

Alida Camp
Chair

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**The City of New York
Community Board 8 Manhattan
Zoning and Development Committee
May 14, 2019 – 6PM
The Chapin School, 100 East End Ave – Gordon Room**

Minutes

Community Board Members Present: Gayle Baron, Alida Camp, Barbara Chocky, Anthony Cohn, Billy Freedland, Paul Higgins, Ed Hartzog, Craig Lader, Valerie Mason, Peter Patch, Rita Popper, Peggy Price, Tricia Shimamura, Barry Schneider, Marco Tamayo, Adam Wald, Shari Weiner, Elizabeth Ashby and Elaine Walsh, Co-Chairs.

Meeting started about 7:45pm after a joint meeting with the Housing Committee chaired by Alida Camp with Extell developer Gary Barnett.

1. Presentation by George Janes, representing Friends of the Upper East Side Historic Districts regarding their challenge to the development at 1059 Third Ave (63st)

The presentation included a Power Point presentation and identification of the history of project and the various errors in the application. Additionally there is a Stop Work Order. Materials fell from the site and damaged a nearby building. Many of those tenants have been relocated with no word of when they can return home.

The following is a synopsis of the presentation:

Upon review of the zoning drawings and the building plans for 1059 Third Ave., a zoning challenge was filed in response to a new ZD1 (challenge permitted now has the file was reopened by DOB otherwise the time had run out for a challenge). The firm George M. Janes & Associates reviewed the latest set of Z and A-series plans and recent amendments. They found serious errors in the building's floor area calculations. The new drawings did not correct errors and there could be additional errors. The building is too large for its district. Issues include: gross floor area in Z-series plan- result more floor area then allowed; deductions taken in the Z-series do not match the size of deducted area in the plan; took a deduction for MTA easement in Lot 45 deduction not allowable as not in a Special Transit Land Use District; deductions taken for Quality Housing in a tower. It needs to follow the Quality Housing bulk plan; interior portion of the lot requires a rear yard; proposed tower coverage calculated incorrectly. Overall there is inconsistent information found throughout, yet the DOB approved the plans.

It is important to note that for the first 12 floors, the floor areas are understated. 59.25% of the floor area below needs to be under a height of 150 feet.

The full report can be found on the FRIENDS OF THE UPPER EASTSIDE HISTORIC DISTRICT website (<https://www.friends-ues.org/friends-files-dob-challenge-against-new-tower-at-1059-third-avenue/>).

There was much discussion and concern from the community and the board members present. A community member voiced his frustration with being relocated due to the falling construction material into his apartment. There were suggestions regarding options including removal of over built floors, for which there is precedence.

Motion made to send a support letter for the audit requested by Friends. Motion passes with two abstentions.

Approve: Gayle Baron, Alida Camp, Barbara Chocky, Anthony Cohn, Billy Freedland, Ed Hartzog, Craig Lader, Valerie Mason, Peter Patch, Rita Popper, Peggy Price, Tricia Shimamura, Barry Schneider, Adam Wald, Shari Weiner, Elizabeth Ashby and Elaine Walsh

Abstentions: Marco Tamayo, Paul Higgins

2. Community Board 8 Zoning Proposal for York, First, Second and Third Avenues: The application is in response to numerous community concerns and complaints and the one local city council member, the proposal seeks to protect the avenues' scale, character, affordable housing and local stores.

Discussion focused on status of the pre-application to be submitted to NYC Department of City Planning. The public was very vocal in their support of the application. The public was informed that the pre-application would be submitted within the month. After that there will be discussion with NYC Department of City Planning. Ultimately there will be a need for further study and a ULURP process. The ULURP process requires a significant amount of funding for completion, review, and approval by the Community Board, MBPO, and City Council.

Old Business

September 2019 meeting: Lenox Hill Hospital plans for both sites and at least an update.

New Business

Elizabeth Ashby and Elaine Walsh, Co-Chairs

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The City of New York
Community Board 8 Manhattan

May 20, 2019

Thomas J. Fariello, R.A.
Acting Commissioner
Department of Buildings
280 Broadway, 7th Floor
New York, NY 10007

Martin Rebholz, RA
Manhattan Borough Commissioner
Department of Buildings
280 Broadway, 3rd Floor
New York, NY 10007

RE: Request for Audit
1059 Third Avenue
New York, NY 10065
Block: 1417; Lot: 47
Zoning District: C1-9
NB—New Building – Job # 121187599

Dear Acting Commissioner Fariello and Borough Commissioner Rebholz:

We are requesting an audit of the NB—New Building – Job # 121187599. Community Board 8 Manhattan is concerned that the proposed new building in question does not conform in our residential district zoned C1-9. At the Zoning and Development Committee meeting of Community Board 8 Manhattan on Tuesday, May 14, 2019, a presentation was made by Friends of the Upper East Side Historic Districts and George M. Janes & Associates articulating a zoning challenge to the building based on floor area calculations and a number of other errors on both the parts of the Applicant and the Department of Buildings. These issues¹ are enumerated below for your reference:

- 1) The building is too large for its district:
 - a) The gross floor area in the Z-series plans, from which floor area deductions are taken, is measured incorrectly on every floor over 18. This provides between 131 SF and 408 SF of extra floor area for each floor.
 - b) Deductions taken in the Z-series do not match the size of the deducted areas shown in plan. In the majority of cases, these deductions are larger or much larger than their corresponding areas.
 - c) The applicant is taking a deduction for an MTA easement in Lot 45. This deduction is only available to buildings that are in the Special Transit Land Use District.

¹ Janes, George M. *Zoning Challenge to 1059 Third Avenue on behalf of Friends of the Upper East Side Historic Districts*. 20 April, 2019. https://www.friends-ues.org/wp-content/uploads/2014/05/1059_third_zoning_challenge_for-web.pdf.

- d) The applicant is taking Quality Housing deductions in a tower. It needs to follow the Quality Housing bulk program.
- 2) The interior portion of the lot requires a rear yard.
- 3) The proposed tower coverage is calculated incorrectly. Floor area for tower coverage below 150 feet is calculated incorrectly. At the correct tower coverage, the bulk of the building should be below 150 feet tall.
- 4) Finally, there are substantial errors and inconsistent information found throughout the DOB-approved plans. The DOB may wish to reexamine its processes.

Please advise our office of any action taken on this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Alida Camp". The signature is written in a cursive, flowing style.

Alida Camp
Chair

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 Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District
Honorable Ben Kallos, NYC Council Member, 5th Council District
Honorable Keith Powers, NYC Council Member, 4th Council District