

Russell Squire  
Chair

Will Brightbill  
District Manager



505 Park Avenue, Suite 620  
New York, N.Y. 10022-1106  
(212) 758-4340  
(212) 758-4616 (Fax)  
www.cb8m.com – Website  
info@cb8m.com – E-Mail

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

February 18, 2021

Hon. Sarah Carroll, Chair  
NYC Landmarks Preservation Commission  
Municipal Building  
1 Centre Street, 9<sup>th</sup> Floor  
New York, NY 10007

**RE: 45 East 70<sup>th</sup> Street (Upper East Side Historic District)** – *Todd Ernst, Architect* - A neo-French classical five story residence designed by Aymar Embury for Arthur S. Lehman and constructed between 1928-1929. Application is for installation of new marble clad steel Juliette balconies.

Dear Chair Carroll,

At the Full Board meeting of Community Board 8 Manhattan held on February 17, 2021, the board unanimously approved the following resolution by a vote of 41 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause.

**WHEREAS** 45 East 70th Street is a neo-French classical five story residence designed by Aymar Embury II for Arthur S. Lehman and constructed between 1928-1929;

**WHEREAS** Aymar Embury was known for his country houses and country clubs of the early to mid-twentieth century; he is best known for commissions from the City of New York from the 1930s through to the 1950s and frequently worked with Robert Moses when Moses was New York City Parks Commissioner;

**WHEREAS** 45 East 70th Street was built for the investment banker Arthur Lehman;

**WHEREAS** 45 East 70th Street is 43' wide and stone-faced, sparsely decorated with delicate urns and similar neo-classical elements; the center opening at the second floor is ornamented with exquisite, understated carved draping;

**WHEREAS** the applicant proposes work at the rear yard area of the house; the rear yard is approximately 40' wide x 30' deep;

**WHEREAS** at the rear the applicant proposes 1) removing the two existing metal balconies and decorative guardrail, 2) removing the existing open-riser steel rear yard access stair at the garden level, 3) installing a new marble rear yard access stair, 4) installing new balconies with marble balustrades, and 5) installing a 2' lattice fence above the east and west walls;

**WHEREAS** additional rear yard renovations, including new pavers, perimeter wall and stone fountain feature, have been approved at the staff level of the Landmarks Preservation Commission;

**WHEREAS** none of the work at the rear yard is visible from the public way;

**WHEREAS** the rear yard is now framed at the property line by a decorative lattice fence; the lattice is being replaced by a 6' brick wall; the proposed north-facing wall at the property line will have an ornate fountain in the center which has been already approved at the staff level of the LPC (see above);

**WHEREAS** the brick wall will be made of a taupe-colored brick with red added, so that the new brick will appear to have an antique hand-made finish;

**WHEREAS** the applicant proposes adding a decorative 2' lattice fence to *the east and west sides of the proposed brick wall*; the proposed overall height of the brick wall plus the added decorative lattice fence at the east and west sides of the rear yard is 8'[permitted by Building Code] [The proposed north-facing wall at 6' will be 2' lower than the proposed *east and west flanking walls* at 8'.];

**WHEREAS** the lattice will present as compatible with the brick and will have an antique, weathered look;

**WHEREAS** the applicant feels that France limestone is sympathetic and visually appropriate to the design style and aesthetics of the existing house;  
**WHEREAS** the applicant was not able to confirm that the existing Juliette metal balconies were original to the house;  
**WHEREAS** the existing wrought iron Juliette balconies present as elliptical; the proposed new stone balconies present as semicircular;  
**WHEREAS** the existing metal elliptical balconies are close in character to the elliptical metal balconies hugging the front elevation of one of the most significant houses within the Upper East Side Historic District, with its restrained detailing and wonderfully flat front elevation;  
**WHEREAS** the proposed French marble for the balconies and the access stair is too heavy and presents as too much masonry; the proposed masonry is incompatible with the grace and simplicity of the rear elevation;  
**WHEREAS** Aymar Embury was a serious architect; the house, as he designed it, is a flat building, not a sculptural building;  
**WHEREAS** the applicant's proposal to replace the metal work at the rear with masonry presents as too massive and lacks the grace and delicacy of the current composition of the wrought iron Juliet balconies and staircase and stair railing;  
**WHEREAS** the Landmarks Committee of Community Board 8 Manhattan regrets that the proposed brick wall, an important element in the overall composition of the rear yard and approved at the staff level at the LPC, was not part of this application;

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

Please advise us of any action taken on this matter.

Sincerely,

*Russell Squire*

Russell Squire  
Chair

*David Helpern and Jane Parshall*

David Helpern and Jane Parshall  
Co-Chairs, Landmarks Committee

cc: Honorable Bill de Blasio, Mayor of the City of New York  
Honorable Carolyn Maloney, 12th Congressional District Representative  
Honorable Gale Brewer, Manhattan Borough President  
Honorable Liz Krueger, NYS Senator, 28th Senatorial District  
Honorable José M. Serrano, NYS Senator, 29th Senatorial District  
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District  
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District  
Honorable Robert J. Rodriguez, NYS Assembly Member 68th Assembly District  
Honorable Ben Kallos, NYC Council Member, 5th Council District  
Honorable Keith Powers, NYC Council Member, 4th Council District