

CITYLAND

SEPTEMBER 15, 2009

CENTER FOR NEW YORK CITY LAW

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Hudson River Park's Pier 57, as envisioned by Hudson River Park Trust and Youngwoo & Associates. See Profile on page 128. Image: Courtesy of LOT-EK.

CITY COUNCIL

Special Permit

Upper East Side, Manhattan

Carnegie Hill townhouse reconstruction approved

Applicant claimed that combining office building and residential townhouse would improve surrounding area. On August 20, 2009, the City Council approved a developer's plan to combine two buildings on East 94th Street between Madison and Fifth Avenues into one 67-foot, six-story residential building within the Carnegie Hill Historic District. Originally built in the 1890s, developers converted 4 East 94th Street into a seven-story, 75-foot office building in 1963. The second building is a five-story, 58-foot residential townhouse at 6-8 East 94th Street.

The developer's plan called for reducing the height of the 75-foot office building and increasing the townhouse's height to create a uniform height of 67 feet, exceeding the

area's 60-foot height limit. The plan would open up the rear yard by demolishing a one-story addition behind the office building that extends to its lot line. The developer would replace the one-story addition with a six-story, five-and-a-half foot rear facade extension, creating a new 30-foot rear yard.

At the Council's Zoning & Franchises Subcommittee hearing on August 18, 2009, attorney Ross Moskowitz, speaking on behalf of the owner, stated that the changes would increase the adjacent properties' access to light and air and enhance the neighborhood's architectural character. He conceded that some local residents may be adversely affected during the project's construction, but said the owner would comply with all applicable safety procedures and work with local stakeholders to minimize construction impacts.

Council Member Daniel R. Gardnick, whose district includes the project, questioned whether the developer needed *(cont'd on page 119)*

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4-8 East 94th Street. Photo: Brett Reitter.

the rear extension to rise all the way to the sixth floor of the office building, and asked if a smaller rear extension would be sufficient. The project's architect claimed that the sixth floor portion of the extension was essential because it provided important living space on the sixth floor.

Residents of adjacent buildings testified in opposition, claiming that the project would block their views and reduce their access to light and air. They also expressed concerns about the potential construction impacts on neighboring properties. A resident of the building abutting the townhouse said the proposed sixth floor addition would block the views in her building, and asked the Subcommittee to "just say no" to the project. Another resident claimed that the project's review process had been "flawed" and that the proposed changes would be "grossly out-of-character" with the area's architecture.

The vote was laid over to allow for further discussions. When the Subcommittee reconvened, Moskowitz read a statement responding to issues discussed at the previous hearing, including that the owner had agreed to eliminate a portion of the sixth floor from the office building's rear extension. Garodnick then stated that the project would be a "vast improvement" in the heart of

the Carnegie Hill Historic District and urged his colleagues to approve the proposal.

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

ULURP Process

- Lead Agency: CPC, Neg. Dec.
- Comm. Bd.: MN 8, App'd, 35-0-2
- Boro. Pres.: App'd
- CPC: App'd, 11-0-0
- Council: App'd, 43-0-8

Council: 4-8 East 94th Street (C 090003 ZSM – spec. perm.) (Aug. 20, 2009).

CITY COUNCIL

Sidewalk Cafe Permit

Lower East Side, Manhattan

Sidewalk cafe permit denied

DCA revoked restaurant's previous permit after discovering plan inaccuracies. On August 20, 2009, the City Council denied Spitzer's Corner's application for an unenclosed sidewalk cafe at the corner of Rivington and Ludlow Streets in the Lower East Side. Spitzer's application called for eight tables and 16 chairs fronting 101 Rivington Street.

At the Council's Zoning & Franchises Subcommittee hearing, Spitzer's architect, Steve Wygoda, testified that in 2007 the Council approved an application for a sidewalk cafe after Spitzer's reached an agreement with Council Member Alan J. Gerson to reduce the plan to five tables and 10 chairs. Wygoda stated that in 2008 the Department of Consumer Affairs revoked the permit after determining that the sidewalk was too narrow for a sidewalk cafe. He said the size discrepancy had been resolved and DCA had approved the current application.

Rita Lee, the Director of Community Initiatives for Gerson's office, spoke in opposition, claiming that Spitzer's reneged on the 2007 agreement by operating its sidewalk cafe after the agreed upon hours. Lee stated that the restaurant had not been a "good neighbor," noting that the

State Liquor Authority had issued Spitzer's four violations for underage drinking since June 2008.

Before recommending that the permit be denied, Chair Tony Avella said sidewalk cafes were a "privilege" bestowed by the Council to enhance and improve neighborhoods. Avella cited Spitzer's past liquor violations, its inability to follow the 2007 permit requirements, and DCA's revocation of that permit, as reasons why he could not support the application. The Subcommittee then voted unanimously to deny the permit.

Council: NYLA Cafe LLC d/b/a Spitzer's Corner/101 Rivington Street (Aug. 20, 2009).

CITY PLANNING COMMISSION

Text Amendment

Citywide

Grocery store zoning incentives proposed

Program would create floor area bonus and other incentives in effort to increase number of grocery stores in underserved neighborhoods. On August 5, 2009, the City Planning Commission held a public hearing on the City's proposed Food Retail Expansion to Support Health (FRESH) program. The program, a joint effort by the Department of City Planning and the City's Economic Development Corporation, is a response to a City-sponsored study from 2008 finding that low- and moderate-income neighborhoods had been underserved by grocery stores offering a full range of products, including fresh meats, fruits, and vegetables. As part of the program, Planning proposed a text amendment that would create zoning incentives to promote the creation of full-line grocery stores in these neighborhoods.

Among the incentives, mixed-use buildings would receive one square foot of additional residential floor area for every square foot used to provide a FRESH food store, up to

CITY PLANNING PIPELINE

New Applications Filed with DCP — August 1 - 31, 2009

APPLICANT	PROJECT/ADDRESS	DESCRIPTION	ULURP NO.	REPRESENTATIVE
ZONING TEXT AND MAP AMENDMENTS				
Edison Properties	241 W. 28th St., MN	Rez. (M1-5 to M1-6D) to construct 2 buildings; spec. perm. (parking lot)	100063ZMM; 100064ZSM	Kramer Levin
401 Hotel Reit LLC	15 Penn Plaza, MN	Rezone (C6-4.5 to C6-6); text amend. (mod. ht. & setback regs.); spec. perm. (const. comm. bldg.); spec. perm. (floor bonus, subway str.)	100047ZMM; 100048ZRM; 100049ZSM; 100050ZSM	Kramer Levin
HPD	592 11th Ave., MN	Rez. (M1-5 to R10/C2-5 & R8/C2-5) to const.; to const. 1350 unit bldg.; text. amend. (inclus. hous.); spec. perm. (const. 2 bldgs.); spec. perm. (bldg. distance regs.); UDAAP & disposition	100051ZMM; 100052ZRM; 100053ZSM; 100054ZSM; 100055HAM	
Rose Plaza LLC	470 Kent Ave., BK	Text. amend. (desig. incl. housing)	100056ZRY	Davidoff Malito
SPECIAL PERMITS/OTHER ACTIONS				
HPD	1087 E. Tremont Ave., BX	UDAAP & dispo. (BX River Art Ctr.)	100083HAX	
FGP West St LLC	1800 Williamsbridge Rd., BX	Amend rest. decl. (enlg. comm. bldg.)	770073AZMX	Eric Palatnik PC
HPD	1612 Park Pl., BK	UDAAP & dispo. (3 bldgs., 25 units)	100067HAK	
Bowne Assoc.	182-15 Hillside Ave., QN	Renew spec. perm. (nursing home)	100082CMQ	Davidoff Malito
CAS/EDC	87-35 131st St., QN	Unrestr. dispo. (manufacturer)	100081PPQ	
Allen AME	22-20 Loretta Rd., QN	Auth. to const. sr. housing (66 units)	100072ZAQ	SLCE Architects
Toyoko Inn	24-01 Jackson Ave., QN	Cert. (dev. 35-story trans. hotel)	100062ZCQ	Greenberg Traurig
DEP	Richmond Creek Bluebelt, SI	Site selection & acq. (Bluebelt exp.)	100071PCR	
T.M. Real Estate	Page Ave., SI	Spec. perm. (supermarket & gas str.); auth. to reduce parking facility; mod. topography (supermkt, prking); cert. (permit curb-cuts)	100075ZSR; 100076RAR; 100077RAR; 100078RCR	Rothkrug Rothkrug
Vincent Estates	1340 Huguenot Ave., SI	Mod. topo. (const. 1-fam. dwelling)	100073RCR	Moss & Sayad
Anthony Brusco	71 Portsmouth Ave., SI	Auth. to const. dwelling in NA-1 dist.	100060ZAR	Land Planning PC
Kimco Realty	2600 Hylan Blvd., SI	Auth. to mod. site plan & parking	100066ZAR	Rampulla Assoc.
Central Pk. East	25 Discala Lane, SI	Cert. (elim. app'd visual corridors)	100061ZCR	Land Planning PC

CPC: FRESH Foods Zoning Text (N 090412 ZRY – text amend.) (Aug. 5, 2009).

CITY PLANNING COMMISSION

Rezoning

Carroll Gardens, Brooklyn

South Brooklyn contextual rezoning debated

Residents concerned that rezoning plan does not go far enough to prevent out-of-character development. On August 19, 2009, the City Planning Commission held a public hearing on the Department of City Planning's proposal to rezone 86 blocks of Brooklyn's Carroll Gardens and Columbia Street neighborhoods. The proposed rezoning area is currently zoned R6 and is generally bounded by Warren and Degraw

Streets to the north, Hamilton Avenue to the south, Bond and Hoyt Streets to the east, and Columbia Street to the west. The plan builds on the recently approved Carroll Gardens Narrow Streets Text Amendment aimed at limiting the size and configuration of construction on side streets with deep courtyards. 5 *CityLand* 103 (Aug. 15, 2008).

The Columbia Street area, making up the eastern 14-block portion of the plan, has been influenced by its proximity to the historically industrial waterfront. The neighborhood has recently experienced an increase in residential and commercial development and is characterized by three- to four-story rowhouses and seven-story former manufacturing buildings along Tiffany Place, which have been converted to apartments, while three- to four-story mixed-use buildings are found along

a maximum of 20,000 sq.ft. To accommodate the extra floor area, the Commission would be authorized to increase the building's maximum height by 15 feet. The proposed amendment would reduce the parking requirements for grocery stores and also allow as-of-right grocery stores up to 30,000 sq.ft. in M1 zoning districts, eliminating the need for a special permit. Under the program, FRESH food stores would be eligible for financial incentives from the City's Industrial Development Agency, including breaks on real estate and sales taxes.

A grocery store utilizing any of the incentives would first need to be certified as a FRESH food store by the Commission's Chair. To qualify, a store would have to meet certain requirements, such as providing at least 6,000 sq.ft. of space for a general line of food and nonfood grocery products, and setting aside at least 500 sq.ft. for fresh produce.

At the Commission's hearing, elected officials, residents, and business groups supported the proposal. Brooklyn Borough President Marty Markowitz praised Planning's efforts but expressed concern that new grocery stores might hurt small neighborhood stores. Among his recommendations, Markowitz requested that the Commission expand the program to make existing stores and stores under 6,000 sq.ft. eligible for financial incentives.

A representative of the Food Industry Alliance of New York State, a trade association representing 800 grocery stores in the City, stated that the proposal addressed obstacles that limited the creation of grocery stores in certain neighborhoods. She said that permitting grocery stores as-of-right in M1 districts would increase development opportunities for companies looking to build new stores by reducing time and up-front costs associated with the City's land use review process.

If approved by the Commission, the proposal will require City Council approval.

the retail corridors of Columbia and Union Streets.

Carroll Gardens, named for the deep courtyards found on many of its east-west streets, is characterized by three- to four-story rowhouses with some four- to five-story multi-family apartment buildings. The retail corridors of Smith and Court Streets consist of three- to four-story mixed-use buildings.

Recent development has resulted in enlargements and new buildings that are out-of-scale with the area's low-rise context. To preserve the area's built character, Planning would replace the area's R6 zoning with contextual zoning districts that would establish height limits while still allowing upgrades and modest expansions in some areas. Commercial overlays would be adjusted to allow an expanded range of uses and

to prevent encroachment into the residential side streets.

Planning proposes to rezone 76 full or partial blocks to R6B, establishing maximum building heights at 50 feet for many of the predominantly residential east-west blocks. The proposal would apply R6A regulations along the wide, mixed-use corridors of Court and Columbia Streets and on narrow streets characterized by taller, bulkier buildings already matching the R6A building envelope. A portion of one block along Tiffany Place would be rezoned R7A to more closely reflect the existing seven-story buildings.

At the Commission's hearing, residents and members of local neighborhood groups expressed concern that the proposal did not go far enough. Jerry Armour, representing Brooklyn Community Board 6,

testified that CB6 supported the plan, but also believed that the "islands of R6A" surrounding the R6B districts would not preserve the neighborhood's character. CB6 suggested replacing R6A zoning with R6B along many of the residential side streets. Glen Kelly, co-chair of the Carroll Gardens Neighborhood Association, testified that the R6A zoning along the non-commercial, narrow side streets would promote continued out-of-scale development and requested that the Commission retain the R6 zoning along these streets.

The Commission has until October 13, 2009 to vote on the plan.

CPC: Hearing on Carroll Gardens/Columbia Street Rezoning (C 090462 ZMK – rezoning) (Aug. 19, 2009).

CITY PLANNING COMMISSION

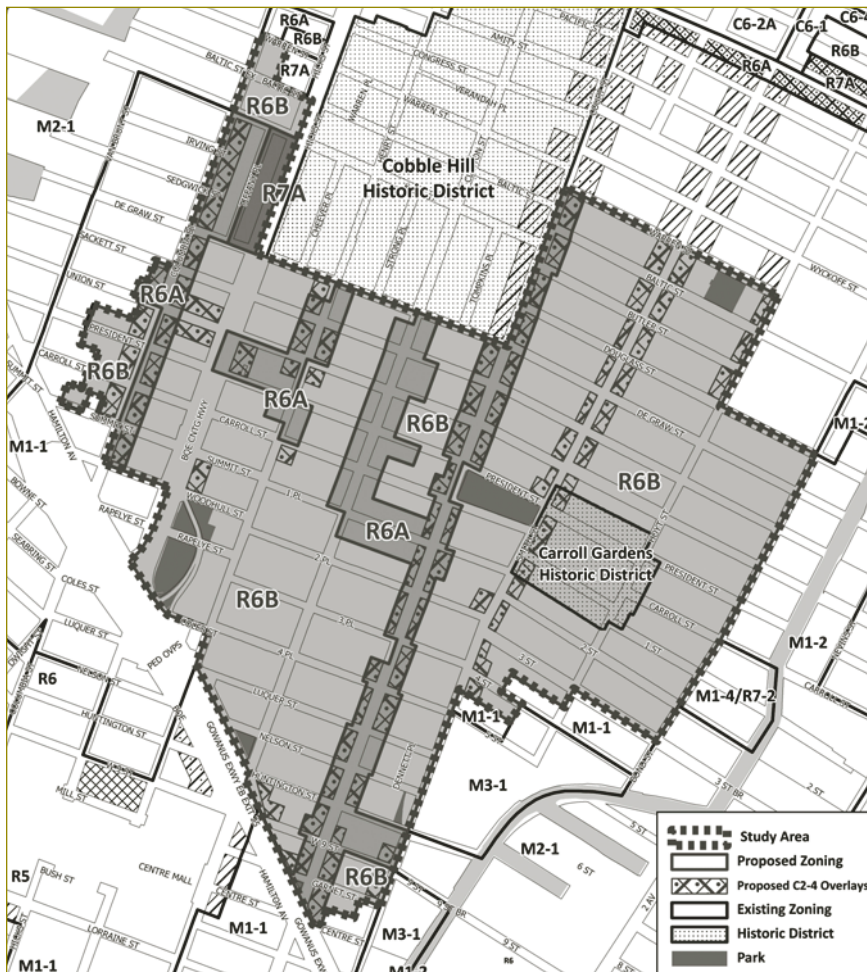
Rezoning/Special Permit

City Island, Bronx

City Island development seeks height waiver

Residents concerned that waiving height requirement would set bad precedent. On August 5, 2009, the City Planning Commission heard testimony on City Island Estates' proposal to build a residential development at 226 Fordham Place on City Island. The 43-unit project, abutting the eastern shore of Long Island Sound, would be built on a 279,154 sq.ft. site and include 21 two-family detached homes and one single-family detached home. The plan called for building 17 of the 21 two-family homes up to 41.5 feet in height, while the remaining homes would be built to 35 feet.

To facilitate the project, the developer applied for waivers for the height and setback requirements of the Special City Island District. This included modifying the 35-foot height limit for new developments and enlargements. The developer also proposed rezoning the lot from M1-1 to R3A.



Proposed Carroll Gardens/Columbia Street Rezoning used with permission of the New York City Department of City Planning. All rights reserved.

ULURP PIPELINE

New Applications Certified into ULURP

PROJECT	DESCRIPTION	COMM. BD.	ULURP NO.	CERTIFIED
161 W. 78th St.	Special permit	MN 7	100012ZSM	8/17/2009
Webster Commons	Rezoning	BX 12	090397ZMX	8/17/2009

At the Commission's public hearing, attorney Melanie Meyers spoke on behalf of the developer. Meyers pointed out that 17 of the two-family homes would be built on land sloping down towards Long Island Sound and within the floodplain. She said the developer could not provide ground floor living space in these homes due to concerns about flooding. She also said the height waiver would enable the developer to instead provide living space on the second and third floors of the homes in the floodplain and use the ground floor for garage space.

The project's architect testified that because of the area's sloping topography, sight lines in the neighborhood would not be affected by the taller homes. He claimed that when standing at Fordham Place and looking south towards the water, the taller homes at the back of the development would appear to be the same height as the 35-foot homes in the front. The architect also said that without the height waiver, the homes would lose important bedroom space on the third floor.

Residents speaking in opposition included Kenneth Kearns, the District Manager of Bronx Community Board 10, who expressed concerns about the proposed height waiver. Kearns acknowledged that the waiver would only apply to the project but said the proposed height would violate City Island's character and set a bad precedent for future projects in the area.

The Commission is expected to vote on the proposal on September 9, 2009.

CPC: Hearing on On the Sound on City Island (C 060288 ZMX – rezoning); (C 060289 ZMX – spec. perm.) (Aug. 5, 2009).

CITY PLANNING COMMISSION

Rezoning/Text Amendment

Sunset Park, Brooklyn

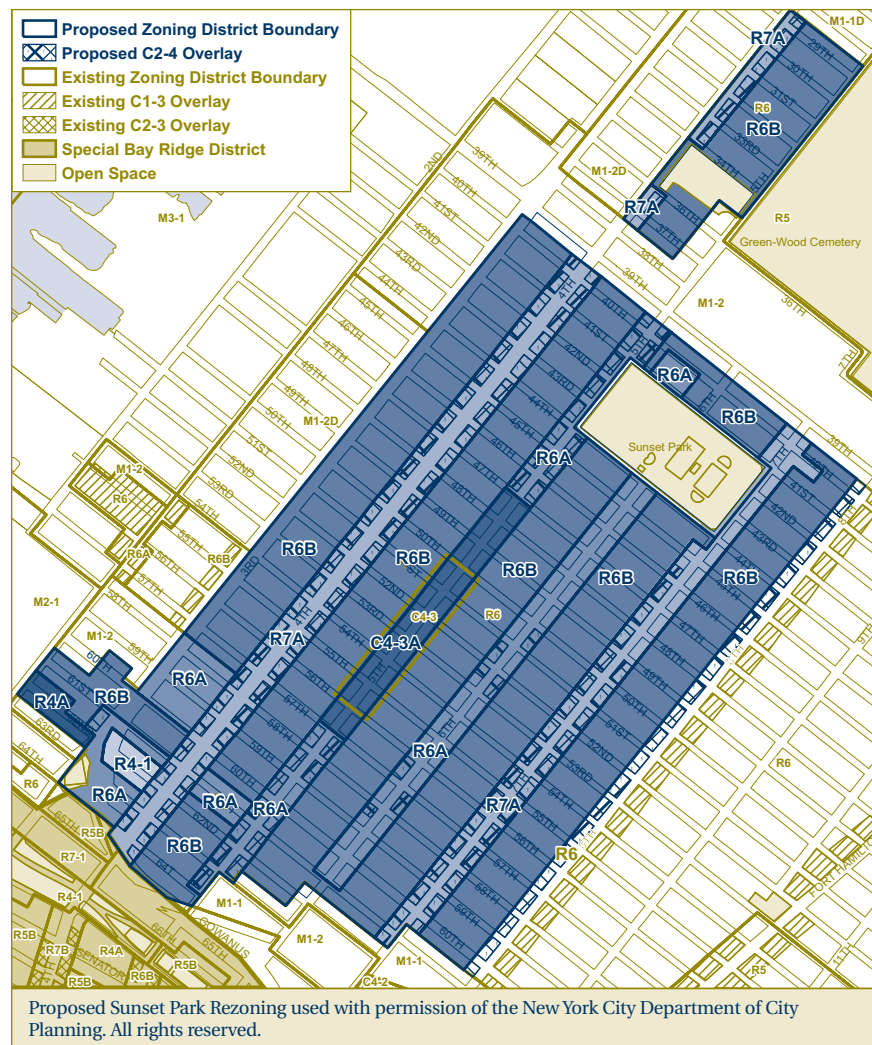
Sunset Park rezoning plan sent to Council

128-block rezoning would establish height limits in Sunset Park. On August 5, 2009, the City Planning Commission approved the Department of City Planning's rezoning proposal for Brooklyn's Sunset Park. The majority of the 128-block rezoning

area is bounded by 40th Street to the north, the Gowanus Expressway to the south, Eighth Avenue to the east, and Third Avenue to the west, with a small area to the north, bounded by 29th and 37th Streets, and Fourth and Fifth Avenues.

Sunset Park is a predominantly residential neighborhood characterized by two- to four-story rowhouses along side streets, and five- to six-story apartment buildings found on the avenues, including retail and commercial corridors along Fourth, Fifth, and Seventh Avenues. There are also two small pockets of detached and semi-detached houses in the southwest corner of the rezoning area.

Under its current R6 zoning, the area has experienced an increase in development resulting in out-of-scale apartment buildings that are



inconsistent with its low-rise context. The proposal would replace the R6 zoning with contextual zoning districts — R4A, R4-1, R6B, R6A, and R7A — that more closely match the area's diverse, built context.

The plan would apply the R6B district to portions of 121 blocks along many of the narrow residential side streets, establishing a maximum height of 55 feet. Planning would rezone 60 blocks along portions of Fifth and Sixth Avenues to R6A and apply the higher-density R7A district to 101 partial blocks along the major commercial corridors of Fourth and Seventh Avenues. To promote the construction of affordable housing, the City's Inclusionary Housing program would apply to the proposed R7A district.

The plan would also rezone 10 blocks to C4-3A to establish maximum building heights and encourage a broader mix of commercial uses in the area's commercial center along Fifth Avenue.

At the Commission's public hearing on July 1, residents testified in support and in opposition to the plan. A representative of Friends of Sunset Park spoke in support, but said the height limits along Fifth and Seventh Avenues were too high and would not protect views of downtown Brooklyn and Manhattan. Speaking in opposition, a representative of Sunset Park Alliance of Neighbors stated that the proposal required a more thorough environmental review that considered the plan's potential displacement of low-income residents.

The Commission approved the plan, finding that it would effectively preserve the existing scale of Sunset Park by supporting its local retail corridors and protecting the residential side streets. The Commission noted that Planning developed the proposal in response to the concerns of Brooklyn Community Board 7, and refined the plan through a "fully participatory public process" over the course of two years.

The City Council has until Octo-

ber 1, 2009 to vote on the proposal.

Review Process

Lead Agency: CPC, Neg. Dec.
Comm. Bd.: BK 7, App'd, 34-0-1
Boro. Pres.: App'd
CPC: App'd, 13-0-0
Council: Pending

CPC: Sunset Park Rezoning (C 090387 ZMK – rezoning) (N 090386 ZRK – text amend.) (Aug. 5, 2009).

BOARD OF STANDARDS & APPEALS

Variance

Mott Haven, Bronx

Residence allowed on small lot in M district

Applicant claimed that lot's small size would not allow a viable industrial use. The owner of a site located in an M1-2 zoning district sought a use variance to construct a two-story residential building. The 20 x 80 foot vacant lot, located at 328 Jackson Avenue, was formerly occupied by a residential building and has never been occupied by an industrial or manufacturing use.

The owner argued that it would suffer unnecessary hardship in developing a conforming use on the site because of the lot's small size. Stating that the zoning district's permitted floor area for a conforming use would allow multiple floors, the owner pointed out that a multi-floor design on the site would result in inefficient movement and delivery of materials between floors. The owner claimed that the lot's 18-foot interior width could not accommodate an interior loading bay, further constraining its ability to serve a viable industrial or manufacturing use.

BSA granted the variance, noting that the site is one of a few small lots within the M1-2 district area and that the lot's small floor would be impractical for an industrial or manufacturing use. BSA pointed out that the site is located contiguous to a longstanding row of two-story row-houses that were historically used as residences. Noting that a building's

adjacency to residential uses may not always be the basis for an unnecessary hardship claim, BSA said it may add support to the claim.

BSA: 328 Jackson Avenue (139-07-BZ) (Aug. 11, 2009). CITYADMIN

BOARD OF STANDARDS & APPEALS

Vested Rights

Crown Heights, Brooklyn

Single-family home wins waiver of rear yard rule

Owner during construction was caught by Citywide text change affecting rear yard. In July 2007, the owner of 1291 Carroll Street obtained a permit from Buildings allowing renovations to an existing single-family home located in an R2 zoning district. The plan included a rear enlargement built within 30 feet of the rear lot line. On April 30, 2008, the City Council approved a Citywide zoning text amendment that eliminated from R2 zoning districts the provision that waived rear yard requirements for properties within 100 feet of an intersection. The text change rendered the owner's home out-of-compliance with the 30-foot rear yard requirement.

Unaware of the text change, the owner continued work on the enlargement until the permit expired on March 23, 2009. Nearly three months later, Buildings concluded an audit and issued an objection stating that the enlargement was contrary to the zoning text.

Appealing to BSA, the owner argued that she was entitled to continue construction because at the time of the text change she had completed the enlargement's structure and installed plumbing. All that remained to be done were interior finishes and the installation of exterior doors. The owner also claimed she had spent \$78,940 on the enlargement and it would cost another \$57,250 to redesign and reconstruct a complying enlargement.

BSA granted the appeal, finding

BSA PIPELINE

New Applications Filed with BSA — August 1 - 31, 2009

APPLICANT	PROJECT/ADDRESS	DESCRIPTION	APP. NO.	REPRESENTATIVE
VARIANCES				
N.Y.U.	238 Thompson St., MN	N/A	239-09-BZ	Kramer Levin
Cent. Synagogue	123 E. 55th St., MN	Expand non-complying bldg.	249-07-BZ	Kramer Levin
Louisiana Purchase	636 Louisiana Ave., BK	Const. 4-story facility	246-09-BZ	Jordan Most
Bethany House	130-34 Hawtree Creek, QN	Const. hse. of worship (yard)	251-09-BZ	Rothkrug Rothkrug
SPECIAL PERMITS/OTHER ACTIONS				
532 Madison Synd.	532 Madison Ave., MN	Legalize phys. cult. est.	250-09-BZ	Madison/5th Assocs.
452 City Island Rlty.	454 City Island Ave., BX	Const. telecom facility	240-09-BZ	T-Mobile NE
Leemilt's Petrol.	3031 Bailey Ave., BX	Reinstate variance (auto station)	248-09-BZ	Sheldon Lobel PC
APPEALS				
363 Lafayette LLC	363 Lafayette St., MN	Appeal permit expiration decision	249-09-A	Bryan Cave LLP
One for the Money	75 First Ave., MN	Vested rt. to continue dev.	242-09-A	Slater & Beckerman
Safet Dzemovski	81 Archwood Ave., SI; 85 Archwood Ave., SI	Const. 2, 1-fam. dwellings in mapped st. bed	237-09-A; 238-09-A	Rothkrug Rothkrug
EXTEND CONSTRUCTION PERIOD				
Adelphi Luxury	120 Adelphi St., BK	Ext. time for minor development	245-09-BZ/	Sheldon Lobel PC
Polven LLC	175 Vanderbilt Ave., BK	Ext. time for minor development	244-09-BZ/	Sheldon Lobel PC
170-22 93rd Prop.	87-26 175th St., QN	Ext. time for minor development	241-09-BZ/	Gouranga Kundu
Azharul Islam	87-12 175th St., QN	Ext. time for minor development	243-09-BZ/	Gouranga Kundu

that the owner had undertaken substantial construction, made substantial expenditures, and would suffer serious loss if required to proceed under the current zoning. BSA noted that the text change affected all low-density residential districts in the city, unlike an isolated neighborhood rezoning that would be more apparent to architects and Buildings examiners working within the area.

BSA: 1291 Carroll Street. (191-09-A) (July 28, 2009). **CITYADMIN**

LANDMARKS PRESERVATION COMMISSION

Designation Hearing
Midtown, Manhattan

1909 “Automobile Row” complex considered

Owner of B.F. Goodrich Company buildings argued that only one building deserved designation. On August 11, 2009, Landmarks held a public hearing on the potential designation of the B.F. Goodrich Company buildings as an individual landmark at

1780 Broadway and 225 West 57th Street in Manhattan. Conceived as a single project and built in 1909, the two structures are located on the same tax lot and once shared an automotive freight elevator and steam heating plant. Howard Van Doren Shaw designed the buildings, borrowing elements from the Chicago School and the Vienna Secession movement. The 12-story Broadway building served as headquarters for the B.F. Goodrich tire company, and the eight-story West 57th Street building was built for speculative office space. At the time of the two buildings’ construction, the area was known as “Automobile Row,” and housed the offices and showrooms of several car-related companies.

Kramer Levin attorney Paul Selver spoke on behalf of the buildings’ owner, Extell Development. Selver said that based on the merits of the individual buildings, Extell supported designating the Broadway building but opposed designating the West 57th building. He claimed the buildings were built under different permits, on different tax lots, and that they were not visu-

ally connected. Noting that Landmarks did not mention either building in its 1979 survey of the area, Selver also pointed out that Landmarks declined to calendar the buildings for a designation hearing after a 1994 assessment.

Bill Higgins, of Higgins Quasebarth, also represented Extell and provided further details on the buildings and the surrounding area. Higgins noted that all of the “Automobile Row” buildings faced Broadway and described the West 57th Street building as having a more understated architectural treatment than the Broadway building. He said that in comparison to the West 57th Street building, the historical significance and important architectural features resided in the Broadway building. Higgins claimed that it was appropriate for Landmarks to make separate designation decisions on the two buildings.

Speakers supporting designation included New York Landmarks Conservancy’s Andrea Goldwyn, who testified that the buildings represent Shaw’s only work in the City



1780 Broadway in Midtown, Manhattan.
Image: LPC.

and serve as an important example of the Chicago School. Daniel Scherer, from the Yale School of Architecture, said each building was essential to the other, describing them as a “typological pair.”

Michael Slattery, representing the Real Estate Board of New York, spoke in opposition to designating either building, arguing that they had already been found to lack significance in 1994 and that there was no new compelling reason for reconsideration. A representative of the New York AIA supported Extell’s position, stating that only the Broadway building merited protection and the West 57th building lacked the same “panache.”

Chair Robert B. Tierney closed the hearing, but held the record open for three weeks to accept additional public comments.

LPC: B.F. Goodrich Company Buildings, 1780 Broadway, 225 W. 57th Street, Manhattan (LP-2380) (Aug. 11, 2009).

LANDMARKS PRESERVATION COMMISSION

Fee Change

Citywide

LPC seeks fee increase

Current fee structure created in 2004. On August 4, 2009, Landmarks held a hearing on a proposed fee increase for new building and alteration applications. The rule was published in the City Record on July 2, 2009.

The proposed rule would increase Landmarks’ fee for new one-, two-, and three-family dwellings from six to ten cents per square foot. For all other buildings, the proposed rule would increase

the fee from thirteen to twenty cents per square foot, but not less than \$100 per structure.

A \$50 flat fee for building alterations costing up to \$25,000 would remain unchanged. Landmarks would increase an incremental fee for each additional \$1,000 spent above \$25,000 from three to four dollars. As examples, the fee for a proposed \$15,000 storefront alteration would be \$50, while the fee for a proposed \$300,000 three-story addition would rise from \$875 to \$1,150.

According to Chair Robert B. Tierney, the fee increase was necessary so that Landmarks could continue to perform its statutory duties “above and beyond what is expected.” He said that only alterations and construction requiring permits from the Department of Buildings would be subject to the fees, noting that there was no fee for projects such as brownstone repair, painting, and changing windows. Tierney stated that only 55 percent of the projects that typically come before Landmarks require Buildings’ permits and more than half of those projects were charged \$100 or less.

Nadezhda Williams of the Historic Districts Council stated that the Council opposed the fee increase “on principle,” and that now is not the time to make caring for historic structures more expensive. Williams acknowledged that Landmarks needed the fees to maintain its budget, but she recommended that exemptions be made for charities and that Landmarks increase the fees for applications that request exceptions and tend to require the most staff time, such as legalizations and special permits.

In response to a question from Commissioner Christopher Moore, Tierney stated that the application fees, which are payable to the Department of Buildings, go into the City’s general fund and not directly to Landmarks. However, Tierney said the fees “indirectly” go to Landmarks because the fee assessments strengthened Landmarks’ position

Landmarks Actions Taken in August 2009

FINAL PERMITS TO BE ISSUED AFTER LANDMARKS RECEIVES CONFORMING PLANS

ADDRESS	LANDMARK/HISTORIC DISTRICT	DESCRIPTION	CASE NO.	APP'D
August 4, 2009				
169 Hudson St., MN	Tribeca North HD	Inst. roof railings, mech. equip.	09-8925	Yes
317 Canal St., MN	SoHo-Cast Iron HD	Install storefront infill	08-7598	Yes
560 Broadway, MN	SoHo-Cast Iron HD	Mod. infill, inst. signage	10-0351	W/Mod
33 Grove St., MN	Greenwich Village HD	Legalize areaway mods.	09-5869	W/Mod
351 Bleecker St., MN	Greenwich Village HD	Est. master plan (infill)	09-8134	Yes
141 Fifth Ave., MN	Ladies' Mile HD	Install storefront infill	09-7506	W/Mod
45 E. 70th St., MN	Upper East Side HD	Const. rooftop addition;	09-4190;	Yes
146 Franklin St., BK	Greenpoint HD	Install storefronts	09-8978	W/Mod
125 Willoughby Ave., BK	Clinton Hill HD	Const. rear yd. deck	09-9461	W/D
78 Clark St., BK	Brooklyn Heights HD	Install storefront infill	09-5091	No
143 Montague St., BK	Brooklyn Heights HD	Install storefront infill	10-0542	Yes
151 Montague St., BK	Brooklyn Heights HD	Replace shopfront infill	10-0359	Yes
145 Atlantic Ave., BK	Brooklyn Heights HD	Alt. facade, repl. shopfront	10-0629	Yes
302 Court St., BK	Cobble Hill HD	Legalize awning, inst. sign	09-3698	No
August 11, 2009				
200 E. 66th St., MN	Manhattan House	Install pergola	09-8493	W/Mod
460 Brielle Ave., SI	NYC Farm Colony	Replace windows	10-0955	W/Mod
414 Washington St., MN	Tribeca North HD	Amend C of A (const. new bldg.)	08-6214	Yes
143 Spring St., MN	SoHo-Cast Iron HD	Amend C of A (demo. facade)	07-9144	W/Mod
89 Seventh Ave. S., MN	Greenwich Village HD	Install storefront infill	10-0533	W/Mod
181 W. 10th St., MN	Greenwich Village HD	Const. rear yd. add., mod. ent.	09-7166	W/Mod
23 Eighth Ave., MN	Greenwich Village HD	Alter rooftop addition	08-8334	W/Mod
30 W. 21st St., MN	Ladies' Mile HD	Inst. fence, HVAC, paving	09-8128	Yes
22 E. 66th St., MN	Upper East Side HD	Leg. infill, awning, ironwork	07-0904	Yes
900 Madison Ave., MN	Upper East Side HD	Alter facade, install infill	09-9472	Yes
155 Warren St., BK	Cobble Hill HD	Const. dormers at roof	09-8532	Yes
240 Ridge Rd., QN	Douglaston HD	Amend C of A (const. add.)	09-1285	Yes
139 Arleigh Rd., QN	Douglaston HD	Legalize windows	09-1225	Yes

in budget allocations.

Landmarks is expected to vote on the proposal in early Fall.

LPC: Agency Rule Making, Citywide (Aug. 4, 2009).

LANDMARKS PRESERVATION COMMISSION

Designation Hearings

Staten Island

Hearings held for nine Staten Island buildings

Commissioners hear testimony on Armory building, two churches, and several residences within the borough. On August 11, 2009, Landmarks held hearings for nine potential City landmarks on Staten Island. Chair Robert B. Tierney said the hearings were part of Landmarks ongoing effort to preserve the borough's 19th century heritage. Council Member Kenneth Mitchell, whose district includes all the buildings, said all nine properties are important to Staten Island's history and deserve designation.

Landmarks first considered 327 Westervelt Avenue, a shingle-style residence built around 1887 in the New Brighton neighborhood. The building features a three-story turret and is believed to have been designed by Edward Alfred Sargent. The property's co-owner supported designation and described the restoration work he and his partner had performed on the building, which he said was likely "slated for the wrecking ball." A representative of the North Shore Waterfront Conservancy said the building was "a rusty nail away from falling down" before the current owners purchased the property, calling it one of Staten Island's "genuine treasures."

Landmarks then considered four attached three-family flats, known as "Horton's Row," also located on Westervelt Avenue. Originally comprised of 12 attached buildings, eight of the flats have either been demolished or significantly altered.

LANDMARKS PIPELINE

Proposed Designations – August 2009

NAME	ADDRESS	ACTION	DATE
Spring Mills Bldg.	104 W. 40th St., MN	Calendared	8/4/2009
BF Goodrich Co. Bldgs.	1780 Broadway, MN	Heard	8/11/2009
Jamaica C. of C.	89-31 161st St., QN	Calendared	8/11/2009
327 Westervelt House	327 Westervelt Ave., SI	Heard	8/11/2009
411 Westervelt Flat	411 Westervelt Ave., SI	Heard	8/11/2009
413 Westervelt Flat	413 Westervelt Ave., SI	Heard	8/11/2009
415 Westervelt Flat	415 Westervelt Ave., SI	Heard	8/11/2009
417 Westervelt Flat	417 Westervelt Ave., SI	Heard	8/11/2009
Staten Island Armory	321 Manor Rd., SI	Heard	8/11/2009
63 William St. House	63 William St., SI	Heard	8/11/2009
Reformed Church on SI	54 Rort Richmond Ave., SI	Heard	8/11/2009
Christ Church	72 Franklin Ave., SI	Heard	8/11/2009

The four intact flats are examples of multi-family homes rarely built on Staten Island in the 19th century. "Horton's Row" was named after Harry Lawrence Horton, who built the flats in 1880 to provide rental housing for moderate-income families. The narrow three-story flats feature full-width porches, bay windows, and paired columns, while the four-story corner flat includes a full-height projecting bay. A resident testifying in support of designation said the flats serve as a "window to the past" for future generations.

The Staten Island Armory, at 321 Manor Road, was inspired by medieval architecture and roughly resembles a Norman castle. Built in 1926 and designed by the architectural firm Werner & Windolph, the brick-faced armory includes lime-

stone trim and is separated from the street by a broad lawn that creates a large open space. Only the western portion of the campus would be landmarked, leaving the remaining property available for the National Guard's unburdened use.

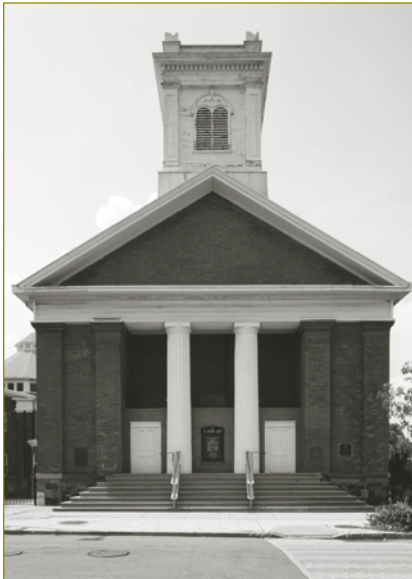
Council Member Mitchell stated that the armory is one of Staten Island's most recognizable buildings and unique for both its architecture and military history. Residents noted the armory's historic highlights, including that it originally housed horse-mounted soldiers.

Robert McCormick, the owner of 63 William Street, a two-story vernacular Greek Revival-style home, said that he supported designating his property. Although he called it a "mixed blessing" financially, McCormick said he was determined to ensure the house's survival. Linda Eskenas of the Preservation League of Staten Island also testified in favor of designation.

James G. Burger built Port Richmond's Dutch Reformed Church in 1844 and Oscar Teale enlarged it in 1898. The proposed designation of the Greek Revival-style church would also include its cemetery and Sunday school building. The cemetery, predating the church, served as a burial ground as early as 1704 and contains legible gravestones dating to the 1740s. The Church's president, Warren McKenzie, asked all the church's congregants to stand with him in support of designation, to



Staten Island Armory in Westerleigh, Staten Island. Image: LPC.



Dutch Reformed Church in Port Richmond, Staten Island. Image: LPC.

correct what he termed as the church's "mistake" when it opposed landmarking in 1966.

Architect Isaac Pursell built the Christ Church, located at 72 Franklin Avenue, in 1904 and modeled it after English parish churches of the 14th century. The cruciform stone church is an example of the Gothic Revival-style and features Tiffany stained-glass windows. Susan Fowler, a member of the church's planning committee, testified that the Episcopal congregation was "delighted" by the potential designation, saying it treated the property as though it had already been landmarked.

Landmarks did not set a date to vote on any of the items.

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LPC: 327 Westervelt Avenue House, 327 Westervelt Ave. (LP-2349); 411 Westervelt Avenue Flat, 411 Westervelt Ave. (LP-2377); 413 Westervelt Avenue Flat, 413 Westervelt Ave. (LP-2378); 415 Westervelt Avenue Flat, 415 Westervelt Ave. (LP-2381); 417 Westervelt Avenue Flat, 417 Westervelt Ave. (LP-2382); Staten Island Armory, 321 Manor Rd. (LP-2369); 63 William Street House, 63 William St. (LP-2367); Reformed Church on Staten Island, 54 Port Richmond Ave. (LP-2384) ; Christ Church, 72 Franklin Ave. (LP-2383) (Aug. 11, 2009).

ADMINISTRATIVE DECISIONS

Environmental Control Board

Citywide

Document loss defeats NOV

Buildings cited 1974 building plan but could not produce it. Buildings issued a notice of violation to the owner of a building for engaging in work that did not conform to an approved building plan. Buildings stated that the owner extended the building beyond the size specified in a 1974 plan. At a hearing, Buildings stated that it could not locate the 1974 plan and relied instead on a copy of a 1959 plan and photographs that showed an extension to the building. The owner submitted a copy of a 1977 Certificate of Occupancy referencing the 1974 plan that certified the building substantially conformed to the plan. He also submitted a copy of a Buildings inspector's approval of an architect's 1974 certification attesting to the accuracy of a plot diagram and other work related to the building's extension. The ALJ upheld the violation, ruling that the owner's documents did not permit the extension.

The owner appealed, claiming that he could not be in violation of the Administrative Code for failing to conform to the 1974 plan if Buildings could not produce that plan and that the 1977 C of O proved that the building did conform to the 1974 plan.

The Environmental Control Board reversed the ALJ, explaining that the owner credibly challenged the violation by submitting the 1977 C of O, and that Buildings should have produced the plan to which the owner allegedly did not conform. The Board found that, absent the 1974 plan, Buildings did not present enough evidence to establish the violation.

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New York City v. Frank Gissi, ECB Appeal No. 43531 (June 25, 2009).

CITYADMIN

ADMINISTRATIVE DECISIONS

Environmental Control Board

Citywide

Pay phone ads ruled illegal

Franchise holder advertised on public pay phones located in a residential zoning district. The Department of Information Technology and Telecommunications charged Coastal Communication Service, Inc., a public pay phone franchise holder, with displaying advertisements on public pay phones within a residential zoning district. Coastal's franchise agreement limited the display of advertisements on public pay phones to residential districts where commercial or manufacturing uses were permitted as-of-right.

Coastal argued that DoITT had exceeded its authority by adding the as-of-right limitation in its franchise agreement. It argued that the City Council, in authorizing DoITT to enter into franchise agreements, stated that public pay phone advertising was allowed in zoning districts where commercial or manufacturing uses were permitted and had not limited the area to as-of-right districts. The ALJ upheld the violations and noted that it was not allowed to determine whether DoITT exceeded its authority. Coastal appealed to the Environmental Control Board.

The Board affirmed the ALJ, finding that ECB was not the proper forum to determine whether DoITT exceeded its authority under the franchise agreement and that Coastal failed to prove the advertisements were displayed in districts where commercial or manufacturing uses were permitted as-of-right. Coastal offered photographs to show commercial uses were located near the pay phones, but the Board noted that those uses could have been permitted through discretionary approvals, such as a variance.

.....
New York City v. Coastal Communication Service, Inc., ECB Appeal Nos. 47619-20 (June 25, 2009). CITYADMIN

ADMINISTRATIVE DECISIONS

Office of Admin. Trials and Hearings

Midtown South, Manhattan

ALJ recommends sign removal

Building owner failed to establish

that advertising signs were a legal, non-conforming use. After Buildings inspectors observed non-illuminated advertising signs larger than 200 sq.ft. on a building at 838 Sixth Avenue in Midtown South, near 29th Street, Buildings charged the owner, Yung Brothers Real Estate Co., with

creating a public nuisance by displaying advertising signs greater than 200 sq.ft. without a permit in violation of the construction code and the zoning resolution. The owner admitted that the signs were displayed on the building facade, but argued that the signs were lawful

CITYLAND PROFILES

Laurie Silberfeld on Hudson River Park



As Vice President and General Counsel at Hudson River Park Trust (the Trust), Laurie Silberfeld has played an important role in shaping Hudson River Park. Silberfeld talked with *CityLand* about her career and the progress of Manhattan's waterfront park.

Silberfeld, a former Regional Attorney with the State's Department of Environmental Conservation, joined the Trust in 2000. She became familiar with the Trust while working on the park project's permit approvals at DEC. When the Trust's General Counsel position opened, Silberfeld viewed it as a unique opportunity to be part of building something with tangible results.

When asked about the legal issues that cross her desk, Silberfeld first explained that the Trust is building a park, while at the same time operating a park. In the park's completed sections she handles "operational" issues. In areas under development, she reviews construction contracts and tenant issues; once construction is finished, she works on concession bids, selections, and contracts. Silberfeld said, "It's A to Z — admiralty to zoning, and just about everything in between."

The beginning. The history of Hudson River Park is complex, but its concept can be traced back to the events that followed the demise of the Westway project, the controversial waterfront development plan that proposed filling in a portion of the Hudson River to accommodate new parkland, buildings, and a submerged highway. Following its defeat in 1985, the City and State formed the West Side Task

Force and the West Side Waterfront Panel to develop land use recommendations for the area. Out of these efforts came the Hudson River Park Conservancy. The Conservancy, a subsidiary of the Empire State Development Corporation, established the design philosophy for creating the park, stressing the need for creating public space and protecting the river's natural resources.

In 1998, the State legislature passed the Hudson River Park Act. The Act accomplished a number of things: it designated the waterfront as parkland, created the Trust as the "keeper" of the park and de-linked the Trust from ESDC, leaving it as a stand-alone public benefit corporation. The Trust is a City/State partnership, and Silberfeld explained that the Act enabled the Trust to move forward with its mission by establishing a cooperative framework that effectively resolved any potential jurisdictional battles before they happened.

Developments on the horizon. The Trust has been actively building the park over the last decade. It reached the 60 percent completion milestone earlier this year and once new areas in Chelsea and Tribeca open in 2010, the park will be 80 percent complete. The 550-acre park stretches from Battery Park City to 59th Street, encompassing 13 public piers, and includes 400 acres of the Hudson River's estuarine sanctuary. Using a photomontage of the area lining the Trust's conference room walls, Silberfeld discussed the park's recent progress.

On July 30, The Trust conditionally designated Youngwoo & Associates as the developer of Chelsea's Pier 57. The pier is listed on the National Register of Historic Places, and Youngwoo's proposal includes

transforming its existing industrial building by using refitted shipping containers to create an open air market, a rooftop park that will include a permanent venue for the Tribeca Film Festival, and an "underwater discovery center" built in one of its caissons.

The Pier 57 project is still in preliminary stages. It requires a memorandum of understanding, environmental and land use review, lease negotiations, and approval from the Trust's 13-member board before construction can begin. Silberfeld believes Pier 57's development is vital to the park. She pointed out that the 1998 Act requires the Trust to be self-sufficient "to the extent feasible," and Pier 57 is one of the few areas of the park that is not dedicated exclusively to free park use and is permitted to generate much needed revenue for the Trust.

Silberfeld is also excited about the park's estuarium, a proposed marine research facility. Located on Pier 26, the estuarium will provide a research and education center offering programs targeting everyone from elementary school groups to college students. She said the Trust is now working with a number of other agencies on ideas for the facility and to plan an extensive stakeholder outreach process to determine how best to proceed.

The future. Despite the current economic climate, Silberfeld remains undaunted. The City and State financial support continues and attendance at the park's free programming grows. In regard to completing Hudson River Park, Silberfeld stated that the Trust is reaching "a critical mass" and the "train is moving forward."

— Peter Schikler



838 Sixth Avenue, far left, former site of illegal signage. Photo: Brett Reitter.

because it had obtained a permit in August 2007. The owner further argued that even if any of the alleged violations occurred before the permit was issued or after its revocation, affixing signs was a legal, non-conforming use because signs had been maintained at the location before a 1995 rezoning prohibited advertising signs on the property.

OATH ALJ Faye Lewis recommended that the signs be removed, concluding that the owner lacked a permit and proof that the signs were a legal, non-conforming use. The owner failed to show that there was an advertising sign on the building prior to the 1995 zoning change. Although the owner submitted a 1940 photograph showing a sign

painted on the building's wall for "Bratman Brothers," there was insufficient evidence to determine whether it was an advertising sign or whether Bratman Brothers had occupied the building and put up an accessory sign.

DOB v. 838 Sixth Ave., OATH Index No. 2260/09 (July 29, 2009). **CITYADMIN**

COURT DECISIONS

Article 78

Citywide

EAS not required for NYPD command center

The NYPD to house Joint Operations Command Center in building adjoining One Police Plaza. In 2000, the New York Police Department planned to demolish a two-story building at 109 Park Row in Manhattan and replace it with a nine-story building. After September 11, 2001, the NYPD decided instead to renovate the existing building and create a \$13.8 million, 22,000 sq.ft. Joint Operations Command Center. The command center would operate as a state-of-the-art crisis response situation room that would enhance the NYPD's ability to respond effectively to emergency situations. The building, previously used as a 911 call center, parking garage, and storage facility, was vacated in 2000 to make way for the original construction project.

Chinatown residents, concerned about the project's effect on

traffic and parking, filed an Article 78 petition. They argued the project was subject to the City's land use review process because it qualified as a site selection for a capital project. They also argued that the NYPD failed to prepare an environmental assessment statement as required by the State's and City's environmental review laws.

Justice Michael D. Stallman dismissed the petition, ruling that the project did not amount to a site selection under the City's land use review law. The court found that the building's proposed use as a command center did not sufficiently differ from its previous use as a 911 call center so as to qualify the project as a site selection, especially since the project required only interior renovations and the command center would not add a significant amount of new personnel.

The court also ruled that the project did not require an environmental assessment statement because it involved renovating an existing structure that had a substantially similar use to the old facility. The court pointed out that the NYPD planned to update and improve the building's existing services, that the building's footprint and height will be unchanged, and that it will only be used during times of emergency or other necessary activity.

Chatham Towers Inc. v. NYPD, 2009 N.Y. Slip Op. 51792 (N.Y.Cty.Sup.Ct. Aug. 18, 2009).

New Decisions Added to **CITYADMIN** www.citylaw.org – August 2009*

CITY COUNCIL

RES. NOS.	PROJECT	DESCRIPTION	DATE
2099	Inclusionary Housing Text, CW	Zoning text amendment	7/29/2009
2100	1050 Hancock St., BK	UDAAP by HPD (1 lot)	7/29/2009
2101	Albany Crossing Apts., BK	Property conveyance approval	7/29/2009
2102	Kingston Hts. Apts., BK	Property conveyance approval	7/29/2009
2103	211 W. 135th St., MN	UDAAP by HPD (1 lot)	7/29/2009
2104	2460 Seventh Ave., MN	UDAAP by HPD (1 lot)	7/29/2009
2105	21 Avenue C, MN	Modify UDAAP	7/29/2009
2106	209 E. 7th St., MN	Modify UDAAP	7/29/2009

***Bold** indicates the decision is covered in this issue. The symbol † indicates that the decision was covered in a previous issue. City Council decisions available in hard-copy format at the Center for New York City Law.

New Decisions Added to **CITYADMIN** www.citylaw.org – August 2009*

CITY COUNCIL (CONT.)

RES. NOS.	PROJECT	DESCRIPTION	DATE
2107	Van Siclen Warwick, BK	UDAAP by HPD (13 lots)	7/29/2009
2108-11	Hudson Piers 92 & 94, MN	Dispose of City property; spec. perm. (exposition facility); spec. perm. (mod. height, setback, length reqs.); mod. public access, visual corridors reqs.	7/29/2009
2112	College Pt. Corp. Pk., QN	Dispose of City property	7/29/2009
† 2113-14	Flatbush Rezoning, BK	Zoning map amendment; zoning text amendment (bulk regs)	7/29/2009
† 2115-16	ARC Passenger Station, MN	Zoning text amend. (const. rail station); spec. perm. (build in rail right-of-way)	7/29/2009
2117	862 Second Ave., MN	Revocable consent (sidewalk cafe)	7/29/2009
2118	335 W. 14th St., MN	Revocable consent (sidewalk cafe)	7/29/2009
2119	414 W. 42nd St., MN	Revocable consent (sidewalk cafe)	7/29/2009
2120	26 Carmine St., MN	Revocable consent (sidewalk cafe)	7/29/2009
2121	182 W. 4th St., MN	Revocable consent (sidewalk cafe)	7/29/2009
2122	Glendale Maintenance Yds., QN	City map amendment	7/29/2009
2123	125 Macdougall St., MN	Revocable consent (sidewalk cafe)	7/29/2009
† 2124-25	DUMBO Rezoning, BK	Zoning text amend. (inclusionary housing); rezoning	7/29/2009
† 2126-27	Greenpoint/Williamsburg Contextual Rezoning, BK	Zoning text amend. (bulk regs); rezoning	7/29/2009
2128-29	Special College Point District, QN	Zoning text amendment; rezoning	7/29/2009
† 2130	Middle Village/Maspeth Rez., QN	Rezoning	7/29/2009
† 2132-38	Coney Island, BK	Rezoning; zoning text amend.; acq. of prop.; acq. of prop.; UDAAP by HPD (37 lots); disp. of City prop.; City map amend. (establish parks, establish, eliminate streets)	7/29/2009

CITY PLANNING COMMISSION

PROJECT NAME	DESCRIPTION	LOCATION	ULURP NO.	DATE
Social Security Admin. Parking	Rezoning: UDAAP by HPD	BX 6	C090342ZMX; N090343HAX	8/5/2009
Sunset Park Rezoning	Rezoning; zoning text amendment	BK 7	C090387ZMK; N090386ZRK	8/5/2009
Jarican Cultural Ctr.	Spec. perm. (dev. non-profit in M1-1 dist.)	BK 8	C090219ZSK	8/5/2009
Presentation Circle	Spec. perm. (private sewage strn.)	SI 3	C080374ZSR	8/5/2009

BOARD OF STANDARDS & APPEALS

ADDRESS	DESCRIPTION	ACTION	CASE NO.	REPRESENTATIVE
29 W. 35th St., MN	Legalize PCE (Warrior Fitness)	App'd	50-09-BZ	Eric Palatnik PC
250 W. 54th St., MN	Legalize phys. cult. est. (Gold's Gym)	App'd	18-09-BZ	Stuart A. Klein
1108 Allerton Ave., BX	Ext. of term (food product manuf.)	App'd	174-96-BZ	Sheldon Lobel PC
328 Jackson Ave., BX	Const. 2-fam dwelling in M1-2 dist.	App'd	139-07-BZ	Mitchell S. Ross
1291 Carroll St., BK	Vest rt. to cont. dev. (dwelling)	App'd	191-09-A	Michael T. Cetera
2802 Avenue R, BK	Variance (construct mikvah)	App'd	228-08-BZ	Fredrick A. Becker
441 Prospect Ave., BK	Spec. perm. (laundry use in res. dist.)	App'd	42-09-BZ	Francis R. Angelino
2007 N.Y. Ave., BK	Enlg. 1-family dwelling (fl. area)	App'd	266-08-BZ	Lewis E. Garffinkel
1702 Avenue Z, BK	Permit phys. cult. est.	W/D	234-08-BZ	Eric Palatnik PC
866 E. 8th St., BK	Const. 1-fam. dwelling (yds., FAR., prkg.)	App'd	229-08-BZ	Sheldon Lobel PC
312 Flatbush Ave., BK	Ext. of term (Crunch Fitness), chg. operator; ext. time to obtain c of o	App'd	336-98-BZ; 337-98-BZ	Rothkrug Rothkrug
2402 Knapp St., BK	Ext. term (Mobil station)	App'd	853-53-BZ	Walter T. Gorman
136-33 37th Ave., QN	Spec. perm. (reduce req'd parking)	App'd	30-09-BZ	Sheldon Lobel PC
10 Gotham Walk, QN	Reconstruct, enlg. 1-fam. dwelling	App'd	172-09-A	Gary D. Lenhart
1 Kildare Walk, QN	Reconstruct, enlg. 1-fam. dwelling	App'd	55-09-A	Gary D. Lenhart
663 Highland Pl., QN	Reconstruct, enlg. 1-fam. dwelling	App'd	22-09-A	Gary D. Lenhart
69-69 Main St., QN	Ext. time to complete construction	App'd	322-05-BZ	Eric Palatnik PC
107-24 37th Ave., QN	Ext. time to obtain c of o (gym)	App'd	200-00-BZ	Eric Palatnik PC

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New Decisions Added to **CITYADMIN** www.citylaw.org – August 2009*

BOARD OF STANDARDS & APPEALS (CONT.)					
ADDRESS	DESCRIPTION	ACTION	CASE NO.	REPRESENTATIVE	
32-12 23rd St., QN	Allow res./commercial fac. (yards)	Denied	287-06-BZ	Sheldon Lobel PC	
40-22 College Pt., QN	Const. 6-story bldg. (ht. near airports)	App'd	177-09-BZ	Wachtel & Masyr	
252-02 Rockaway, QN	Const. 1-story ext. to commercial bldg.	App'd	179-09-A	Eric Palatnik PC	
1680 Richmond Ave., SI	Ext. time to obtain c of o (Mobil)	App'd	26-02-BZ	Walter T. Gorman	
150 Hendricks Ave., SI	Vested right to continue dev.	App'd	165-09-A	Howard Goldman	
2122 Richmond Ave., SI	Ext. time to obtain c of o (auto sales)	App'd	303-99-BZ	Vito J. Fossella	
LANDMARKS PRESERVATION COMMISSION					
ADDRESS	LANDMARK/HISTORIC DISTRICT	DESCRIPTION	CASE NO.	APP'D	ISSUED
CERTIFICATE OF APPROPRIATENESS					
81 Broadway, MN	Trinity Church	Remove signs, inst. signs	10-1284	Yes	7/22/2009
209 Broadway, MN	St. Paul's Chapel	Remove signs, inst. signs	10-1315	Yes	7/23/2009
113 Jane St., MN	Amer. Seamen's Friend Scty.	Repl. bulkhead, reconst. beacon	10-1581	Yes	8/5/2009
236 W. 45th St., MN	Plymouth Theater	Replace windows	10-1792	Yes	8/12/2009
56 W. 66th St., MN	First Battery Armory	Modify cooling tower	10-1827	Yes	8/13/2009
1818 Amsterdam Ave., MN	Loth & Co. Ribbon Mill	Legalize HVAC	10-1458	Yes	7/28/2009
372 Fulton St., BK	Gage & Tollner Rest.	Inst. flooring, banquets, counter	10-1379	Yes	8/11/2009
86-15 Lefferts Blvd., QN	Richmond Hill Repub. Club	Const. rooftop add., inst. infill	10-1750	Yes	8/11/2009
169 Hudson St., MN	Tribeca North HD	Install guardrail	10-1908	Yes	8/17/2009
503 Broadway, MN	SoHo-Cast Iron HD	Replace infill, signs	10-1385	Yes	7/27/2009
5 King St., MN	Charlton King Vandam HD	Install infill, rebuild parapet	10-1856	Yes	8/14/2009
640 Broadway, MN	NoHo HD	Replace infill, inst. awning	10-1518	Yes	7/30/2009
10 E. 8th St., MN	Greenwich Village HD	Const. rooftop add., repl. storefront	10-1406	Yes	7/27/2009
226 W. 10th St., MN	Greenwich Village HD	Const. rear yd. add., chimney	10-1495	Yes	8/20/2009
833 Washington St., MN	Gansevoort Market HD	Alter storefront (doors, gates)	10-1498	Yes	7/29/2009
409 W. 14th St., MN	Gansevoort Market HD	Install infill, windows	10-1998	Yes	8/19/2009
30 W. 21st St., MN	Ladies' Mile HD	Install fencing, gates	10-1798	Yes	8/11/2009
682 Sixth Ave., MN	Ladies' Mile HD	Replace infill, door	10-1892	Yes	8/17/2009
230 Fifth Ave., MN	Madison Sq. North HD	Install flagpole	10-1519	Yes	7/30/2009
8 E. 62nd St., MN	Upper East Side HD	Inst. pool, const. walls, terrace	10-1463	Yes	7/28/2009
22 E. 66th St., MN	Upper East Side HD	Legalize basement infill, fencing	10-1786	Yes	8/11/2009
45 E. 70th St., MN	Upper East Side HD	Construct penthouse	10-1698	Yes	8/6/2009
33 E. 70th St., MN	Upper East Side HD	Est. master plan (windows)	10-1448	Yes	7/29/2009
118 W. 79th St., MN	Upper West Side/CPW HD	Alter, install windows	10-1699	Yes	8/6/2009
52 W. 88th St., MN	Upper West Side/CPW HD	Demo. rear facade, const. rear add.	10-1651	Yes	8/7/2009
51 E. 91st St., MN	Carnegie Hill HD	Const. rooftop add., inst. lift	10-1319	Yes	7/23/2009
17 E. 93rd St., MN	Carnegie Hill HD	Const. rear yd. add., deck, garden	10-1339	Yes	8/5/2009
66 E. 93rd St., MN	Carnegie Hill HD	Alter stoop, inst. railings	10-1455	Yes	7/28/2009
49 E. 94th St., MN	Upper West Side/CPW HD	Leg. planter wall, paint areaway	10-1408	Yes	7/28/2009
1140 Fifth Ave., MN	Carnegie Hill HD	Est. master plan (windows)	10-1470	No	7/30/2009
1165 Fifth Ave., MN	Carnegie Hill HD	Replace windows	10-1493	Yes	7/29/2009
1298 Bergen St., BK	Crown Hts. North HD	Demo. rear facade, const. rear add.	10-1893	Yes	8/17/2009
143 Montague St., BK	Brooklyn Heights HD	Replace doors	10-1826	Yes	8/13/2009
151 Montague St., BK	Brooklyn Heights HD	Replace illegal infill, awning	10-1652	Yes	8/5/2009
78 Clark St., BK	Brooklyn Heights HD	Replace infill, legalize louvers	10-1745	No	8/10/2009
† 321 Ashland Pl., BK	BK Academy of Music HD	Const. 5-story add., restore bldg.	10-1835	Yes	8/13/2009
194 Baltic St., BK	Cobble Hill HD	Construct dormers	10-1634	Yes	8/6/2009
162 Bergen St., BK	Boerum Hill HD	Remove pavers, inst. ramp	10-1935	Yes	8/18/2009
474 Waverly Ave., BK	Clinton Hill HD	Construct rooftop bulkhead	10-1338	Yes	7/24/2009
202 Shore Rd., QN	Douglaston HD	Demo. wing, const. wing	10-1871	Yes	8/14/2009
82-15 35th Ave., QN	Jackson Heights HD	Const. access ramp, inst. fence	10-1258	Yes	8/10/2009
39-46 48th St., QN	Sunnyside Gardens HD	Install infill, replace fence	10-1261	Yes	8/4/2009

*Bold indicates the decision is covered in this issue. The symbol † indicates that the decision was covered in a previous issue. City Council decisions available in hard-copy format at the Center for New York City Law.

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Hudson River Park between Pier 40 and Laight Street in Tribeca. See Profile on page 128. *Image: Hudson River Park Trust.*

CENTER FOR NEW YORK CITY LAW

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BSA	3,083	2002-Present	
Council	1,084	2003-2005	
CPC	1,536	2003-Present	
DOB	68	1999-Present	
Landmarks	2,103	2002-Present	
Loft Board	2,785	1996-Present	



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