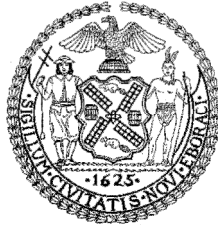


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**The City of New York**  
**Manhattan Community Board 8**

**Landmarks Committee, January 9, 2012 – 6:30PM**  
**Marymount Manhattan College, 221 East 71<sup>st</sup> Street, Regina Peruggi Room, 2<sup>nd</sup> Floor**

**Present:** Jane Parshall, Teri Slater, Elizabeth Ashby, Marco Tamayo, Susan Evans, Michele Birnbaum, Christina Davis, David Helpert, Barry Schneider

**Absent Excused:** David Liston, Kenneth Austin

1. **62 East 91<sup>st</sup> Street (between Madison and Park Avenues – Carnegie Hill Historic District – David Bae, Architect, PLLC.** Application is for a new rear elevation and for a rooftop addition.

**WHEREAS**, 62 East 91<sup>st</sup> Street is a Renaissance Revival style rowhouse designed by Gilbert A Schellenger and constructed in 1887-88.

**WHEREAS**, 62 East 91<sup>st</sup> Street is at the midblock and on the south side of the street.

**WHEREAS**, 62 East 91<sup>st</sup> Street was constructed at the same time as time at 60 East 91<sup>st</sup> Street; the houses were designed as a pair and are twins except for the parlor floor.

**WHEREAS**, the applicant proposes to fill in two existing setback terraces at the 3<sup>rd</sup> and 4<sup>th</sup> floors.

**WHEREAS**, the applicant proposes to extend out the penthouse to align it with the current cornice line at the 4<sup>th</sup> floor below; the new rear elevation will present as coming straight up from the ground floor with no setback terraces. This will contradict the existing pattern of the other houses that form the donut that all have setback terraces at the top floors.

**WHEREAS**, the overall height of the house will increase by 3 ‘; the house now contains 5,216 sq. ft – with the filled-in terraces and the penthouse extension, it will contain 5, 934 sq. ft.

**WHEREAS**, at the rear, at the 1<sup>st</sup> floor and at the 2<sup>nd</sup> floor, the applicant proposes fenestration/glazing that extends from the ground to the top of the 2<sup>nd</sup> floor and takes up most of the width of the first and second floors and presents as a very large single window with mullions.

**WHEREAS**, the proposed work is not visible from any public way and there will be no increase in the existing building’s footprint.

**WHEREAS**, the penthouse extension is too tall and will be visible from neighboring rear gardens.

**WHEREAS**, proposed new rear elevation is overscaled, particularly the proposed fenestration/ glazing which is uncharacteristic of historic district rear facades; it would be better to have a more deferential rear elevation that is more in keeping with the house’s twin at 60 East 91<sup>st</sup> Street.

**WHEREAS**, the penthouse addition should be scaled back; the cornice line at top of the 4<sup>th</sup> floor will be overwhelmed by the proposed extension to the penthouse.

**WHEREAS**, the neighbors and the community expressed concern about the lack of proper notification since the applicant did not advise the Community Board office about their Jan. 24<sup>th</sup> hearing date at the Landmarks Preservation Commission until about 6 days before Monday’s Landmarks Committee meeting.

**THEREFORE BE IT RESOLVED** that this application is disapproved as presented.

**VOTE:** 9 in favor (Ashby, Birnbaum, Davis, Evans, Helpern, Parshall, Slater, Tamayo, Schneider)

2. **825 Fifth Avenue, Apt. 17A and 17B (between 63<sup>rd</sup> and 64<sup>th</sup> Streets) -- Upper East Side Historic District** – *Ike Kilgerman Barkley Architects, P. C.*. Application is to replace the windows.

**WHEREAS**, 825 Fifth Avenue is a neo-Classical style apartment building designed by J. E. R. Carpenter and constructed in 1926.

**WHEREAS**, Fifth Avenue is a 23-story building; approximately half of the windows have divided lights and the other half are large panes of glass.

**WHEREAS**, the 17<sup>th</sup> floor apartment contains a mix of windows, some with divided lights and some with clear glazing.

**WHEREAS**, the applicant proposes that all the windows of the 17<sup>th</sup> floor apartment have clear glazing and no mullions so that all the windows are the same.

**WHEREAS**, 6 over 6 windows were original to the building – over time many of these divided light windows were replaced with single pane glazed glass windows.

**WHEREAS**, the original fenestration adds to the architecture of this very prominent J. E. R. Carpenter building.

**WHEREAS**, the proposed single pane glazed glass windows are inappropriate within the historic district and inappropriate for a J. E. R. Carpenter apartment building.

**WHEREAS**, the Committee recommends that the building implement a Master Plan for the windows that would replicate the original fenestration.

**THEREFORE BE IT RESOLVED** that this application is disapproved as presented.

**VOTE:** 9 in favor (Ashby, Birnbaum, Davis, Evans, Helpern, Parshall, Slater, Tamayo, Schneider)

3. **150 East 72<sup>nd</sup> Street -- Upper East Side Historic District Extension**– *Malay Shaw, Architect and Valerie Campbell, Kramer Levin Naftalis & Frankel LLP*. Application is to construct an addition within the courtyard and to install mechanical equipment.

**WHEREAS**, 150 East 72<sup>nd</sup> Street is being restored for residential condominium use and retaining the existing retail use on the ground floor.

**WHEREAS**, the proposed window restoration to the original 9 over 1 windows has been approved at the staff level at the Landmarks Preservation Commission.

**WHEREAS**, the applicant is proposing a 650 sq. ft. “recreation room” at the ground floor which will be built out into the courtyard and invisible from the public way.

**WHEREAS**, the applicant proposes to install a series of 6’ x 10’ mechanical platforms extending up the building for 10 floors to provide heating and cooling units for apartments on each floor. These platforms will present as a fire escape. (The top two floors of the building will be serviced from the roof; the unit serving them will be set behind the 4’ parapet wall.)

**WHEREAS**, the platforms will be invisible except from the gate at the street that leads from the alleyway to the courtyard at the rear of the building where the platforms will be constructed.

**WHEREAS**, the application proposes minimal additions to 150 East 72<sup>nd</sup> Street and provides a sophisticated, environmentally correct solution for heating and cooling the building.

**THEREFORE BE IT RESOLVED** that this application is approved as presented.

**VOTE:** 9 in favor (Ashby, Birnbaum, Davis, Evans, Helpern, Parshall, Slater, Tamayo, Schneider)

4. **429 East 64<sup>th</sup> Street/430 East 65<sup>th</sup> Street (between First and York Avenues) – City and Suburban Homes Company, First Avenue Estate – INDIVIDUAL LANDMARK – Paul Selver, Kramer Levin Naftalis & Frankel LLP.** Application is to demolish the buildings, pursuant to RCNY 25-309 on the grounds that they generate an insufficient economic return.

**WHEREAS**, 429 East 64<sup>th</sup> Street/430 East 65<sup>th</sup> Street consist of two six-story walk-up apartment buildings which are located on the west side of York Avenue, between East 64<sup>th</sup> Street and East 65<sup>th</sup> Street.

**WHEREAS**, In April 1990, the Landmarks Preservation Commission landmarked all of the residential buildings on the block, more for their cultural and historical significance than for their architectural importance. [The complex known as the First Avenue Estate.]; this designation was modified in August, 1990 so that the two above buildings were excluded from designation. However, in November, 2006, the two buildings were once again included as part of the individual landmark.

**WHEREAS**, the applicant claims hardship based on the fact that the income from the two buildings was less than a net annual return of six percent and thus imposed an economic hardship on the applicant.

**WHEREAS**, this “lack of a reasonable return” is based on the applicant’s findings including arguments that the apartments have not been renovated and do not support modern usage and do not contain amenities necessary to meet current market requirements which has meant that many apartments have remained vacant.

**WHEREAS** the applicant hired Cushman and Wakefield to make an independent analysis of this “lack of reasonable return” and also to suggest ways that the buildings could be brought into full occupancy by upgrading the units within the buildings. The Cushman and Wakefield findings claim that, even with money spent on upgrading the buildings, the applicant’s conclusion is correct that the buildings are incapable of earning “a reasonable return” as defined under the Landmarks Law.

**WHEREAS** the committee finds these claims to be specious.

**WHEREAS** there is documented evidence that the applicant’s opposition to preservation began over two decades ago, including getting the original Landmarks designation overturned by the old Board of Estimate in 1990, defacing the buildings by stripping them of their architectural details, failing the maintain the buildings and by filing lawsuits that they lost at every level of the court system, including at the Court of Appeals.

**WHEREAS** the Cushman and Wakefield report provided by the applicant to support the applicant’s hardship application” has a number of questionable assertions --including low “market rate” rent, the unusually high cost of renovating existing units, and an artificially created scenario of both vacancy rates for apartments and market rates for apartments on the Upper East Side – and thus presents a very self-interested view of what constitutes a “hardship”.

**WHEREAS** this is only the 18<sup>th</sup> hardship application that has been submitted to the Landmarks Preservation Commission since the Landmarks Law was enacted in 1965 –the bar must not be lowered on what constitutes a “hardship” by approval of this application.

**THEREFORE BE IT RESOLVED** that this application is disapproved as presented,

**VOTE:** 9 in favor (Ashby, Birnbaum, Davis, Evans, Helpert, Parshall, Slater, Tamayo, Schneider)