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The City of New York Manhattan Community Board 8

November 18, 2011

Hon. Robert B. Tierney, Chair
NYC Landmarks Preservation Commission
Municipal Building
One Centre Street, 9th Floor
New York, NY 10007

Re: 40 East 72nd Street (between Madison and Park Avenues) – Upper East Side Historic District

Dear Chair Tierney:

At the Full Board meeting on Wednesday, September 21, 2011, the board adopted the following resolution regarding **40 East 72nd Street (between Madison and Park Avenues) – Upper East Side Historic District – Barry Rice, Architect**. Application is to add additional floors.

WHEREAS, 40 East 72nd Street is a 5-story, 49' wide building constructed in 1881 by Robert B. Lynd and altered in the neo-Classical style in 1928 by Schwartz & Gross.

WHEREAS, 40 East 72nd Street is on the south side of 72nd St. at the midblock; the applicant received a Certificate of Appropriateness from the Landmarks Preservation Commission in 2003 to add 3 stories to the top of the existing building.

WHEREAS, the applicant is now requesting a Certificate of Appropriateness for a taller building that will be set back 20' from the street wall (5' feet further back from the street wall than existing zoning requires).

WHEREAS, the applicant intends that, because of the 20' setback, the new construction will read as a separate building that is discreet from the designated contributing building within the historic district.

WHEREAS, while the new building is not visible looking south from Park Avenue, it becomes visible at about 1/3rd of the way into the block.

WHEREAS, the existing 5-story building is to be fully restored; however, the applicant proposes that the windows in the Schwartz & Gross 1928 alteration be incrementally widened.

WHEREAS, the new 10-story building, while made of brick, will not be in the same brick as the building below, so that it presents as "purposefully different", but will fit in massing and scale with the neighboring apartment buildings.

WHEREAS, the new 10-story building will contain approximately 37,000 sq. ft. which is less than the 46,000 sq. ft. allowed under the zoning (FAR).

WHEREAS the front of the new 10-story building will be articulated, with 1' setbacks on either side with a middle shallow bay-window that protrudes out 1' in the middle of the elevation.

WHEREAS, the height of the building to the top of the roof will be 167'7" and to the top of the mechanicals 176'.

WHEREAS, the applicant intends for the new 10-story building to read visually as the rear elevation of a building, i.e., if one were to look across the existing 5-story building from 72nd Street – **because of the 20' setback** -- the new construction would present as a separate building that could be in an

imaginary rear yard. [The intent of the 20' setback is to make the new construction read as if it were behind and not attached to the Schwartz & Gross 5-story contributing building so that the 5-story Schwartz & Gross contributing building would be perceived as a building separate from the new construction.]

WHEREAS, the intent of the proposed window enlargements on the 5-story Schwartz & Gross building is so that the windows in the new building above could be aligned to the building below; however their enlargement will change forever the character and design of the Schwartz & Gross contributing building.

WHEREAS, the existing 5-story Schwartz & Gross building contributes to the character of the historic district; the Landmarks Commission reaffirmed this when it approved the as-yet-unbuilt 3-story addition in 2003.

WHEREAS, enlargement of the windows in the Schwartz & Gross building would change the proportions of the 1928 alteration.

WHEREAS, the 20' setback reads as a "setback", not as a "rear elevation" of a building in the rear yard behind.

WHEREAS, the applicant did not present any drawings for the rear (south elevation facing 71st St.) of the proposed new construction.

WHEREAS, the integrity of the contributing Schwartz & Gross building within the historic district must be maintained.

WHEREAS, the proposed 10-story building set on top of the 5-story Schwartz & Gross contributing building is inappropriate and out-of-context within the historic district.

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

This recommendation was approved by a vote of 44 in favor, 0 opposed and 1 abstention.

Sincerely,

Jacqueline Ludorf
Chair

Jane Parshall and David Liston
Co-Chairs, Landmarks Committee

cc: Hon. Michael Bloomberg, Mayor of the City of New York
Hon. Scott M. Stringer, Manhattan Borough President
Hon. Liz Krueger, NYS Senate Member
Hon. Dan Quart, NYS Assembly Member
Hon. Micah Kellner, NYS Assembly Member
Hon. Daniel Garodnick, NYC Council Member
Hon. Jessica Lappin, NYC Council Member