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**The City of New York
Community Board 8 Manhattan
Landmarks Committee Meeting
Monday, May 17, 2021 – 6:30 PM
This meeting was conducted via Zoom**

PLEASE NOTE: When evaluating Applications for Certificates of Appropriateness, the Landmarks Committee of Community Board 8 Manhattan ONLY considers the appropriateness of the proposal to the architecture of the building and, in the case of a building within a Historic District, the appropriateness of the proposal to the character of that Historic District. All testimony should be related to such appropriateness. The Committee recommends a Resolution to the full Community Board, which votes on a Resolution to be sent to the Landmarks Preservation Commission. These Resolutions are advisory; the decision of the Landmarks Preservation Commission is binding.

Applicants and members of the public who are interested in the issues addressed are invited, but not required, to attend the **Full Board meeting on Wednesday, May 19, 2021 via Zoom**. They may testify for up to three minutes in the Public Session, which they must sign up for no later than 6:45PM. Members of the Board will discuss the items in executive session; if a member of the public wishes a comment made or a question asked at this time, he or she must ask a Board Member to do it.

MINUTES:

CB8 Members Present: Elizabeth Ashby, P. Gayle Baron, Michele Birnbaum, Alida Camp, Cohn, David Helpern, May Malik, Valerie Mason, Jane Parshall, Harrison Pierson-Panes, and Marco Tamayo. One public member, Kimberley Selway, was also present.

Resolutions for Consideration:

Item 1 – 4 East 66th Street Approval (Unanimous)

Item 2 – 210 East 62nd Street Disapproval (Unanimous)

1. **4 East 66th Street (Upper East Side Historic District)** – *Peter Pennoyer, Architect* – A neo-Italian Renaissance style eleven story building designed by J.E.R. Carpenter and Cross and Cross and constructed in 1919-1920. Application is for window alterations.

WHEREAS 4 East 66th Street (also known 845 5th Avenue) is a neo-Italian Renaissance-style 11-story, limestone clad apartment building designed by J.E.R. Carpenter with Cross and Cross as associated architects and constructed in 1919-20;

WHEREAS 4 East 66th Street, with a muted dignity that only could be conveyed by such prestigious residential architects, wraps into the middle of the block behind Temple Emmanuel which results in a courtyard with a south facing wall/indentation, an east facing wall and 2 west-facing indentations;

WHEREAS all windows to be altered/replaced are inside the courtyard at an 8th floor apartment — because of the courtyard, the windows are well setback from 5th Avenue;

WHEREAS the windows include:

- 1) at the east elevation, 2 windows
- 2) at the south elevation, 3 windows
- 3) at the west elevation, 2 windows (a bedroom window and a bathroom window with the masonry between them altered to create two new openings —
- 4) at the west elevation, a new opening will be installed into the formerly blank wall;

WHEREAS in summary, there will be 8 new windows altogether — 7 existing windows will be replaced with new bronze glass doors, new stone sills and Juliette balconies in expanded openings; the head height and width of the existing masonry openings will be maintained; the sills will be lowered to floor level; materials for the balconies will match the adjacent balconies on the floor above;

WHEREAS while the head height for the 7 windows does not change, the applicant proposes to drop the openings to the floor level so that the new windows will now be approximately 2' taller than the existing 7' 71/8" tall windows;

WHEREAS thus, the proposed new height of the windows will be approximately 9'8" with the one exception of the new opening to be created to provide light for the kitchen [Note that interior rooms have a 12' ceiling height.];

WHEREAS at one of the west-facing indentations, there is now a window for a bathroom and a window for a bedroom; these 2 windows will result in 2 new enlarged windows;

WHEREAS the 8th window (on the other of the indentations on the west-facing elevation) will be a double-hung three-part window with divided lights in order to provide an opening into the kitchen — to be created from a new masonry opening (see #4 above); it will not resemble the other 7 altered windows;

WHEREAS the proposed Juliet balconies for the 7 altered windows provide visual decoration;

WHEREAS *to summarize, 8 windows will be altered. Of the 8, 5 will have "French doors". The left opening at the east elevation will not be a "French door", and will present as narrower. The former bathroom window, now reconfigured, at the indentation on the west elevation will not be a "French door" and will present as narrower. The opening for the kitchen will be a simple wood-framed double hung window with divided lites;*

WHEREAS the applicant's intent is to make the courtyard elevation symmetrical;

WHEREAS there is a precedent for such an approach to the fenestration on the courtyard — at the Landmarks Preservation Commission — a prior approval for another apartment at the 9th floor;

WHEREAS the west-facing windows are visible from 5th Avenue;

WHEREAS the applicant proposes to match the existing iron work at the front elevation for the Juliet balconies; the iron work will be painted black only;

WHEREAS it is unusual for an apartment building on a side street to have a visible secondary elevation;

WHEREAS the applicant's overall intent for the window alteration is to take advantage of this secondary elevation as it relates to Temple Emmanuel;

WHEREAS the alterations to the windows at the 8th floor take their cues from the already altered windows on the 9th floor;

WHEREAS the applicant is to be commended on the elegance of his thoughtful design; the alterations to the windows are symmetrical within the courtyard and add to the overall beauty of one of the great early 20th century residential apartment buildings;

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

VOTE: 8 in favor (Ashby, Baron, Birnbaum, Camp, Cohn, Helpern, Parshall, Tamayo)

ONE PUBLIC MEMBER IN FAVOR: Kimberley Selway

2. **210 East 62nd Street (Treadwell Farm Historic District)** – *Arctangent Architecture* - A neo-Grec style building designed by F.S. Barnes and constructed in 1870. Application is for roof addition, rear yard extension, and interior renovation.

WHEREAS a roof top addition and rear yard extension was approved by CB8 in 2016 and received a Certificate of Appropriateness from the Landmarks Preservation Commission in 2017;

WHEREAS the rooftop structure that has been built is larger than the rooftop addition that was approved by the Landmarks Preservation Commission;

WHEREAS the applicant seeks a Certificate of Appropriateness for the larger, built rooftop addition with possible minor adjustments;

WHEREAS the third, fourth, and roof levels built by the applicant are higher than the original floor and roof levels of the building, with the roof in front about 2'-6" higher than the height approved in the applicant's 2016 design;

WHEREAS the applicant represented that they have made minor adjustments to the front façade and the rear façade to find a compromise that will satisfy the Board, the Community, and the Landmarks Preservation Commission;

WHEREAS the adjustment in the rear include the elimination of a projection at the bottom of the rear wall of the enlargement so that the wall comes straight down to the fourth floor;

WHEREAS the adjustment in the front returns the proportion of the top of the façade to its original proportions;

WHEREAS the cornice in the front acted as the safety barrier at roof level, the higher roof level requires a glass rail that is higher than the top of the cornice but, according to the applicant's sight line diagram, is not visible from the street;

WHEREAS the roof top enlargement is much more visible from the Third Avenue direction than the originally approved roof top enlargement;

WHEREAS the adjustments do not achieve the scale and limited visibility of the currently approved design;

WHEREAS members of the community, including neighbors and the President of Treadwell Farm Historic District, have again written letters and/or testified about the sordid history of the construction of the building to include the following assertions: not constructing per the 2017 Certificate of Appropriateness; not protecting passersby in the front; demolishing the rear and leaving open the floors to the weather with consequent deterioration; underpinning adjacent structures without permits; building the enlargement so that it overlaps neighbors' properties; not addressing over 80 violations totaling over \$385,000 in fees; and not paying taxes amounting to over \$36,000;

WHEREAS the unsightliness of the site and the inconvenience to the Treadwell Farm Community has not been addressed sufficiently by the Landmarks Preservation Commission or the Department of Buildings;

WHEREAS the LPC has allowed the applicant to continue discussions at staff level with the goal of maintaining the incorrectly built condition rather than to insist on the applicant complying with the approved design;

WHEREAS the LPC is allowing 210 East 62nd Street to deteriorate by not acting to protect the building;

WHEREAS there are precedents for requiring construction that does not conform to the approved plans to be demolished and rebuilt as designed and approved;

WHEREAS the September 22, 2020 resolution of the CB8 Board that was sent to Chair Sarah Carroll brought many of the conditions cited above to the attention of the Landmarks Preservation Commission;

WHEREAS the September 2020 resolution of CB8 stated that the project warranted a full investigation under the enforcement provisions of the Landmarks Preservation Commission;

WHEREAS the October 8, 2020 letter to Chair Sarah Carroll from Council Member Keith Powers, State Senator Liz Kruger, and Manhattan Borough President Gale Brewer referenced the "derelict state of the building and "the instances of encroachment on neighboring properties";

WHEREAS the October 8th letter pointed out that the individuals living in the Treadwell Farm Historic District “care deeply about maintaining the historic integrity of their neighborhood and wish to preserve the distinct qualities that spurred one of the first landmark designations in the city”;

WHEREAS the October 8th letter restated the position of the writers that the LPC disapprove any application submitted by 210 East 62nd Street “that goes beyond the height and bulk” of what LPC originally approved;

WHEREAS the October 8th letter also asked “that LPC investigate the dubious construction of the rooftop addition” and “further utilize the commission’s enforcement capability if wrongdoing is found.”

WHEREAS the applicant made clear in its statements that the intent is not to build per the approved Certificate of Appropriateness;

WHEREAS the applicant has made clear in its statements that the intent is to have LPC approve changes that are inappropriate and not contextual within the historic district;

WHEREAS the LPC appears not to have acted on the CB8 resolution or the letter from Powers, Kruger, and Brewer to investigate the status and conditions of the project;

WHEREAS the applicant has not committed to the LPC that it will demolish the inappropriate construction, resolve outstanding construction issues with the neighbors and the Treadwell Farm community, eliminate the violations, and pay the fines and taxes;

WHEREAS the actions of the applicant reflect a disregard for the community and the LPC;

WHEREAS the LPC should revoke the Certificate of Appropriateness due to the applicant’s not building the approved design and the applicant’s allowing the building to deteriorate;

THEREFORE, BE IT RESOLVED that this resubmission by the applicant is **DISAPPROVED**.

VOTE: 10 in favor (Ashby, Baron, Birnbaum, Camp, Cohn, Helpern, Mason, Parshall, Pierson-Panes, Tamayo)

ONE PUBLIC MEMBER IN FAVOR : Kimberley Selway

David Helpern and Jane Parshall, Co-Chairs