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## The City of New York Manhattan Community Board 8

July 23, 2013

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

**Re: 965 Fifth Avenue (between 77<sup>th</sup> and 78<sup>th</sup> Streets) - Upper East Side Historic District**

Dear Chair Tierney:

At the Full Board meeting on Wednesday, July 17 2013, the board adopted the following resolution regarding **965 Fifth Avenue (between 77<sup>th</sup> and 78<sup>th</sup> Streets) Upper East Side Historic District – Higgins Quasebarth & Partners**– Application is to add new windows and doors in existing and new openings on all facades on the 18<sup>th</sup> and 19<sup>th</sup> floors.

**THIS APPLICATION IS DIVIDED INTO TWO PARTS: Part A: The application as presented with the exception of the asymmetrical window on the front elevation at the 19<sup>th</sup> floor; Part B: The asymmetrical window on the front elevation at the 19<sup>th</sup> floor.**

**Part A: The application as presented with the exception of the asymmetrical window on the front elevation at the 19<sup>th</sup> floor.**

**WHEREAS** 965 Fifth Avenue is a “classicizing” Modern-style apartment building designed by Irving Margon and constructed in 1937.

**WHEREAS** 965 Fifth Avenue contains a variety of window types on the main body of the building (Floors 1-17); 965 Park Avenue does not have a Master Plan for window replacement; some 8 over 1 and 6 over 1 windows (the original design for the windows) remain.

**WHEREAS** in 2004, steel, white-painted, multi-paned windows were installed at the penthouse level at the 18<sup>th</sup> and 19<sup>th</sup> floors; the applicant was unable to locate the original design for the penthouse windows.

**WHEREAS** the applicant now proposes to change all of the 44 existing windows and existing French doors with new windows and doors on all 4 elevations.

**WHEREAS** in general, the work on the 44 window and/or French doors will include enlargement of existing windows or the insertion of new windows or the deletion of existing windows. Most of the rectangular openings now existing will be larger in dimension; windows/doors will be raised either at the top or at the bottom. Some existing windows will be replaced by French doors.

**WHEREAS** the larger openings will also allow for the sidelights that are characteristic of the French doors and some of the windows to be dropped so that they are at the same height of the contiguous doors/windows.

**WHEREAS** the applicant proposes to delete the multi-paned character of the existing windows and doors and replace with a simple, minimalist intervention with steel frames.

**WHEREAS** on the west elevation (the front elevation), there is an existing railing broken by a parapet that conceals the lower part of the windows at the 18<sup>th</sup> and 19<sup>th</sup> floors; thus, there will be minimal visibility of the proposed changes to the windows/door at the front elevation.

**WHEREAS** the East elevation at the 19<sup>th</sup> floor sets back 10' from the parapet and contains one set of French doors with sidelights; the applicant proposes a major change to his general window replacement plan by replacing this one opening with a series of French doors and sidelights that will project out approximately 14" and will present as rectangular bays. (NB: the center part of the East elevation at the 18<sup>th</sup> floor is not set back; thus the changes to the windows are visible from the public way. At the 19<sup>th</sup> floor, there is a continuous terrace around the entire floor; however, at the 18<sup>th</sup> floor, the terrace is not continuous so that the center part of the 4 elevations on the 18<sup>th</sup> floor is on the same plane as the rest of the apartment building.

**WHEREAS** all the windows will be painted black (all of the existing windows in the entire building are black, bronze or white with a medium bronze being the predominant color); the profile of the new windows/doors will be essential the same as the existing profile.

**WHEREAS** the windows/doors on the 18<sup>th</sup> and 19<sup>th</sup> floors are so high up and on the West elevation (the dominant elevation) are behind the existing rail and existing parapet and so are not visible from the public way. [*To clarify: at the 18<sup>th</sup> and 19<sup>th</sup> floors at the front/ west elevation there is a parapet broken by a railing with conceals the lower part of the windows. At the south, east and north elevations at the 19<sup>th</sup> floor, there is a railing that conceals the lower part of the windows. For the rest of the 18<sup>th</sup> floor, the terrace is not continuous so that the windows/doors are visible when there is no terrace with the railing to conceal them in any way.*]

**WHEREAS** at the south elevation at the 19<sup>th</sup> floor, one window will be closed in so that a fireplace can be installed; the flue for the fireplace will be on the exterior on the south elevation and will project out a little less than 12" -- the new flue will mimic the flue on the north elevation and a new window will be created to the west of the new fireplace.

**WHEREAS** the proposed changes to the 44 windows/doors are appropriate within the historic district and are minimally visible from the public way.

**WHEREAS** the asymmetrical opening at the front elevation at the 19<sup>th</sup> floor will be discussed in Part B of this application.

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

*This recommendation was approved by a vote of 35 in favor, 0 opposed, and 0 abstentions.*

#### **Part B: The asymmetrical window at the west/front elevation on the 19<sup>th</sup> floor**

**WHEREAS** at the top of the center part of the penthouse at the 19<sup>th</sup> floor, there is very pretty decorative stone work that enframes the center part of the front elevation; there is a decorative shell design set into the very center of the stonework at the roofline at the top of the 19<sup>th</sup> floor. The stonework with the centered shell focus the eye as one looks at the front elevation in its entirety. Below the decorative stonework are 3 vertical windows with masonry on either side.

**WHEREAS** the applicant proposes to eliminate the masonry on the south side of the center window to create a larger window that would take the window to the corner of the south side of the west elevation.

**WHEREAS** there would now be an asymmetrical relationship to the windows on the front elevation at the 19<sup>th</sup> floor; the symmetry at the graceful top floor of the penthouse with its decorative elements would be destroyed.

**WHEREAS** the new asymmetrical relationship of the windows would be visible from the public way, especially from Central Park when one looks back at the entire front elevation.

**WHEREAS** the proposed asymmetrical window is out of context and inappropriate within the historic district.

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

*This recommendation was approved by a vote of 35 in favor, 0 opposed, 1abstention, and 1 not voting for cause.*

Sincerely,

Nicholas Viest  
Chair

David Helpern 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