Notice of Violation after he observed that a building had been demolished without a permit prior to the new construction. At a hearing, the owner claimed that the lot was vacant when it purchased the property, and submitted a recorded deed and accompanying survey that showed a vacant lot. The ALJ upheld the NOV, determining that the owner's evidence was not convincing especially since the deed referenced the owner's lot through a handwritten note and the survey contained no lot number.

The owner appealed to ECB, arguing that the recorded deed and survey proved the lot was vacant when the owner purchased the property. The Board agreed with the owner, reversed the ALJ's decision and order, and dismissed the NOV. The Board ruled that the lot was vacant at the time of purchase, noting that the deed was recorded under the block and lot identified in the NOV and that the lot line boundaries on the survey matched the metes and bounds description of the lot on the recorded deed.

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NYC v. Birnbaum Enterprises, ECB Appeal No. 47367 (Dec. 18, 2008).
CITYADMIN

ADMINISTRATIVE DECISIONS

Environmental Control Board
Lenox Hill, Manhattan

Facade NOV dismissed

Building owner inspected facade after allotted time. Beginning in

1980, owners of buildings taller than six stories were required to conduct a critical examination of their buildings' facade every five years. Each five-year cycle required submission of a technical report following examination. In February 1999, the Department of Buildings accepted the last of the fourth round technical reports. Building owner J.T. Tai Co., Inc. conducted a facade examination in December 1999 for its property at 246 East 46th Street in Manhattan, and filed the accompanying technical report in January 2000, which Buildings accepted as a fifth round report. Since J.T. failed to submit a report based on an examination conducted within the fourth cycle, Buildings charged J.T. with failing to file a fourth round report in violation of the Administrative Code. An ALJ sustained the violation.

Six months later, Buildings again issued a Notice of Violation to J.T. for failing to file the fourth round report. An ALJ dismissed the violation, deciding that J.T.'s failure to file a fourth round report was not a continuing violation. The ALJ determined that Buildings did not rebut J.T.'s contention that it was precluded from filing a fourth round report.

The Environmental Control Board affirmed dismissal of the violation. Though the Board ruled that J.T.'s failure to submit a fourth round technical report was a violation, it also found that Buildings had not established a continuing violation. J.T. had not conducted an examina-

tion of the facade within the allotted fourth cycle time period, and, therefore, could not comply with the requirement to submit a fourth round technical report. The Board concluded that there was no basis for Buildings to issue multiple violations or charge J.T. with a continuing violation when compliance was not possible.

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New York City v. J.T. Tai Co., ECB Appeal No. 39405 (Nov. 17, 2008). **CITYADMIN**

ADMINISTRATIVE DECISIONS

Office of Admin. Trials and Hearings
Citywide

Indicted lab keeps license

Buildings' suspension of license pending criminal trial overturned by OATH. On October 29, 2008, Testwell Laboratories, a licensed concrete testing laboratory, and V. Reddy Kancharla, a licensed site safety manager, were indicted on charges of enterprise corruption, grand larceny, scheme to defraud, offering a false instrument for filing, and falsifying business records. The next day, the Department of Buildings imposed pre-hearing suspensions on both, claiming that their conduct created imminent jeopardy to the public safety. Subsequently, Buildings filed a petition to suspend Testwell and Kancharla's licenses, participation in the self-certification program, and professional filing privileges until the

criminal case was resolved. Buildings claimed that Testwell and Kancharla violated the construction code by making materially false statements, participating in fraudulent dealings, and demonstrating negligence, incompetence, or disregard of the code. Buildings submitted



246 East 46th Street. Photo: Melanie Cash.

Zoning Map Amendments During Construction

Since 2002, the City Planning Commission has approved 89 rezonings covering over 7,000 blocks. Many of these involve “downzonings” which reduced the permitted FAR or imposed greater restrictions on use or bulk.

As a general proposition, the completion of foundations on the effective date of the rezoning (i.e., upon City Council approval under the Uniform Land Use Review Procedure) will “vest” the right to complete a new building under the prior zoning. However, where foundations have been commenced but not completed on the effective date, a development with approval from the New York City Board of Standards and Appeals may be entitled to be completed under the prior zoning in accordance with either the Zoning Resolution or as a matter of “common law vesting.”

Vesting Under the Zoning Resolution. Where foundations have been commenced but not completed on the effective date of a rezoning, the building permit is automatically revoked and a stop work order should be issued by the Department of Buildings. At this point, the developer has 30 days to seek a six-month extension of time to complete foundations from the BSA under Section 11-331 of the Zoning Resolution.

In order to obtain an extension from the BSA, an applicant must establish the following facts as of the effective date of the new zoning: a building permit has been lawfully issued based upon an approved application showing complete plans and authorizing the entire construction and not a part thereof; the building permit has been issued to a person with a possessory interest in the zoning lot; excavation was complete; and substantial progress was made on foundations.

Each of these facts must be supported by substantial evidence, including affidavits and documentary evidence. The “substantial progress” test is of particular interest, because this term is not defined. The BSA measures “substantial progress” based on the amount of work completed, the amount of time required to complete, and the amount of money expended, all as a percentage of the total required to complete the foundation. An application to the BSA for an extension of time to complete foundations is referred to the affected Community Board, which typically holds a public hearing and adopts a recommendation. The application is then subject to a public hearing at the BSA.

Common Law Vesting. The New York courts recognize a constitutional right to complete a project where enforcement of a zoning change would cause serious financial loss to the owner. See *People v. Miller*, 304 N.Y. 105 (1952).

Under this line of cases, a developer may seek the right to proceed under the prior zoning even where the findings required by ZR 11-331 cannot be made. The findings here are whether “work of a substantial character” has been completed on the effective date and “serious loss” will occur from enforcement of the Zoning Resolution.

As with extension cases under the Zoning Resolution, common law vesting claims should be made to the BSA within 30 days after the effective date of the new zoning and must be supported by substantial evidence. A common law vesting claim may be made as part of an application for an extension under ZR 11-331 or as a stand-alone application.

In theory, applications under ZR 11-331 are more ministerial in nature, as they are based upon specific findings set forth in the Zoning Resolution (notwithstanding the lack of a definition for “substantial progress”). Common law vesting claims, on the other hand, have no statutory basis and involve a greater degree of discretion by the BSA. As a matter of administrative practice, the BSA generally prefers to decide claims under ZR 11-331. Where the facts do not clearly support such claim, however, an applicant has the right to assert a common law vesting claim, either in the alternative or as a stand-alone application.

— Howard Goldman

Howard Goldman, a member of CityLand’s Advisory Board, is a land use attorney and the principal of the Law Offices of Howard Goldman LLC.

only the indictment as evidence for the suspensions.

OATH ALJ Tynia Richard dismissed the charges, ruling that an indictment was not grounds for license suspension under the construction code and could not be considered evidence to prove the allega-

tions. Even if considered evidence, the indictment could not provide the standard of proof required at OATH for license suspensions. Finally, Richard found that Buildings was authorized to suspend licenses and self-certification privileges prior to a hearing for no more than five days

provided there was a finding of imminent jeopardy. Buildings was not authorized, however, to suspend the professional filing privileges without a hearing.

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DOB v. Testwell Lab., OATH Index Nos. 1374/09, 1375/09 (Dec. 2, 2008).
CITYADMIN

ADMINISTRATIVE DECISIONS

Environmental Control Board
Citywide

Fined \$1,500 for work without a permit

Owner failed to rebut issuing officers' written observations. The New York City Department of Buildings issued three Notices of Violation to the owner of 631-635 West 50th Street, Manhattan. The NOVs charged the owner with changing the vacant lot's grade and creating a curb cut without a permit on July 17 and July 19, 2001. At a hearing before an ALJ, the owner's representative, an expediter, claimed that the curb cut had been created by a previous owner and attributed the change in grade to a previous operator. The expediter also produced a Buildings form dated July 24, 2001, that stated "OK to issue permit w/o civil penalty" and included a handwritten note from a Buildings Deputy Commissioner which stated that "pictures show no work." The ALJ denied Buildings' request for an adjournment to produce the issuing officers and dismissed the NOVs, finding that the Deputy Commissioner's note had rebutted the charges.

The ECB reversed the ALJ's decision and fined the owner \$500 for each violation. The Board found that Buildings established its cases based on the issuing officers' written observations in the NOVs, and that the owner failed to produce any credible evidence to rebut the charges. The Board noted that the record did not reveal which pictures the Deputy Commissioner's note referred to, and explained that although the Buildings form waived certain civil penalties, the waiver was not relevant here.

.....
NYC v. Owner of 631-635 W 50th St., ECB Appeal No. 39289-91 (Nov. 17, 2008). **CITYADMIN**

February 15, 2009

COURT DECISIONS

Board of Standards & Appeals
SoHo, Manhattan

Trump SoHo wins appeal

Court finds that BSA's decision to uphold DOB permits was supported by substantial evidence. The New York City Department of Buildings issued permits for a transient hotel at 246 Spring Street in Manhattan. Believing that the design amounted to an unpermitted residential building in an M1-6 zoning district, SoHo Alliance appealed DOB's decision to BSA. BSA denied the appeal, 5 *City-Land* 74 (June 15, 2008), and SoHo Alliance filed an article 78 petition challenging BSA's decision.

SoHo Alliance claimed that BSA had varied the terms of the Zoning Resolution so that the proposed development could be construed as a transient hotel. SoHo Alliance argued that, in order for a building to qualify as a transient hotel, the guestrooms would have to be rented on a daily basis; here, the hotel condominium offered private ownership and permitted a unit owner, or any other individual, to occupy a room for 29 days in any 36-day period and for 120 days in a calendar year. SoHo Alliance also claimed that, since the building was residential in character and within a manufacturing district, the desired separation of manufacturing uses from residential had been undermined. SoHo Alliance further claimed that the presence of owner-controlled closets in guestrooms was evidence of the building's residential character, and that such closets were not among the enumerated accessory uses permitted for transient hotels.

Justice Kibbie F. Payne denied the petition, ruling that BSA did not vary the terms of the Zoning Resolution. Payne rejected SoHo Alliance's claim that transient hotels' guestrooms needed to be rented on a daily basis because the plain language of the Zoning Resolution

allowed, but did not mandate, daily rental. The court further determined that the separation of manufacturing uses from residential had not been undermined because there was enough evidence for BSA to determine that the building was a transient hotel, especially since the building contained kitchenless guestrooms and lacked mailboxes and common garbage chutes. The court also found that owner-controlled closets could be considered an accessory use since the Zoning Resolution did not contain a finite list of permitted accessory uses for transient hotels and allowed case-by-case determinations. Finally, the court agreed with BSA that a permit cannot be revoked based on the possibility of illegal use in the future.

.....
SoHo Alliance, Inc. v. City of New York, Index No. 108064/08 (N.Y.Cty.Sup.Ct. Dec. 19, 2008) (Payne, J.) (Attorneys: Stuart Klein, for Alliance; Michael A. Cardozo, Virginia Waters, Gabriel Tausig, for NYC).

COURT DECISIONS

Department of Buildings
Upper East Side, Manhattan

DOB enjoined from revoking Church's catering permit

Church contracted with caterer to run year-round private catering affairs. The Third Church of Christ, Scientist, located on Park Avenue and 64th Street in Manhattan, was concerned with its dwindling membership and concomitant lack of funds. Its building required major capital repairs to bring it up to code. In an effort to avoid selling the building, the Church entered into a long-term lease agreement with Rose Group Park Avenue LLC. Under the terms of the agreement, Rose Group could hold catered events at the Church over a period of twenty years at any time unless it conflicted with the Church's use. In exchange, Rose Group would invest millions in capital repairs and pay rent and

Volume 6 **CITYLAND** 15

Daniel C. Walsh on the City's efforts to clean up brownfields



Daniel C. Walsh is the former Director of the City office of the Superfund and Brownfield Cleanup Program for the

State Department of Environmental Conservation. Walsh studied the geochemistry of New York City landfills as a doctoral student at Rensselaer Polytechnic Institute, and the Rockland County native has spent his professional career studying and helping to resolve environmental problems in and around the City.

WA day not so far off. Walsh recalls reading Mayor Bloomberg's PlaNYC 2030 initiatives for cleaning up brownfield sites in New York City, and remembers how the Plan's goals resonated with him. He had observed, first hand, the unique problems facing owners and developers of some of the 7,600 acres of contaminated land within the City who had tried to enter the State Brownfield Cleanup Program. Walsh believed the City had a major role to play in the remediation of its brownfields, but assumed that day was far off. That day came last June when Mayor Bloomberg named Walsh Director of the Office of Environmental Remediation (OER), an office created to expedite the cleanup of the City's brownfields. Since then, Walsh and his team have been busy working on legislation that will soon be introduced at City Council to create a City brownfield cleanup program.

Why a City program? The State program has delivered high quality cleanups of heavily contaminated sites across the State, but its complex framework, in effect, excludes lesser contaminated sites throughout the City. Sites with light or moderate contamination may not qualify under the program's strict eligibility criteria or have been rejected for lack of available funding. Other sites that may be eligible never make it into the program because owners and developers fear that

the time delays, uncertainties, and other costs associated with the program are too high.

PlaNYC 2030 called for the creation of an office dedicated to promoting brownfield planning, testing, and cleanups to foster redevelopment of the thousands of acres of brownfields within the City that have not participated in the State program. After OER was created and Walsh was named Director, the next step was to create a City-sponsored cleanup program.

The City's brownfield cleanup program will be the first such program for a major U.S. city. Walsh emphasized that the goal is not to compete with or alter the State program, but rather to pick up where the State program ends by creating an alternative program targeting the lightly to moderately contaminated sites that may not qualify for the State program. By offering incentives, the program can motivate landowners and developers to cleanup and fully utilize their contaminated properties. Walsh explained that the cleanup goals will be accomplished using an integrated approach that increases predictability, streamlines the cleanup process, and encourages community-level involvement in the remediation and redevelopment of contaminated sites.

Increasing predictability. Walsh explained that lightly to moderately contaminated sites, e.g., sites contaminated by "historic fill," make up as much as 80 to 90 percent of brownfields in the City and do not typically qualify for the State program. Creating a cleanup program tailored for these sites helps to fill the gaps in the State program. City sites tend to involve less complex environmental problems, often permitting the use of "presumptive remedies," which are pre-designed, pre-vetted cleanup plans that have been proven in the field. Walsh explained that, ideally, the City program could deliver a cleanup, from the point of entry to approved cleanup plan, in three to four months, a substantial reduction in time from the State program. Walsh

believes that this will be a major step towards breaking down the perception that cleanup programs, by definition, are long, difficult, and unpredictable.

Streamlining the process. A developer interested in cleaning up a City site under State guidance may need approvals from multiple City and State agencies before entering the State program. OER has developed cooperative relationships with many of these agencies through which OER will act as a go-between for the agencies and the developers, lessening the administrative burden and providing a "one stop shop" for parties seeking to cleanup their sites.

OER recognizes the need to provide participants in the City program with a release from liability analogous to that of the State program. Walsh explained that, as an interim step, OER and the DEC are developing a Memorandum of Understanding under which DEC will agree to take no action against developers that follow the rigorous cleanup guidelines created by the City. As a final step to ensure broad, long-term liability protection, the City is also working on submitting a bill to the State legislature that will provide developers with liability protection from State agencies.

Increasing awareness. In addition to working with the developers and owners, OER has created a variety of tools to ensure community participation in the cleanup process. Walsh stated that pro bono consulting services will be available for communities during the design stages of cleanup plans, and community protection plans will be added to cleanup plans, clearly identifying, in lay terms, the precautions that will be taken on behalf of the community during the cleanup process.

OER's efforts to streamline the cleanup process for developers and owners of brownfields, as well as its focus on engaging local communities in the process, are innovative, and if successful, could become a model for other large, urban cities to follow.

— Peter Schikler

maintenance costs.

Before any of the catering began, the Church sought permission from the City. The New York City Department of Buildings issued a pre-consideration determination allowing catered events provided that the social hall was used and operated exclusively by the Church for its members. The Church sought a modification, claiming that there would be limited periods when the Church was not used by its congregation and a professional caterer would run catered events. Buildings accepted the modification, noting that the catered events under contract with the Church complied as an accessory use.

Believing that the necessary approvals had been granted, the Church and Rose Group executed the lease. When repairs got underway, neighbors began complaining to Buildings. Subsequently, Buildings withdrew its pre-consideration determination and revoked approval. It claimed that after learning of the extent and frequency of the professional catering activity, as compared to the use by the Church, it determined that approval should not have been granted.

Buildings contended that Rose Group was planning to use the Church as a commercial event space.

The Church sued, claiming that the catering was its means to preserve the building as a place of worship. The Church further claimed that Buildings' actions

imposed a substantial burden on the Church and treated it on less than equal terms with nonreligious institutions in the neighborhood.

District Judge Deborah Batts permanently enjoined Buildings from revoking the earlier accessory use approval to hold catering events under a contract with Rose Group. Judge Batts ruled that Buildings' decision to revoke the Church's approval while other food and catering businesses operating in the same neighborhood were only issued violations demonstrated that the



Third Church of Christ, Scientist on the corner of Park Avenue and 64th Street. Photo: Melanie Cash.

Church was treated on less than equal terms. The court detailed the operations of restaurants at the neighboring Beekman Hotel and the Regency Hotel, both in violation of the Zoning Resolution. The judge also ruled that revocation was not a burden on the Church's ability to have catered events. Judge Batts did not rule on whether the use of the building by Rose Group was an accessory use.

Third Church of Christ, Scientist v. Buildings, 07 Civ. 10962 (S.D.N.Y. Dec. 2, 2008) (Batts, J.).

*New Decisions Added to CITYADMIN www.citylaw.org – Dec. 2008 - Jan. 2009**

CITY COUNCIL			
RES. NOS.	PROJECT	DESCRIPTION	DATE
1728	Petra Santiago Apts., MN	UDAAP by HPD (3 lots)	12/9/2008
1729	320 Sterling St., BK	UDAAP by HPD (1 lot)	12/9/2008
1730	292 E. 3rd St., MN	UDAAP by HPD (11 lots)	12/9/2008
† 1731-33	Waterpointe, QN	Rezoning (M1-1 to R3-2); City map amendment; special permit (modify distance between bldgs. reqs.)	12/9/2008
1745	Edgemere URP, QN	Designate as Urban Renewal Area	12/18/2008
1746	212 W. 108th St., MN	UDAAP by HPD (2 lots)	12/18/2008
1747	307 W. 111th St., MN	UDAAP by HPD (1 lot)	12/18/2008
1748	660 St. Nicholas Ave., MN	UDAAP by HPD (1 lot)	12/18/2008
1749-50	148 W. 143rd St., MN	UDAAP by HPD (1 lot); acquisition of property	12/18/2008
1751-56	Via Verde, BX	Rezoning (M1-1 to C6-2); zoning text amendment; special permit (dev. over a rail right-of-way); spec. permit (mod. height, setback regs.); acquisition of property; UDAAP by HPD (4 lots)	12/18/2008
1757	551 Bay St., SI	Withdraw UDAAP application	12/18/2008
1758	418 W. 129th St., MN	UDAAP by HPD (1 lot)	12/18/2008

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*New Decisions Added to CITYADMIN www.citylaw.org – Dec. 2008 - Jan. 2009**

CITY COUNCIL (CONT.)				
RES. NOS.	PROJECT	DESCRIPTION	DATE	
†	1759	Willets Pt. URA, QN	Dispose of City property	12/18/2008
	1760	34 Jefferson Ave., BK	UDAAP by HPD (1 lot)	12/18/2008
	1761	3117 Surf Ave., BK	UDAAP by HPD (2 lots)	12/18/2008
	1762	3603 Broadway, MN	UDAAP by HPD	12/18/2008
	1763	500 W. 149th St., MN	UDAAP by HPD	12/18/2008
	1764-65	Tompkinsville Bath House and Pool, SI	Landmark designation	12/18/2008
†	1766	Public Nat'l Bank Bldg., MN	Landmark designation	12/18/2008
	1767	Fire Engine Co. No. 53, MN	Landmark designation	12/18/2008
†	1768	Wheatworth Bldg., MN	Landmark designation	12/18/2008
	1769	Betsy Head Play Ctr., BK	Landmark designation	12/18/2008
CITY PLANNING COMMISSION				
PROJECT NAME	DESCRIPTION	LOCATION	ULURP NO.	DATE
Bd. of Elections Warehouse	Site selection, acquisition of property	QN 1	C090056PCQ	12/3/2008
DHMH Offices	Acquisition of office space	MN 1	N090174PXM	12/17/2008
Crosby Street Hotel	Spec. permit (retail/hotel use below 2nd fl.)	MN 2	C080505ZSM	12/17/2008
F.W. Devoe & Co. Factory	Landmark designation	MN 2	N090187HKM	12/17/2008
Spec. Clinton Dist. Zoning	Zoning text amend. (amend. theater bonus)	MN 4	N080184(B)ZRM	12/17/2008
St. Stephen's Church	Landmark designation	MN 6	N090188HKM	12/17/2008
Randall's Island Connector	Site selection, easements (pathway)	MN 11, BX 1	C080533PCY	12/17/2008
Food Center Drive	City map amendment (est. food center)	BX 2	C070443MMX	12/17/2008
ACS Office Space	Acquisition of office space	BX 11	N090175PXX	12/17/2008
NYPD Vehicle Storage	Site selection (impoundment facility)	QN 13	C090087PSQ	12/17/2008
† University Village	Landmark designation	MN 2	N090217HKM	1/7/2009
Pratt Building	Landmark designation	MN 2	N090216HKM	1/7/2009
Baumann Bros. Store	Landmark designation	MN 2	N090215HKM	1/7/2009
Fire Engine Co. No. 54	Landmark designation	MN 4	N090213HKM	1/7/2009
Guardian Life Insurance Bldg.	Landmark designation	MN 5	N090214HKM	1/7/2009
Morris Sanders Studio & Apt.	Landmark designation	MN 6	N090212HKM	1/7/2009
Shops at Gateway	Special permit (dev. 3, 1-story bldgs.)	BK 5	C080051ZSK	1/7/2009
Red Hook Play Ctr.	Landmark designation	BK 6	N090218HKK	1/7/2009
Astoria Blvd. Rezoning	Rezoning (C2-2 in R4 dist.)	QN 3	C060021ZMQ	1/7/2009
Beach 84th St. Pier	Dispose of City property	QN 13	C090064PPQ	1/7/2009
Erbograph Apts.	UDAAP by HPD (65 units)	MN 10	N090144HAM	1/21/2009
East 181st St.	City map amend. (street closing)	BX 6	C050187MMX	1/21/2009
N.Y. Supreme Ct. Office Space	Acquisition of office space	BK 2	N090245PXX	1/21/2009
NYPD Brooklyn S. Office Space	Acquisition of office space	BK 18	N090246PXX	1/21/2009
BOARD OF STANDARDS & APPEALS				
ADDRESS	DESCRIPTION	ACTION	CASE NO.	REPRESENTATIVE
141 Allen St., MN	Permit PCE (Mama Spa)	App'd	175-08-BZ	Eric Palatnik PC
3740 Broadway, MN	Ext. of term (Mobil station)	App'd	736-45-BZ	Walter T. Gorman
400 E. Fordham Rd., BX	Permit PCE (24-Hour Fitness)	App'd	199-08-BZ	Rizzo Group
3248 Wickham Ave., BX	Construct 2, 3-family dwellings in mapped street bed	App'd	39-07-A-40-07-A	Sheldon Lobel PC
2090 Bronxdale Ave., BX	Ext. time to obtain C of O (Mobil station)	App'd	389-95-BZ	Walter T. Gorman
1350 E. 27th St., BK	Enlarge 1-fam. dwelling (fl. area, yards)	App'd	195-08-BZ	Sheldon Lobel PC
1155 E. 24th St., BK	Enlarge dwelling (fl. area, yards)	App'd	225-08-BZ	Lewis E. Garfinkel
511 Avenue R, BK	Construct 6-story synagogue	App'd	51-08-BZ	Francis R. Angelino
153 Norfolk St., BK	Enlarge 1-fam. dwelling (fl. area, yards)	App'd	178-08-BZ	Eric Palatnik PC
144 N. 8th St., BK	Revoke permits for 16-story bldg.	Denied	34-08-A	Kevin C. Shea
1610 Avenue S, BK	Ext. time to complete construction; vested right to continue development	App'd App'd	191-08-BZ; 266-07-A	Stuart A. Klein
2402 86th St., BK	Ext. time to complete construction	App'd	159-07-BZ	Eric Palatnik PC

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*New Decisions Added to CITYADMIN www.citylaw.org – Dec. 2008 - Jan. 2009**

BOARD OF STANDARDS & APPEALS (CONT.)					
ADDRESS	DESCRIPTION	ACTION	CASE NO.	REPRESENTATIVE	
167 Bayside Dr., QN	Reconstruct, enlg. 1-fam. dwelling	App'd	240-08-A	Gary D. Lenhart	
53-20 72nd Pl., QN	Special permit (25-ft. radio tower)	App'd	205-07-BZ	Omnipoint Comm.	
32 Tioga Walk, QN	Enlg. 1-fam. dwelling in mapped st. bed	App'd	205-08-A	Valentino Pompeo	
50 Tioga Walk, QN	Enlg. 1-fam. dwelling in mapped st. bed	App'd	232-08-A	Gary D. Lenhart	
56 Hillside Ave., QN	Enlg. 1-fam. dwelling in mapped st. bed	App'd	233-08-A	Gary D. Lenhart	
26 Roosevelt Walk, QN	Enlg. 1-fam. dwelling in mapped st. bed	App'd	204-08-A	Gary D. Lenhart	
171 Bayside Dr., QN	Enlg. 1-fam. dwelling in mapped st. bed	App'd	200-08-A	Gary D. Lenhart	
434 Oceanside Ave., QN	Enlg. 1-fam. dwelling in mapped st. bed	App'd	211-08-A	Gary D. Lenhart	
45-05 Bell Blvd., QN	Ext. time to obtain C of O (Mobil station)	App'd	297-99-BZ	Walter T. Gorman	
118 Beach 221st St., QN	Enlg. 1-fam. dwelling in mapped st. bed	App'd	211-08-A	Gary D. Lenhart	
63 Houston St., SI	Vested right to continue development	App'd	251-07-A- 254-07-A	Eric Palatnik PC	
310 Ramona Ave., SI	Construct 4, 1-family dwellings in mapped street bed	App'd	115-07-A; 116-07-A	Rampulla Assocs.	
1112 Forest Ave., SI	Ext. of term (eating & drinking est.)	App'd	117-97-BZ	Vito J. Fossella	
LANDMARKS PRESERVATION COMMISSION					
ADDRESS	LANDMARK/HISTORIC DISTRICT	DESCRIPTION	CASE NO.	APP'D	ISSUED
CERTIFICATE OF APPROPRIATENESS					
120 Broadway, MN	Equitable Building	Modify bulkhead, infill	09-5622	Yes	11/25/2008
27A Harrison St., MN	315 Washington St. House	Legalize shutter removal	09-6478	Yes	1/6/2009
165 W. 57th St., MN	Columbia Artists Mgmt. Bldg.	Inst. ramp, rooftop mech. equip.	09-6212	Yes	12/19/2008
1201 Lafayette Ave., BX	American Bank Note Co.	Alter facade, inst. loading docks	09-6183	Yes	12/18/2008
268 Pearl St., MN	South St. Seaport HD	Remove pavement, inst. garden	09-6315	Yes	1/5/2009
51 Murray St., MN	Tribeca South HD Ext.	Install infill, cornice	09-6466	Yes	1/7/2009
87 Chambers St., MN	Tribeca South HD	Const. 1-story rooftop addition	09-6182	Yes	12/17/2008
53 Beach St., MN	Tribeca West HD	Const. 1-story rooftop addition	09-6360	Yes	12/30/2008
15 Greene St., MN	SoHo-Cast Iron HD	Install wall sign	09-5998	Yes	12/12/2008
433 Broome St., MN	SoHo-Cast Iron HD	Construct rooftop addition	09-5706	Yes	10/7/2008
715 Broadway, MN	NoHo HD	Replace flagpole	09-4807	Yes	10/23/2008
727 Washington St., MN	Greenwich Village HD	Inst. interior facade, entrance door	09-5793	Yes	12/3/2008
299 W. 12th St., MN	Greenwich Village HD	Install pergola	09-5696	Yes	12/12/2008
60 Jane St., MN	Greenwich Village HD	Alter facades, const. rooftop add.	09-4548	Yes	10/21/2008
15 Bank St., MN	Greenwich Village HD	Amend C of A	09-5756	Yes	12/2/2008
9th Ave. at 14th St., MN	Gansevoort Market HD	Install paving, bike racks	09-6169	Yes	12/16/2008
413 W. 14th St., MN	Gansevoort Market HD	Alter storefronts, remove awnings	09-5694	Yes	11/28/2008
11 W. 18th St., MN	Ladies' Mile HD	Legalize windows	09-6028	No	12/9/2008
24 E. 21st St., MN	Ladies' Mile HD	Repl. infill, remove mech. equip.	09-5101	Yes	11/5/2008
155 Fifth Ave., MN	Ladies' Mile HD	Install infill, windows, doors	09-5029	Yes	10/31/2008
12 E. 62nd St., MN	Upper East Side HD	Construct rooftop additions	09-5470	Yes	1/7/2009
717 Madison Ave., MN	Upper East Side HD	Repl. infill, const. rear addition	09-5805	Yes	12/5/2008
133 E. 73rd St., MN	Upper East Side HD	Est. master plan (storefronts)	09-6391	Yes	1/2/2009
163 W. 78th St., MN	Upper West Side/CPW HD	Const. rooftop add., inst. terrace	09-5833	Yes	12/4/2008
159 W. 82nd St., MN	Upper West Side/CPW HD	Resurface brownstone	09-5987	Yes	12/10/2008
312 W. 88th St., MN	Upper West Side/CPW HD	Const. roof, const. rear add.	09-6197	Yes	12/24/2008
334 W. 89th St., MN	Riverside-West End HD	Replace fence	09-4923	Yes	10/28/2008
Water St., BK	Fulton Ferry HD	Exp. Brooklyn Bridge Park	09-6032	Yes	12/11/2008
42 Garden Pl., BK	Brooklyn Heights HD	Repl. door, const. rear addition	09-6108	Yes	1/7/2009
58 Hicks St., BK	Brooklyn Heights HD	Redesign facade	09-5769	Yes	12/18/2008
50 Remsen St., BK	Brooklyn Heights HD	Replace doors, windows	09-6163	Yes	12/17/2008
66 Seventh Ave., BK	Park Slope HD	Const. 1-story rooftop addition	09-5609	Yes	12/29/2008
56 Cambridge Pl., BK	Clinton Hill HD	Paint bldg., inst. mailbox, lights	09-6463	Yes	1/6/2009
110 Amity St., BK	Cobble Hill HD	Enclose penthouse	09-4805	Yes	12/18/2008

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Trump SoHo wins another appeal. See story on page15.
Image: Handel Architects.

CENTER FOR NEW YORK CITY LAW UPCOMING EVENTS

CLE SERIES

Monday, March 16, 2009

Transferable Development Rights in New York City

Speakers:

Paul Selver, Partner, Kramer Levin

Elise Wagner, Partner, Kramer Levin

6:00 p.m. – 8:00 p.m. at Wellington Conference Center

New York Law School, 47 Worth St., N.Y., N.Y.

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Council	1,084	2003-2005	Well, Gotshal & Manges LLP
CPC	949	2003-Present	Gibson, Dunn & Crutcher LLP
DOB	68	1999-Present	Kramer, Levin, Nafalis & Frankel, LLP
Landmarks	2,083	2002-Present	
Loft Board	1,518	1996-Present	



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