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

September 23, 2024

Honorable Sarah Carroll, Chair  
NYC Landmarks Preservation Commission  
Municipal Building  
One Center Street, 9th Floor  
New York, New York 10007

**RE: 116 East 78th Street (Upper East Side Historic District)** – *Marc Albertin* – A neo-Georgian building designed by Lee Harris and constructed in 1909. Application is to legalize excavation in the rear yard.

Dear Chair Carroll,

At the Full Board meeting of Community Board 8 Manhattan held on September 18, 2024, the Board approved the following resolution by a vote of 33 in favor, 3 opposed, 0 abstentions, and 0 not voting for cause.

**WHEREAS** the rear yard of 116 East 78th Street was excavated and constructed without a Certificate of Appropriateness from the Landmarks Preservation Commission; and

**WHEREAS** the rear yard was excavated and constructed with a permit from the Department of Buildings issued in 2019; and

**WHEREAS** the application to the Landmarks Preservation Commission had been prepared but not processed, possibly due to oversights during COVID; and

**WHEREAS** the current application is to legalize the excavation in the rear yard at the Landmarks Preservation Commission; and

**WHEREAS** the purpose of the excavation was to create a mechanical space; and

**WHEREAS** the elevation of the rear yard was maintained and not changed from prior approvals; and

**WHEREAS** the excavation of the rear yard is not held back five feet from the rear property line to create a planted area as required by the Landmarks Preservation Commission; and

**WHEREAS** the full excavation in a prior design for the rear yard was approved by the Landmarks Preservation Commission; and

**WHEREAS** the as built condition has planters on either side of the rear yard extending the full length of the rear yard; and

**WHEREAS** the rear yards on either side of the rear yard of 116 East 78th Street do not have five-foot-deep planted areas abutting their rear property lines; and

**WHEREAS** the neighbors either side accept the as built condition at 116 East 78th Street and do not seek changes; and

**WHEREAS** the as-built condition of the rear yard of 116 East 78th Street is appropriate and contextual within the historic district;

**THEREFORE, BE IT RESOLVED** that this application is **APPROVED AS PRESENTED**.

Please advise us of any action taken on this matter.

Sincerely,

*Valerie S. Mason*

*Anthony Cohn and David Helpern*

Valerie S. Mason  
Chair

Anthony Cohn and David Helpern  
Co-Chairs, Landmarks Committee

cc: Honorable Kathy Hochul, Governor of New York  
Honorable Eric Adams, Mayor of the City of New York  
Honorable Mark Levine, Manhattan Borough President  
Honorable Jerry Nadler, 12th Congressional District Representative  
Honorable Liz Krueger, NYS Senator, 28th Senatorial District  
Honorable José M. Serrano, NYS Senator, 29th Senatorial District  
Honorable Edward Gibbs, NYS Assembly Member 68th Assembly District  
Honorable Alex Bores, NYS Assembly Member, 73rd Assembly District  
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District  
Honorable Keith Powers, NYC Council Member, 4th Council District  
Honorable Julie Menin, NYC Council Member, 5th Council District  
Honorable Diana Ayala, NYC Council Member, 8<sup>th</sup> Council District