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Landmarks Preservation  
Commission

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Date 6 / 11 / 13 Item # 1

Item Address 429 E 64 : 430 E 65

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In favor of proposal

☐

Against proposal

☒

Other position

MARA KELLY

Name

966 LEX AVE, 7E

Address

FUESTO

Representing

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# FRIENDS

of the UPPER EAST SIDE  
HISTORIC DISTRICTS

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Tara Kelly  
EXECUTIVE DIRECTOR

June 11, 2013

## Landmarks Preservation Commission Certificate of Appropriateness Public Hearing Testimony by Tara Kelly

### Re: 429 East 64th Street & 430 East 65th Street, First Avenue Estate Hardship Application

Mr. Chair and Honorable Commissioners:

Stahl York Avenue Co., LLC, (the owner) of the individually-designated City and Suburban Homes First Avenue Estate has submitted an application for the demolition of 429 East 64<sup>th</sup> Street and 430 East 65<sup>th</sup> Street on the ground that they do not generate a sufficient economic return. Today's proceedings follow the first public hearing on this item, held 16 months ago.

At the last hearing, the owner claimed that after a **\$4 million** renovation (amounting to over **\$41,000** per unit) the average achievable rent was between **\$600-\$888** per unit per month with a **10-24%** vacancy rate. The now owner asserts that after a **\$17 million** renovation (amounting to over **\$52,000** per unit for in-unit renovations) the average achievable rent is **\$1,235** per unit per month with a **10%** vacancy rate, comparing the rent regulated subject buildings to market rate elevator buildings and the adjacent properties in Block 1459, also owned by Stahl.

First, let us be clear that the poor condition of many vacated apartments has been imposed on the property by the owner's replacement of windows, an effort undertaken to avoid designation by the Landmarks Preservation Commission (LPC). Based on the sample apartments reviewed by Gleeds, over a third of the vacated units require walls to be rebuilt due to new window installation.<sup>1</sup> As in the previous submissions, the "level of condition" in the vacant units was assigned by the owner. These renovation figures depend substantially upon their assigned condition, ranging from \$36,091-\$68,100 per unit.<sup>2</sup>

Meanwhile, the owner has grossly overestimated operating expenses in order to diminish the return on investment. Despite a multi-million dollar renovation, the owner intends to increase their spending on "Painting" to \$47,500 in the 2009 test year. This is an increase of 86% from 2007 and 69% from 2008 actual expenses. Similarly, the owner intends to spend \$212,000 on "Repairs and Maintenance," an increase of 81% over the actual expense in 2008.<sup>3</sup> "Painting" is not included as a line item for the Other Buildings, and "Repairs and Maintenance" are approximately \$100,000 (or 50%) less in properties that are 24% and 104% larger.<sup>4</sup>

Underlying the documented mismanagement of the Subject Buildings is the owner's utter lack of credibility. They claim that they do not have any records for lease applications or rental inquiries,

<sup>1</sup> Project Consult 3/23/11, Exhibit 2; Gleeds 8/27/12, Exhibit 2

<sup>2</sup> Gleeds 8/27/12, Cost Summary Pg. 1-2

<sup>3</sup> Cushman Wakefield, 5/1/10 Pg. 27

<sup>4</sup> Cushman Wakefield, 5/1/10 Pg. 29

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while burdened by a 24% vacancy rate in the Other Buildings.<sup>5</sup> They are unable (or unwilling) to provide LPC with requested documents such as existing conditions drawings, records of the installation of new windows, and Real Property Income and Expense statements.<sup>6</sup> The owner has further frustrated this process by evading several direct questions posed by LPC following the last hearing (including #7, #10, #13, #14, #17c, #21, #22, #33, #43k, and #44a).

Rather than rely on the owner, who has demonstrated an unrelenting determination to subvert the authority of the LPC and demolish these buildings, our consultants have used real data to discern more accurate values for the market rent and vacancy rates. HR&A upholds its previous finding that the average rent for a comparable market rate apartment ranged from **\$1,450** to **\$2,250** in 2009. This was further discounted by 12.5%, the same figure the owner used in their comparables, resulting in an average market rent of **\$1,500**. Following an Individual Apartment Improvement increase of 1/40<sup>th</sup> the cost of in-unit renovation as provided by statute, HR&A applied the lesser of the market rent or the legal rent to each vacant unit, achieving an average rent of **\$1,173**. Meanwhile, HR&A doubled the average vacancy rate in Manhattan during the test year to offer a cautious **5%** estimate for the Subject Buildings. By conservatively adjusting the achievable rent and vacancy rates, and maintaining the previous renovation estimate of **\$4 million**, a return on investment of **11.7%** is achieved – nearly twice the threshold for hardship determination. The applicant's purported inability to earn a reasonable return is contradicted by this data.

Let me reiterate, the Landmarks Law provides for hardship relief only where an applicant is **incapable** of earning a reasonable return, not, as here, where an applicant is **unwilling** to do so.

The October 2012 letter from Gregg Wolpert, a representative of the owner, states, "No one disputes that, at the right price, apartments in the FAE are leasable."<sup>7</sup> We couldn't agree with him more and thus **we urge the Commission to deny this application.**

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<sup>5</sup> Responses to LPC, Pg. 30

<sup>6</sup> Responses to LPC, Pg. 15; Responses to LPC, Pg. 46; Responses to LPC, Pg. 3

<sup>7</sup> Stahl Letter 10/11/12 Pg. 4



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Item Address 429 E 64TH ! 436 E 65TH

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Other position

JAMES LIMA

Name

Address

FUESTITO / NYA

Representing

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## MEMORANDUM

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To: Friends of the Upper East Side Historic Districts

From: HR&A Advisors, Inc.

Date: June 11, 2013

Re: 429 East 64th Street and 430 East 65th Hardship Application Updated Review

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## PROJECT OVERVIEW

In January 2012, HR&A Advisors, Inc. completed a review of the hardship application submitted to the New York City Landmarks Preservation Commission ("LPC") to allow demolition and redevelopment of two buildings located at 429 East 64th Street and 430 East 65th ("Subject Properties"). HR&A's January 2012 report found that the Subject Properties could achieve a reasonable return (as defined in NYC Administrative Code Section 25-309), or above, based on the Subject Properties' ability to achieve market rents with limited renovation to its rental apartments. The Stahl Organization ("the Owner"), counsel, and consultants submitted a response to LPC in 2012 and 2013, including a revised study by Cushman & Wakefield, responses to specific questions from LPC by the Owner's legal counsel, and a letter from Gregg Wolpert, a representative of the Owner.

On behalf of Friends of the Upper East Side Historic Districts, HR&A has reviewed these materials and produced this response. In addition to new information regarding extensive renovation options for the Subject Properties, the Owner's responses are related to i) HR&A's assumptions regarding vacancy and credit loss, ii) HR&A's assumptions regarding comparable properties and application to the Subject Properties, and iii) HR&A's calculation of operating income using projected achievable market rate rents for rental units. The following document is divided into six sections. The first through third sections address the Owner's claims regarding HR&A's assumptions in the 2012 report; the fourth section presents a revised pro-forma analysis developed by HR&A to estimate the return on investment; the fifth provides a "break-even" scenario, providing the rental rates and investment that could be made while still achieving a reasonable return; and the final section includes brief summary remarks.

## 1. VACANCY & CREDIT LOSS

**Owner's Claim:** The Owner's submission claims that vacancy and credit loss for the Subject Properties, exceeding 20%, reflects relatively weak market demand for this type of unit, which the Owner characterizes as awkwardly configured and smaller than most apartments available for rent in comparable buildings and locations. The Owner also stresses that the sixth-floor apartments in the Subject Properties experience more frequent and lasting vacancy than those on lower floors, and higher than many of the comparable properties HR&A analyzed to calculate market rents.

The Owner's submission also suggests that the 409 listings HR&A used as a basis for comparable market rents in our 2012 report indicate a higher vacancy rate than the one HR&A assumes, or at least a very high turnover rate in the comparable properties, as they are total listings within a four-year period for an aggregate of 193 apartments.

**HR&A Response:** HR&A found that the vacancy and credit loss assumed by the Owner exceeds current and historical neighborhood and citywide rates. HR&A determined that a 5% vacancy and credit loss assumption was appropriate given the Subject Properties' improved competitive position in the residential rental marketplace once a basic level of in-unit renovation has been completed. This assumption is in line with HR&A's previous research, and confirmed by market research described below (p. 2-3).

Per HR&A's 2012 report, the Upper East Side vacancy rate averaged 1.5% between 2007 and 2011, which includes the period of a global financial crisis and sustained U.S. recession. HR&A determined that the 5% vacancy rate included in our analysis was an appropriate assumption for vacancy, and left ample room for standard contingencies and rent collection loss. To reaffirm this conclusion, HR&A analyzed citywide vacancy data and vacancy rates specific to apartments positioned similarly to those in the Subject Properties. Table 1 presents the citywide vacancy rate for all vacant for-rent units with stabilized units, as reported by the New York City 2011 *Housing and Vacancy Survey* (HVS), displaying vacancy rates well below 5% on a citywide and borough-wide basis, and tending to be even lower in rent stabilized apartments.

**Table 1: HVS Vacancy Rate by Regulation**

	All Vacant Units for Rent	All Manhattan Vacant Units for Rent	Rent Stabilized Units	
			Built Pre-1947	Built Post-1947
<b>Net Vacancy Rate</b>	3.12%	2.80%	2.54%	2.91%

HR&A then evaluated rent collection (credit) loss statistics for properties comparable to the Subject Properties. Cushman & Wakefield's reports indicate that consideration must be given for turnover, contingencies, and collection loss, assuming an additional 2.5% to 5% for credit loss above vacancy rates.<sup>1</sup> According to the New York City Rent Guidelines Board's *Housing NYC: Rents, Markets & Trends* report, vacancy and credit loss for stabilized buildings reached a high of 4.92% in 2009 (again, in the midst of a severe economic recessionary period nationally), still just below HR&A's assumption.<sup>2</sup> In 2010, this number dropped to 4.25%. Supporting this figure, the Housing and Vacancy Survey referenced above estimates that 2/3 of vacancies in pre-1947 rent stabilized buildings are re-rented in less than three months, and only 7% of these vacancies persist for longer than a year. HR&A's assumption of 5% is in line with current and historical vacancy rates and the combined rate of vacancy and credit loss for stabilized buildings within the city, and is a conservative assumption for purposes of calculating a return on investment from the Subject Properties.

HR&A also evaluated the impact of apartments on the sixth floor of a walk-up building in response to the Owner's claim that these apartments experience higher vacancy than apartments on lower floors of walk-up buildings. Through discussion with local real estate professionals HR&A found that sixth-floor apartments

<sup>1</sup> Cushman & Wakefield, 2012, p. 21

<sup>2</sup> NYC Rent Guidelines Board, *Housing NYC: Rents, Markets & Trends*, 2011, p. 47

in walk-ups are not more likely than fourth or fifth-floor apartments to experience prolonged vacancy. This information is discussed further in the next section of this report (p. 7).

## 2. COMPARABLE MARKET RATE APARTMENTS

HR&A's 2012 report estimated market rental rates for apartments in the Subject Properties using listings from nine comparable properties within close proximity to the Subject Properties as well as City & Suburban's York Avenue Estate complex, a "sister" property developed by the same firm as the First Avenue Estate, located at East 79<sup>th</sup> Street and similar in age and construction type to the Subject Properties. HR&A deemed these ten properties comparable to the Subject Properties based on their location on the Upper East Side east of 2<sup>nd</sup> Avenue and between 61<sup>st</sup> and 79<sup>th</sup> Streets, and the level of finishes and amenities. This sample is predominantly walk-up buildings with small commons spaces and no additional amenities such as doormen or gyms. HR&A used the average of these comparable buildings, and then discounted the average market rate by 12.5% to account for any potential market resistance to some of the apartment layouts in the Subject Properties.<sup>3</sup> Using an average of the nine comparable properties considered and the York Avenue Estate complex, HR&A generated the following market rents, as shown in its 2012 report.

**Table 2: Market Rent Estimation for 429 East 64<sup>th</sup> & 430 East 65<sup>th</sup>**

	Studio	1 Bedroom	2 Bedroom
Market Rate Rent	\$1,336	\$1,616	\$1,964

This next section presents information confirming that this adjustment to market comparables is appropriate and valid, and evaluates market demand for units such as those in the Subject Buildings.

### Size of comparable units

**Owner's Claim:** The Owner's submission claims that eight of the nine comparable properties used in HR&A's analysis contain larger apartments than those in the Subject Properties, with an average size of 593 square feet per unit. An exhibit to the Owner's submission presents average unit sizes in comparable properties gathered from Property Shark, an online resource for building information, including eight of HR&A's nine comparable properties. This exhibit includes one particular HR&A comparable property for which the Owner calculated an average unit size of 1,334 square feet, driving up their calculated average unit size.<sup>4</sup>

**HR&A Response:** HR&A's comparable market rate apartments accurately reflect the market rates for apartments in buildings on the Upper East Side. The Owner's analysis compares HR&A's calculation of gross square footage (GSF) per unit to their own analysis of rentable square footage (RSF) per unit, which is inappropriately comparing two different types of measurement to one another. To confirm the

<sup>3</sup> HR&A used the same discount established by Cushman & Wakefield's 2009 report.

<sup>4</sup> Letter from Gregg S. Wolpert, Exhibit E. Large average apartment sizes were recorded for 322 East 61<sup>st</sup> Street using Property Shark data. Analysis based on PLUTO data, a more credible data source, found that the average gross unit size in these buildings was 667 square feet. This discrepancy may be due to the Owner's calculation of only one building for the entire tax lot, though Property Shark indicates that two addresses, 322-324 East 61<sup>st</sup> Street, share the lot.

appropriateness of unit sizes, HR&A analyzed New York City PLUTO tax lot data for the comparable buildings.<sup>5</sup> HR&A then calculated the average gross area per unit and compared to the calculated gross area per unit in the Subject Properties. Table 3 below includes the average gross unit sizes in the comparable buildings in question.

**Table 3: Average Unit Size in HR&A's Comparable Properties**

<b>Comparable Properties</b>	<b># Units</b>	<b>Average Gross Area per Unit</b>
347 East 65 <sup>th</sup> Street	20	450
400 East 64 <sup>th</sup> Street	16	393
326 East 61 <sup>st</sup> Street	20	429
322 East 61 <sup>st</sup> Street	32	667
340 East 61 <sup>st</sup> Street	20	476
342 East 61 <sup>st</sup> Street	14	523
1154-56 1 <sup>st</sup> Avenue	16	665
304 East 62 <sup>nd</sup> Street	27	561
404 East 63 <sup>rd</sup> Street	22	455
1470-1494 York Avenue	1,324	508
<b>Comparable Properties</b>		<b>513</b>
<b>Subject Properties</b>		<b>446</b>

The above comparable properties include units as small as 393 gross square feet, smaller than the average gross square footage of apartments in the Subject Properties. The average gross square footage of units in the comparable properties is 76 feet larger than the average gross area of a unit in the Subject Properties. The next section of this report (p. 7-8) discusses potential renters' lack of sensitivity to small apartment sizes, and reinforces HR&A's conclusion that these units are in a desirable location and in close proximity to high quality jobs.

#### **Materially inferior finishes and amenities**

**Owner's Claim:** The Owner posits that apartments in the comparable properties have a higher level of finish than apartments in the Subject Properties, which are not accounted for in HR&A's adjustment for market comparables.

**HR&A Response:** HR&A considered levels of finish while analyzing market comparables and took an approach consistent with that set out by Cushman & Wakefield, assuming that market rent apartments in the Subject Properties could achieve a rent of \$40 per square foot with in-unit renovations to bring units to habitable standards. Though Cushman & Wakefield's 2012 study considers a larger investment in in-unit renovations – over \$1 million in total investment or \$10,000 per unit – they assume the same achievable per square foot rent of \$40, suggesting that the variance in levels of finish in question is not enough to greatly affect achievable market rents.

<sup>5</sup> The PLUTO tax lot data files contain over seventy data fields derived from data files maintained by the Department of City Planning, Department of Finance, Department of Citywide Administrative Services, and from information contained in Landmarks Preservation Commission publications and web site.



HR&A also revisited images of the comparable properties used in its 2012 analysis, and determined that levels of finish on individual apartments can vary widely. Building owners who actively rent units are incentivized to renovate stabilized units as tenants vacate in order to collect Individual Apartment Improvement (“IAI”) or Major Capital Improvement (“MCI”) charges, leading to units with varied levels of finish within the same building. However, as tenants remain in units for long stretches of time, or units rent quickly in their current condition, apartments within the same building can vary greatly in level of finish, as shown in the images in Attachment A. The finishes shown in these images are in line with those shown in images of the Other Buildings in online listings, and comparable for inexpensive, compact apartments within New York City.<sup>6</sup> Due to varied levels of finish in HR&A’s comparable properties, HR&A believes that the integrity of our comparable set as a whole is not compromised by individual apartment finishes. The range of rents identified in the comparables is not affected by slight differences in finish, nor are these finishes so different than other rental product leased by the Owner, suggesting that the Subject Properties would follow suit.

HR&A’s evaluation of market demand in New York City revealed strong demand for compact apartments at affordable rents, particularly on the Upper East Side, and in such close proximity to the area’s large cluster of job-intensive medical and research institutions. Market rents for HR&A’s comparable properties support this conclusion, as units in these properties have achieved rents well above the Owner’s claimed maximum rents (per p. 6 of HR&A’s 2012 report). HR&A found the market rents assumed in this analysis to be reasonable for the projected level of finish associated with the particular renovation specifications proposed by the Owner’s consultant report.

#### **Market demand for units in the Subject Properties**

For the purposes of this response to the Owner’s comments on the HR&A report, HR&A is addressing several Owner claims collectively within this section. Each of the below claims relate to the Owner’s premise that market demand for units in the Subject Properties is not as strong as demand for units in HR&A’s comparable properties. This section discusses HR&A’s market research, revealing strong demand for units such as those in the Subject Properties.

**Owner’s Claim:** The Owner claims that apartments in the Subject Properties are not attractive to potential renters due to their location east of First Avenue and lack of proximity to an express subway stop.

**HR&A Response:** HR&A found this assertion contrary to the proximity of the properties to transportation and to the state of the rental market in the city. The Subject Properties are within four blocks of subway service and are served by 35 buses in the area, making them within comparable proximity to public transit of thousands of well-occupied housing units across the city. While low vacancy rates throughout the city support HR&A’s conclusions, they are reinforced by the proximity of the Subject Properties to major centers of employment and location within a concentrated area of high-value real estate. The Subject Properties are within a ten-minute walk of three major medical centers and one world-class research university, and the broader Upper East Side neighborhood is home to additional strong, institutional employers. HR&A’s industry research confirms that these institutions have planned continued growth within the area, requiring additional employees, and thus, employee housing, per discussion below.

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<sup>6</sup> Most recently viewed on [walkscore.com](http://walkscore.com)

**Owner's Claim:** The Owner's submission emphasizes the lack of rental market for the compact apartments located in the Subject Properties, and states that the units have generally been attractive only to households or tenants of a transitory nature, directly associating that renter market with high turnover and tenants who tend toward nonpayment of the last month's rent.

**HR&A Response:** Compact units have gained a great deal of attention over the past year, with the development of plans for "micro-units" in Manhattan's Kips Bay neighborhood. These units, ranging in size from 250 to 370 square feet, are smaller than the average size of units in the Subject Properties, and target the 1.8 million one- and two- person households living in New York City whose lifestyles emphasize interaction outside one's private home space. This population is growing rapidly and will continue to require housing throughout the city, whether in new units or units renovated to market standards. The Owner's assertion that potential renters in New York City are deterred by small apartment sizes is unproven and contrary to current development trends.

The Owner's claim that the renter population is particularly transitory is also unfounded, as many of these smaller units would be attractive to area professionals who are working in the area for longer than one year (such as medical residents in a three-year program). Moreover, an owner with an active leasing program would profit from a certain level of turnover in buildings with stabilized units as units collected vacancy increases upon turnover. Due to the Owner's warehousing of vacant units in the Subject Properties, vacancy and turnover in these buildings cannot be considered representative of the Upper East Side rental market or of current behavior amongst renters.

**Owner's Claim:** The Owner also claims that market demand for units at the Subject Properties is weaker than for units in HR&A's comparable properties listed above due to the fact that the subject buildings are six-stories tall with no elevator.

**HR&A Response:** HR&A spoke with multiple local real estate professionals to evaluate the Owner's claim that sixth floor walk-up units in the Subject Properties experienced higher vacancy than other units. New York City brokers reported to HR&A that preference for renting walk-up apartments does not vary significantly above the third floor of a walk-up rental building, that there is no significant rent discount for sixth-floor units compared with fourth or fifth-floor units, and that a strong rental market ensures that even high floor walk-up units rarely sit vacant for more than three weeks when priced appropriately. HR&A concluded that the Subject Properties' six-story walk-up does not make them significantly less attractive to prospective tenants than a five-story walk-up, and our comparable properties. As discussed above, an active leasing program would likely increase market demand for relatively affordable units on the Upper East Side, including those on higher floors at the Subject Properties.

Moreover, the Owner's submissions do not provide direct evidence of trends of high vacancy in sixth-floor walk-up units. While documentation shows vacancy rates on the fourth through sixth floors in 2012, vacancy rates on the sixth floor are not isolated. With only their anecdotal evidence of renter preference to rent on lower floors, HR&A does not find this argument substantive enough to warrant a larger decrease in assumed market rents or far greater vacancy rate.

**Owner's Claim:** The Owner claims that the York Avenue Estate property on East 79<sup>th</sup> Street is not an appropriate comparable, as the property has undergone extensive renovations, both to individual units and common spaces.

**HR&A Response:** Regarding the development on East 79<sup>th</sup> Street, HR&A views this as a comparable to the Subject Properties based on the fact that one development company built the two complexes as “sister” projects for the same targeted user group, in a full city block configuration, with similar floor plans and a courtyard layout<sup>7</sup>, and during the same time period. The complexes are roughly the same age and of the same type of construction. Both were built in the early 1900s.

Regarding the level of renovation performed at the York Avenue Estate, HR&A believes that the level of in-unit renovations discussed elsewhere in the Owner’s submissions and in this report for the Subject Properties will bring units to a comparable level to those offered in the York Avenue Estate. HR&A views the 79<sup>th</sup> Street property as a comparable for units once renovations have been performed, and still views this as an appropriate comparable.

### 3. LEGAL REGULATION OF RENTAL UNITS

**Owner’s Claim:** The Owner’s submission specifically questioned HR&A’s use of market rents to estimate potential rental income for certain units at the Subject Properties, asserting that legally regulated units cannot achieve the market rents calculated from comparable properties.

**HR&A Response:** HR&A’s 2012 report reflected Cushman & Wakefield’s report, which assumed the 97 vacant units to be rented at market rates. The Owner’s response informed HR&A that units in the Subject Properties are rent regulated, and after reviewing this information, HR&A adjusted our pro forma analysis to conform to legal regulations for rent stabilized apartments. The methodology used to calculate new legal rents for units within the Subject Properties is described below, and is incorporated into HR&A’s return on investment analysis in the next section (beginning on p. 9).

HR&A first analyzed the Subject Properties’ rent roll on an apartment-by-apartment basis, calculating the appropriate increase for each vacant apartment following a 2009 (test year) renovation, and assuming the applicable legal rent for occupied apartments. The entire rent roll produces an average rent of \$1,172 for all apartments, and an average rent of \$1,432 for renovated apartments.

HR&A applied IAL charges to vacant apartments that were assumed to be renovated according to the unit sizes and conditions described in Exhibit B of the Owner’s submission.<sup>8</sup> Prior to passage of the Rent Act of 2011, stabilized units were eligible for an increase equal to 1/40<sup>th</sup> of renovation costs regardless of the number of units in a building.<sup>9</sup> HR&A applied this increase to vacant units.

HR&A then applied the lower of the legal rent or market rent to create a final rent roll, consistent with the Owner’s recent written comment that regulated apartments with high legal rents do not necessarily achieve those rents, and instead should achieve market rents.<sup>10</sup>

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<sup>7</sup> See testimony of architectural historian Andrew Scott Dolkart, January 24, 2012.

<sup>8</sup> Letter from Gregg S. Wolpert, Exhibit B

<sup>9</sup> The Rent Act of 2011 limited the recoverable renovation cost for buildings with more than 35 units to 1/60<sup>th</sup> of renovation costs.

<sup>10</sup> This would be structured as a preferential rent, allowing the Owner to increase the legal rent upon renewal or vacancy.

#### **4. RETURN ON INVESTMENT**

HR&A is using in this submittal the same methodology described in its 2012 report to calculate the return on investment for the Subject Properties.<sup>11</sup> This methodology was established by previous hardship applications brought before LPC, and is based on the estimation of a numerator, the net operating income; and a denominator, the property's assessed value.<sup>12</sup> This section describes updates to the numerator based on revised residential rental income and the resulting changes to the return on investment, calculated below.

##### ***Calculating the Numerator***

HR&A utilizes assumptions from its 2012 report to inform operating expenses and miscellaneous income. These were provided by Cushman & Wakefield (in its 2009 study), and carried through to the 2012 C&W study.

##### ***Residential Rental Income***

HR&A used the lesser of market rent or calculated legal rent for apartments that could have been renovated in 2009 (those that were vacant and did not require tenant consent to apply an IAI), and stated legal rents for occupied apartments. The total rental income in the test year was calculated to be \$2,673,531, as presented in Attachment B at the end of this report.

This rental income is slightly less than the \$2,725,014 in gross rental income calculated in HR&A's 2012 report, as HR&A has now capped rents at the lesser of market or legal rent, as described above in section three.

##### ***Vacancy Rate***

Per discussion above in this report, HR&A maintained a 5% residential rental vacancy assumption, the same as that used in our 2012 report.

##### ***Miscellaneous Revenues***

HR&A used the same miscellaneous income assumed in the 2009 and 2012 Cushman & Wakefield reports, set at \$12,500. This is the same assumption used in HR&A's 2012 report.

##### ***Operating Expenses***

HR&A used the same operating expenses assumed in the 2009 Cushman & Wakefield report. These are the same assumptions used in HR&A's 2012 report.

##### ***Calculating the Denominator***

HR&A utilized assumptions from its 2012 report to inform the property's assessed value, combining the test year tax assessment and 45% of the renovation investment. The renovation costs estimated here reflect Project Consult's 2011 report, which estimated costs to renovate apartments to a minimally habitable

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<sup>11</sup> HR&A 2012 Report, p. 2

<sup>12</sup> See HR&A 2012 Report, p. 2 for a detailed description of methodology.

standard, based on a survey of vacant apartments of varied sizes and conditions.<sup>13</sup> This investment was adjusted to account for the 97 units that were assumed to be vacant in the 2009 test year.<sup>14,15</sup> This resulted in a total investment of \$4,341,773.

#### ***Calculating Return on Investment***

HR&A adjusted its 2012 pro-forma analysis to reflect the revised rent roll produced for this review. The assumptions referenced above and used in this pro-forma can be found in Table 4 on the next page.

**Pro-forma analysis produced a return on investment of 11.7% percent for a scenario that brings units to minimally habitable condition.**

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<sup>13</sup> HR&A reviewed the Owner's 2012 project renovation costs, provided by Gleeds, and have included the prior estimate here as it relates to improving the apartments to a minimally habitable condition, which achieves the market rents assumed here.

<sup>14</sup> HR&A 2012 Report, p. 3

<sup>15</sup> HR&A's 2012 report also considered a scenario in which only 85 units were renovated. That scenario has not been considered under this approach, as the twelve apartments that would remain in their current condition were not identified in the Owner's materials.

**Table 4: Pro-forma Analysis**

<b>Assumptions</b>	
Real Estate Taxes	\$579,757
In-Unit Renovation Costs	\$4,018,385
45 % of Capital Renovation Costs	\$1,808,273
Property Assessed Value	\$2,533,500
<b>Total Investment (ROI denominator)</b>	<b>\$4,341,773</b>
# of Units	190
Average Unit Size	371
Annual Rent per SF	\$38
Average Rent Per Unit	\$1,173
Rental Revenue	\$2,673,531
Miscellaneous Revenue	\$12,500
Vacancy Rate	5%
Depreciation Factor	\$131,038
<b>Pro-forma</b>	
<b>Income</b>	
Rental Revenue	\$2,673,531
Miscellaneous Revenue	\$12,500
Total Gross Income	\$2,686,031
Vacancy	(\$134,302)
Effective Gross Income	\$2,551,730
<b>Operating Expenses</b>	
Real Estate Taxes	\$579,757
Insurance	\$135,700
Salary & Benefits	\$296,900
Utilities	\$267,200
Water & Sewer	\$106,000
Repairs and Maintenance	\$339,304
General & Administrative	\$25,400
Legal & Profession Fees	\$29,700
Painting & Supplies	\$47,500
Management Fees	\$63,600
Depreciation Factor	\$131,038
Miscellaneous Expense	\$21,200
Total Expenses	\$2,043,299
<b>Net Operating Income</b>	<b>\$508,431</b>
<b>Rate of Return</b>	<b>11.7%</b>

## 5. SENSITIVITY TO RENTS AND INVESTMENT

The base scenario discussed above produces an effective gross income of \$2,551,730. Given the return calculated above, HR&A tested additional scenarios to identify break-even points for per square foot rents and investment in renovations. This section first presents the per square foot rents necessary to achieve a reasonable return at two vacancy rates, and then the additional investment that could be made in in-unit and/or common area renovations.

### ***Break-Even Rents***

HR&A calculated a minimum effective gross income of \$2,303,805 required to achieve a 6% return on investment. Based on this income, HR&A analyzed the minimum rent per square foot necessary to achieve a 6% return for 5% and 10% vacancy rates. In both 5% and 10% vacancy scenarios, per square foot rents of \$34 and \$36 respectively are below the market rents estimated for HR&A's analysis, \$1,336 for studios, \$1,616 for one-bedrooms, and \$1,964 for two-bedrooms, as well as the \$40 per square foot assumed by Cushman & Wakefield. Table 5 shows the results of this analysis and the corresponding monthly rent for a unit of average size in the Subject Properties.

**Table 5: Rents Required to Achieve a 6% Return on Investment**

<b>Vacancy Rate</b>	<b>6% ROI Break-Even Rents (\$/SF)</b>	<b>Average Monthly Rent</b>
5%	\$34	\$1,058
10%	\$36	\$1,117

### ***Break-Even Investment***

Assuming the rental income produced by the pro-forma analysis, HR&A then analyzed the total investment in improvements to the Subject Properties that could be made by the Owner while still achieving a 6% return. HR&A calculated that a total investment of \$12.9 million could be made, that is, an additional investment of \$8,940,765 above the Owner's proposed \$4,341,773 in improvements. This translates to \$92,172 for each of the 97 apartments vacant in 2009.

This additional investment could be applied to in-unit renovations, raising the level of finish in renovated apartments or to common areas, updating hallways and common spaces, with some costs potentially eligible to be recouped through Major Capital Improvements ("MCI") charges. Additional improvements would likely enhance market demand for units in the Subject Building, potentially allowing market rate apartments to achieve higher rents than HR&A's pro forma analysis has assumed.

This break-even amount is also greater than the \$5,265,112 cited in Cushman & Wakefield's 2009 report as the first year capital expenditure for common area improvements, proving that the Owner could still make a reasonable return while making a substantial investment in the Subject Properties.

## 6. CONCLUSIONS

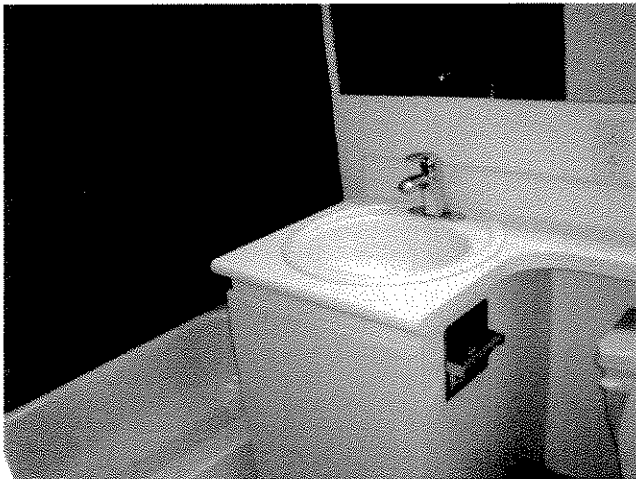
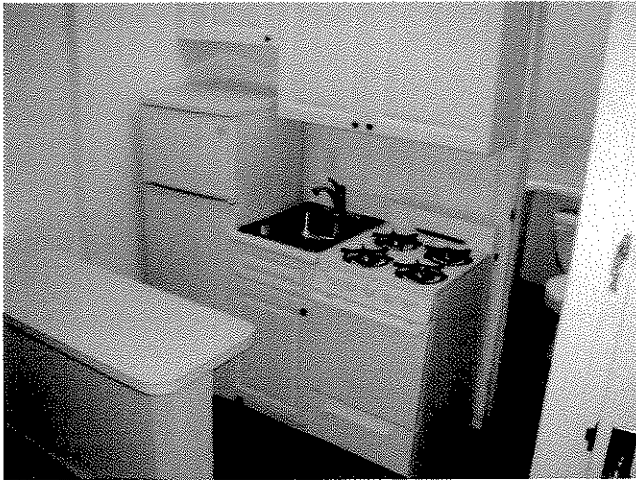
HR&A concludes that the Owner of the Subject Properties can achieve a reasonable return on investment if capital upgrades are made strategically, and the Subject Properties are operated and maintained appropriately, and marketed effectively. With supportable in-unit renovations that bring units to minimally

habitable condition while also providing aesthetic enhancements, many apartments could achieve rents in line with market rents within the local market adjusted for unit size and layout. Severe constraints on the supply of lower cost housing in Manhattan and citywide relative to demand, as evidenced in very low vacancy rates throughout Manhattan and the rest of New York City, as well as market demand in the immediate area, indicate that there is an unmet demand for reasonably-priced apartments, including very small sized apartments, and that the Subject Properties are located in an area in need of additional housing units. HR&A's analysis presents evidence that a reasonable return could be achieved, and that the Subject Properties should be preserved.



**Attachment A**  
**HR&A Comparable Property Interior Images**

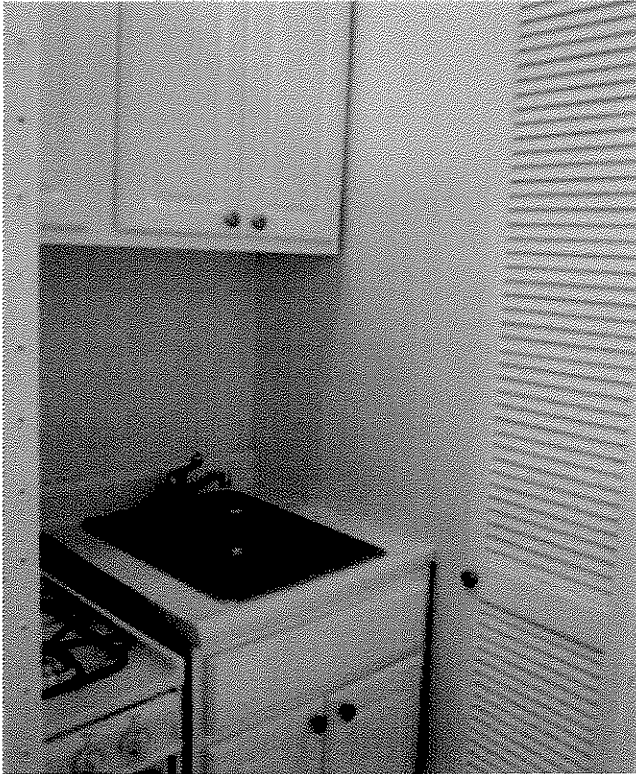
342 East 62<sup>nd</sup> Street



400 East 64<sup>th</sup> Street



502 East 79<sup>th</sup> Street



**Attachment B(i)**

**Rent Roll Before and After In-Unit Renovations and Legal Increase: 429 East 64<sup>th</sup> Street**

429 East 64 <sup>th</sup> Street							
Unit	Rooms	Condition	Vacancy increase	IAI charge	Last Legal Rent	New Legal Rent <sup>16</sup>	Lesser of Market or Legal Rent
1A	3	3	\$212.38	\$750.08	\$1,327.40	\$2,289.86	\$1,615.90
2A	3	3	\$100.00	\$750.08	\$443.93	\$1,294.01	\$1,294.01
3A			\$0.00	\$0.00	\$845.27	\$845.27	\$845.27
4A			\$0.00	\$0.00	\$598.08	\$598.08	\$598.08
5A	3	3	\$222.87	\$750.08	\$1,392.96	\$2,365.91	\$1,615.90
6A			\$0.00	\$0.00	\$1,018.34	\$1,018.34	\$1,018.34
1B	3	4	\$104.90	\$1,475.85	\$655.63	\$2,236.38	\$1,615.90
2B		2	\$0.00	\$0.00	\$672.10	\$672.10	\$672.10
3B			\$0.00	\$0.00	\$1,009.89	\$1,009.89	\$1,009.89
4B	3	2	\$202.99	\$698.18	\$1,268.70	\$2,169.87	\$1,615.90
5B			\$0.00	\$0.00	\$727.42	\$727.42	\$727.42
6B			\$0.00	\$0.00	\$655.32	\$655.32	\$655.32
1C	4	3	\$117.83	\$1,046.55	\$736.41	\$1,900.79	\$1,900.79
2C	4	1	\$383.64	\$700.38	\$2,397.75	\$3,481.77	\$1,963.86
3C			\$0.00	\$0.00	\$1,156.85	\$1,156.85	\$1,156.85
4C	4	1	\$304.30	\$700.38	\$1,901.87	\$2,906.54	\$1,963.86
5C			\$0.00	\$0.00	\$664.27	\$664.27	\$664.27
6C			\$0.00	\$0.00	\$763.63	\$763.63	\$763.63
1D			\$0.00	\$0.00	\$945.85	\$945.85	\$945.85
2D	3	1	\$321.13	\$636.70	\$2,007.07	\$2,964.90	\$1,615.90
3D			\$0.00	\$0.00	\$763.13	\$763.13	\$763.13
4D	3	1	\$0.00	\$636.70	\$1,415.24	\$2,051.94	\$1,615.90
5D			\$0.00	\$0.00	\$707.07	\$707.07	\$707.07
6D			\$0.00	\$0.00	\$978.75	\$978.75	\$978.75
1E	3	3	\$116.11	\$750.08	\$725.70	\$1,591.89	\$1,591.89
2E			\$0.00	\$0.00	\$532.61	\$532.61	\$532.61
3E			\$0.00	\$0.00	\$717.68	\$717.68	\$717.68
4E	3	3	\$0.00	\$0.00	\$1,008.26	\$1,008.26	\$1,008.26
5E	3	3	\$0.00	\$750.08	\$642.66	\$1,392.74	\$1,392.74
6E	3	1	\$268.68	\$636.70	\$1,679.27	\$2,584.65	\$1,615.90
1F	2	2	\$171.88	\$795.98	\$1,074.27	\$2,042.13	\$1,335.58
2F	2	3	\$157.55	\$871.73	\$984.66	\$2,013.93	\$1,335.58
3F	2	3	\$0.00	\$0.00	\$1,228.85	\$1,228.85	\$1,228.85
4F	2	3	\$0.00	\$871.73	\$889.89	\$1,761.62	\$1,335.58
5F	2	2	\$0.00	\$795.98	\$530.54	\$1,326.52	\$1,326.52
6F	2	2	\$0.00	\$0.00	\$945.99	\$945.99	\$945.99
1G	3	3	\$154.30	\$750.08	\$964.39	\$1,868.77	\$1,615.90
2G			\$0.00	\$0.00	\$769.44	\$769.44	\$769.44
3G			\$0.00	\$0.00	\$1,264.45	\$1,264.45	\$1,264.45
4G	3	3	\$201.21	\$750.08	\$1,257.55	\$2,208.83	\$1,615.90

<sup>16</sup> A one-year renewal increase (3%) was assumed for the applicable portion of the year for rent stabilized apartments. This is reflected in the annual rent calculation.

Unit	Rooms	Condition	Vacancy increase	IAI charge	Last Legal Rent	New Legal Rent	Lesser of Market or Legal Rent
5G	3	2	\$162.52	\$698.18	\$1,015.72	\$1,876.41	\$1,615.90
6G	3	3	\$100.00	\$750.08	\$543.00	\$1,393.08	\$1,393.08
1H	3	3	\$0.00	\$750.08	\$1,026.15	\$1,776.23	\$1,615.90
2H			\$0.00	\$0.00	\$600.60	\$600.60	\$600.60
3H	3	3	\$100.00	\$750.08	\$386.40	\$1,236.48	\$1,236.48
4H			\$0.00	\$0.00	\$716.75	\$716.75	\$716.75
5H			\$0.00	\$0.00	\$1,179.68	\$1,179.68	\$1,179.68
6H	3	3	\$0.00	\$0.00	\$645.25	\$645.25	\$645.25
1I	2	4	\$0.00	\$0.00	\$877.13	\$877.13	\$877.13
2I	2	3	\$180.52	\$871.73	\$1,128.23	\$2,180.47	\$1,335.58
3I			\$0.00	\$0.00	\$995.40	\$995.40	\$995.40
4I	2	3	\$182.96	\$871.73	\$1,143.51	\$2,198.20	\$1,335.58
5I			\$0.00	\$0.00	\$713.69	\$713.69	\$713.69
6I	2	3	\$113.39	\$871.73	\$708.68	\$1,693.79	\$1,335.58
1J			\$0.00	\$0.00	\$680.83	\$680.83	\$680.83
2J			\$0.00	\$0.00	\$612.03	\$612.03	\$612.03
3J			\$0.00	\$0.00	\$1,209.78	\$1,209.78	\$1,209.78
4J			\$0.00	\$0.00	\$877.67	\$877.67	\$877.67
5J			\$0.00	\$0.00	\$738.48	\$738.48	\$738.48
6J	3	2	\$275.90	\$698.18	\$1,724.37	\$2,698.44	\$1,615.90
1K			\$0.00	\$0.00	\$749.90	\$749.90	\$749.90
2K	2	2	\$226.08	\$795.98	\$1,412.97	\$2,435.02	\$1,335.58
3K			\$0.00	\$0.00	\$893.86	\$893.86	\$893.86
4K			\$100.00	\$0.00	n/a	\$100.00	\$100.00
5K	2	2	\$177.17	\$795.98	\$1,107.29	\$2,080.43	\$1,335.58
6K	2	2	\$287.31	\$795.98	\$1,795.69	\$2,878.98	\$1,335.58
1L	2	3	\$138.38	\$871.73	\$864.85	\$1,874.95	\$1,335.58
2L	2	3	\$0.00	\$0.00	\$566.18	\$566.18	\$566.18
3L	2	3	\$0.00	\$871.73	\$1,020.24	\$1,891.97	\$1,335.58
4L	2	3	\$206.67	\$871.73	\$1,291.67	\$2,370.06	\$1,335.58
5L			\$0.00	\$0.00	\$801.85	\$801.85	\$801.85
6L	2	3	\$146.17	\$871.73	\$913.58	\$1,931.48	\$1,335.58
1M	3	3	\$100.00	\$750.08	\$596.95	\$1,447.03	\$1,447.03
2M	3	4	\$192.81	\$1,475.85	\$1,205.09	\$2,873.75	\$1,615.90
3M	3	3	\$136.84	\$750.08	\$855.26	\$1,742.18	\$1,615.90
4M	3	2	\$154.82	\$698.18	\$967.61	\$1,820.60	\$1,615.90
5M	3	2	\$132.92	\$698.18	\$830.75	\$1,661.85	\$1,615.90
6M			\$100.00	\$0.00	\$426.13	\$526.13	\$526.13
1N	2	1	\$0.00	\$0.00	\$1,563.79	\$1,563.79	\$1,563.79
2N	2	2	\$149.40	\$795.98	\$933.72	\$1,879.09	\$1,335.58
3N	2	3	\$100.00	\$871.73	\$552.84	\$1,524.57	\$1,335.58
4N	2	2	\$0.00	\$0.00	\$1,110.20	\$1,110.20	\$1,110.20
5N	2	3	\$0.00	\$871.73	\$705.13	\$1,576.86	\$1,335.58
6N	2	4	\$212.19	\$925.10	\$1,326.19	\$2,463.48	\$1,335.58
2O	3	2	\$208.30	\$698.18	\$1,301.86	\$2,208.33	\$1,615.90
3O	3	2	\$112.77	\$698.18	\$704.79	\$1,515.73	\$1,515.73
4O			\$0.00	\$0.00	\$668.97	\$668.97	\$668.97

<b>Unit</b>	<b>Rooms</b>	<b>Condition</b>	<b>Vacancy increase</b>	<b>IAI charge</b>	<b>Last Legal Rent</b>	<b>New Legal Rent</b>	<b>Lesser of Market or Legal Rent</b>
5O	3	1	\$256.35	\$636.70	\$1,602.18	\$2,495.23	\$1,615.90
6O	3	3	\$119.23	\$750.08	\$745.19	\$1,614.50	\$1,614.50
1P	2	2	\$208.08	\$795.98	\$1,300.48	\$2,304.53	\$1,335.58
2P	2	2	\$123.81	\$795.98	\$773.84	\$1,693.63	\$1,335.58
3P	2	2	\$123.90	\$795.98	\$774.39	\$1,694.27	\$1,335.58
4P			\$0.00	\$0.00	\$595.87	\$595.87	\$595.87
5P	2	2	\$100.00	\$795.98	\$551.43	\$1,447.41	\$1,335.58
6P	2	3	\$106.35	\$871.73	\$664.67	\$1,642.74	\$1,335.58

**Attachment B(ii)**

**Rent Roll Before and After In-Unit Renovations and Legal Increase: 430 East 65<sup>th</sup> Street**

430 East 65 <sup>th</sup> Street							
Unit	Rooms	Condition	Vacancy increase	IAI charge	Last Legal Rent	New Legal Rent <sup>17</sup>	Lesser of Market or Legal Rent
1A			\$0.00	\$0.00	\$866.64	\$866.64	\$866.64
2A			\$0.00	\$0.00	\$614.76	\$614.76	\$614.76
3A	3	2	\$146.99	\$698.18	\$918.68	\$1,763.84	\$1,615.90
4A	3	3	\$128.97	\$750.08	\$806.08	\$1,685.13	\$1,615.90
5A			\$0.00	\$0.00	\$1,338.05	\$1,338.05	\$1,338.05
6A	3	3	\$161.13	\$750.08	\$1,007.06	\$1,918.26	\$1,615.90
2B	2	2	\$294.68	\$795.98	\$1,841.74	\$2,932.39	\$1,335.58
3B			\$100.00	\$0.00	\$493.30	\$593.30	\$593.30
4B			\$0.00	\$0.00	\$609.65	\$609.65	\$609.65
5B	2	3	\$160.68	\$871.73	\$1,004.23	\$2,036.63	\$1,335.58
6B	2	3	\$112.99	\$871.73	\$706.16	\$1,690.87	\$1,335.58
1C			\$0.00	\$0.00	\$728.67	\$728.67	\$728.67
2C	3	3	\$259.03	\$750.08	\$1,618.95	\$2,628.06	\$1,615.90
3C	3	2	\$184.44	\$698.18	\$1,152.77	\$2,035.39	\$1,615.90
4C			\$0.00	\$0.00	\$661.14	\$661.14	\$661.14
5C	3	2	\$184.45	\$698.18	\$1,152.79	\$2,035.41	\$1,615.90
6C			\$0.00	\$0.00	\$888.49	\$888.49	\$888.49
1D			\$0.00	\$0.00	\$714.66	\$714.66	\$714.66
2D			\$0.00	\$0.00	\$868.61	\$868.61	\$868.61
3D	2	3	\$105.88	\$871.73	\$661.75	\$1,639.36	\$1,335.58
4D			\$0.00	\$0.00	\$693.81	\$693.81	\$693.81
5D			\$100.00	\$0.00	\$439.07	\$539.07	\$539.07
6D	2	3	\$0.00	\$0.00	\$805.24	\$805.24	\$805.24
1E			\$0.00	\$0.00	\$970.32	\$970.32	\$970.32
2E			\$0.00	\$0.00	\$908.72	\$908.72	\$908.72
3E	3	3	\$131.42	\$750.08	\$821.36	\$1,702.85	\$1,615.90
4E	3	3	\$100.00	\$750.08	\$612.49	\$1,462.57	\$1,462.57
5E	3	3	\$100.00	\$750.08	\$563.58	\$1,413.66	\$1,413.66
6E			\$0.00	\$0.00	\$572.46	\$572.46	\$572.46
1F	2	1	\$271.28	\$541.80	\$1,695.51	\$2,508.59	\$1,335.58
2F	2	2	\$118.74	\$795.98	\$742.10	\$1,656.81	\$1,335.58
3F	2	2	\$156.65	\$795.98	\$979.08	\$1,931.71	\$1,335.58
4F			\$100.00	\$0.00	\$473.63	\$573.63	\$573.63
5F	2	3	\$100.00	\$871.73	\$489.04	\$1,460.77	\$1,335.58
6F			\$0.00	\$0.00	\$791.77	\$791.77	\$791.77
1G			\$0.00	\$0.00	\$747.61	\$747.61	\$747.61
2G			\$0.00	\$0.00	\$933.62	\$933.62	\$933.62
3G	3	3	\$267.99	\$750.08	\$1,674.92	\$2,692.98	\$1,615.90
4G	3	3	\$0.00	\$750.08	\$695.57	\$1,445.65	\$1,445.65
5G			\$0.00	\$0.00	\$716.49	\$716.49	\$716.49
6G	3	3	\$100.00	\$750.08	\$601.57	\$1,451.65	\$1,451.65
1H			\$0.00	\$0.00	\$765.35	\$765.35	\$765.35
2H	2	2	\$283.71	\$795.98	\$1,773.20	\$2,852.89	\$1,335.58
3H	2	3	\$100.00	\$871.73	\$530.88	\$1,502.61	\$1,335.58
4H	2	3	\$216.91	\$871.73	\$1,355.66	\$2,444.29	\$1,335.58
5H			\$0.00	\$0.00	\$971.74	\$971.74	\$971.74

<sup>17</sup> A one-year renewal increase (3%) was assumed for the applicable portion of the year for rent stabilized apartments. This is reflected in the annual rent calculation.

Unit	Rooms	Condition	Vacancy increase	IAI charge	Last Legal Rent	New Legal Rent	Lesser of Market or Legal Rent
6H			\$0.00	\$0.00	\$699.60	\$699.60	\$699.60
1I	2	3	\$237.45	\$871.73	\$1,484.06	\$2,593.23	\$1,335.58
2I	2	3	\$113.76	\$871.73	\$711.02	\$1,696.51	\$1,335.58
3I	2	2	\$0.00	\$795.98	\$994.58	\$1,790.56	\$1,335.58
4I	2	3	\$107.80	\$871.73	\$673.74	\$1,653.26	\$1,335.58
5I	2	3	\$0.00	\$0.00	\$1,126.46	\$1,126.46	\$1,126.46
6I	2	3	\$0.00	\$871.73	\$1,124.55	\$1,996.28	\$1,335.58
1J	3	3	\$155.79	\$750.08	\$973.68	\$1,879.54	\$1,615.90
2J			\$0.00	\$0.00	\$1,318.61	\$1,318.61	\$1,318.61
3J			\$0.00	\$0.00	\$610.86	\$610.86	\$610.86
4J			\$0.00	\$0.00	\$649.93	\$649.93	\$649.93
5J	3	3	\$171.39	\$750.08	\$1,071.17	\$1,992.63	\$1,615.90
6J	3	3	\$0.00	\$750.08	\$652.11	\$1,402.19	\$1,402.19
1K			\$0.00	\$0.00	\$1,152.96	\$1,152.96	\$1,152.96
2K	3	3	\$127.73	\$750.08	\$798.34	\$1,676.15	\$1,615.90
3K			\$0.00	\$0.00	\$821.58	\$821.58	\$821.58
4K	3	3	\$140.93	\$750.08	\$880.80	\$1,771.80	\$1,615.90
5K			\$0.00	\$0.00	\$1,096.19	\$1,096.19	\$1,096.19
6K	3	3	\$148.46	\$750.08	\$927.85	\$1,826.38	\$1,615.90
1L			\$0.00	\$0.00	\$892.48	\$892.48	\$892.48
2L	3	3	\$0.00	\$0.00	\$1,675.47	\$1,675.47	\$1,675.47
3L			\$0.00	\$0.00	\$798.06	\$798.06	\$798.06
4L	3	3	\$114.36	\$750.08	\$714.73	\$1,579.16	\$1,579.16
5L			\$0.00	\$0.00	\$747.11	\$747.11	\$747.11
6L			\$0.00	\$0.00	\$619.28	\$619.28	\$619.28
1M			\$0.00	\$0.00	\$1,252.62	\$1,252.62	\$1,252.62
2M			\$0.00	\$0.00	\$1,247.96	\$1,247.96	\$1,247.96
3M	3	2	\$0.00	\$0.00	\$945.30	\$945.30	\$945.30
4M			\$0.00	\$0.00	\$635.11	\$635.11	\$635.11
5M	3	3	\$255.52	\$750.08	\$1,597.03	\$2,602.63	\$1,615.90
6M	3	3	\$0.00	\$750.08	\$671.06	\$1,421.14	\$1,421.14
1N	3	3	\$0.00	\$750.08	\$622.38	\$1,372.46	\$1,372.46
2N			\$0.00	\$0.00	\$870.01	\$870.01	\$870.01
3N	3	3	\$100.00	\$750.08	\$562.62	\$1,412.70	\$1,412.70
4N			\$0.00	\$0.00	\$746.65	\$746.65	\$746.65
5N	3	3	\$100.00	\$750.08	\$580.78	\$1,430.86	\$1,430.86
6N			\$0.00	\$0.00	\$1,134.70	\$1,134.70	\$1,134.70
1O	3	3	\$147.25	\$750.08	\$920.32	\$1,817.65	\$1,615.90
2O	3	3	\$100.00	\$750.08	\$543.83	\$1,393.91	\$1,393.91
3O			\$0.00	\$0.00	\$674.69	\$674.69	\$674.69
4O	3	3	\$0.00	\$750.08	\$1,371.61	\$2,121.69	\$1,615.90
5O			\$0.00	\$0.00	\$892.36	\$892.36	\$892.36
6O	3	4	\$100.00	\$1,475.85	\$576.20	\$2,152.05	\$1,615.90
1P	3	3	\$134.21	\$750.08	\$838.81	\$1,723.09	\$1,615.90
2P			\$0.00	\$0.00	\$825.83	\$825.83	\$825.83
3P			\$0.00	\$0.00	\$1,148.43	\$1,148.43	\$1,148.43
4P	3	3	\$177.39	\$750.08	\$1,108.71	\$2,036.18	\$1,615.90
5P			\$0.00	\$0.00	\$710.08	\$710.08	\$710.08
6P			\$0.00	\$0.00	\$1,061.93	\$1,061.93	\$1,061.93





1 Centre Street  
9th Floor North  
New York, NY 10007

Landmarks Preservation  
Commission

212 669 7700 tel  
212 669 7960 fax

## PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 6 / 11 / 13 Item # 1

Item Address 429 E 64 : 470 E 65

☐

In favor of proposal

☐

Against proposal

☒

Other position

TONY MORENZI / MICHA KELLNER

Name

Address

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

If you need additional space, please use the other side.



MICAH Z. KELLNER  
65<sup>th</sup> Assembly District

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

COMMITTEES  
Banks  
Cities  
Corporations, Authorities and Commissions  
Consumer Affairs and Protection  
Racing and Wagering  
Steering

**Statement of  
Assembly Member Micah Z. Kellner  
In Opposition of Hardship Application to Demolish  
429 East 64 Street and 430 East 65 Street of the  
City and Suburban First Avenue Estate  
Landmarks Preservation Commission – January 24, 2012**

My name is Micah Z. Kellner and I represent the 65th Assembly District in Manhattan, including parts of the Upper East Side, Yorkville, and Roosevelt Island. Thank you to Chair Tierney and to the Commissioners of the New York City Landmarks Preservation Commission (LPC) for the opportunity to testify today regarding the Hardship Application submitted by the owner of 429 East 64<sup>th</sup> Street and 430 East 65<sup>th</sup> Street. I urge the LPC to deny this application. If granted, the owner will proceed with their ultimate plans for the demolition of these buildings that are an integral part of the landmarked City and Suburban First Avenue Estate.

After reviewing all the information presented in the expert reports and testimony being submitted by the owner as well as the individuals and groups in opposition, I believe that the LPC will reach the conclusion that the information provided in the application does not support the required criteria for granting an economic hardship.

This owner continuously has fought the designation of these two buildings as landmarks. This matter finally was concluded after a protracted legal battle by the June 24, 2010 decision of the New York State Supreme Court Appellate Division, First Department upholding the LPC's 2006 designation. Even before the court's ruling, the owner attempted to undermine this designation by requesting the two comparative economic feasibility studies, dated February 9, 2009 and May 1, 2010. The timing of these reports clearly demonstrates that the owner's intent is and always has been to reverse the LPC's 2006 determination which found these buildings essential to the historical fabric of the First Avenue Estate, which exemplifies the cultural and social evolution of tenement housing in New York City.

In considering this economic hardship application the LPC must decide if the subject buildings are "Capable of earning a reasonable return." As you are well aware, this is defined as "Having the capacity, under reasonably efficient and prudent management of earning a reasonable return." (N.Y. ADC. LAW § 25-302: NY Code – Section 25-302: Definitions). Under this definition, the owner's claim that a 6% return on investment can not be achieved flies in the face of the reality of the current rental market in the City and especially on the Upper East Side of Manhattan.

I am sure that the LPC will conclude that based on the owner's actions, they have failed to manage these buildings in the appropriate manner to meet the criteria necessary to prove that a reasonable return cannot be earned. In the application, the owner admits to warehousing the vacant apartments to develop the site. Currently, it is estimated that more than 50% of the 190 apartments are vacant. They claim that the vacant apartments can only be rented for no more than \$600 - \$888 per month, even if more than \$41,000 was invested to renovate each one.

It is difficult for me to understand the owner's conclusions regarding the rents that each apartment can command after an investment of \$40,000 for an apartment renovation. My skepticism of the facts arises because under the formula used by the New York State Division of Homes and Community Renewal (DHCR) of 1/40<sup>th</sup> of the cost of the renovations, the legal base rent for each apartment could be increased by \$1,000. They also could be allowed additional vacancy increases. In addition, to the best of my knowledge during the entire time they owned these buildings a hardship application for an increased rent has never been filed with the DHCR.

The owner's scenario for the rental market does not even come close to the one that was described recently in the article, 'RENTING & RAVING, Rates skyrocket as apts. dwindle', *New York Post*, Thursday, January 12, 2012, by Jennifer Gould Keil and Reuven Fenton. The first two sentences in the article clearly dispute the owner's claim for the granting of this Hardship Application by the LPC, "Rents are too damn high – and apartments too damn scarce. Manhattan rents soared 8.6 percent last year – reaching pre-2007-crash highs – while vacancy rates plummeted and residents grabbed apartments at a near-record pace, new industry reports show." It further goes on to describe that the average vacancy rate in Manhattan dropped from 1.16% in 2011 to 0.96%. This was followed by an article on Friday, January 13, 2012 in the *New York Post* by Jennifer Gould Keil, 'Rents to rocket', with the first sentence stating, "New York landlords will be laughing their way to the bank in 2012."

All the evidence and all their actions point to the fact that the owner has willfully mismanaged these buildings in an attempt to hoodwink the LPC into believing that a true economic hardship exists. Because the owner's clear intent is to demolish the two buildings in order to build a much taller tower on the site, they have failed to manage these buildings in a reasonably efficient and prudent manner. This has denied them the ability to earn a reasonable return making this a self-imposed hardship.

These two buildings are an essential part of the history of the City and Suburban First Avenue Estate and New York City and must be preserved. Given the absurdity of the owner's conclusions in the Hardship Application, I believe the LPC, after weighing all the evidence submitted and taking into consideration all the owner's actions, has no other choice than to deny this application.

Thank you for this opportunity to testify today.



MICAH Z. KELLNER  
Assembly Member, 76<sup>th</sup> District

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIRMAN  
Libraries & Education Technology Committee  
  
COMMITTEES  
Banks  
Cities  
Consumer Affairs and Protection  
Racing and Wagering  
Steering

**Testimony of  
Assembly Member Micah Kellner  
In Opposition of Hardship Application to Demolish  
429 East 64 Street and 430 East 65 Street of the  
City and Suburban First Avenue Estate  
Landmarks Preservation Commission – June 11, 2013**

My name is Micah Kellner and I represent the 76th Assembly District in Manhattan, including parts of the Upper East Side and all of Yorkville, and Roosevelt Island. Thank you to Chair Tierney and to the Commissioners of the New York City Landmarks Preservation Commission (LPC) for the opportunity to testify for the second time regarding the Hardship Application submitted by the owner of 429 East 64<sup>th</sup> Street and 430 East 65<sup>th</sup> Street. On January 24, 2012, I urged the LPC to deny this application (a copy of my earlier testimony is attached.). Today, I make that same request for denial. If granted, the owners will proceed with their ultimate plans for the demolition of these buildings that comprise an integral part of the landmarked City and Suburban First Avenue Estate.

After reviewing the owners' October 2012 response to the questions posed by the Commission following the January 2012 hearing, and the analysis of that submission by individuals and groups in opposition, I reiterate my earlier belief that the LPC will reach the conclusion that the information provided in the application does not support the required criteria for granting an economic hardship.

As you are well aware, the owners continuously have fought the designation of these two buildings as landmarks. Their intent is and always has been to reverse the LPC's 2006 determination which found these buildings essential to the historical fabric of the First Avenue Estate, which exemplifies the cultural and social evolution of tenement housing in New York City.

Upon your review of all the expert reports and testimony, I am sure that the LPC will conclude that, based on the owners' actions over many years, the owners have failed to manage these buildings in the appropriate manner to meet the criteria necessary to prove that a reasonable return cannot be earned. In the application, the owners admit to warehousing the vacant apartments to develop the site. At the time of the January 2012 hearing, it was estimated that more than 50% of the 190 apartments were vacant. It is highly improbable that this has changed, since I have been told that, when people have tried to contact the rental office by telephone or in person during regular business hours,

if they left a message, no return call was received, or that the office was simply closed outright.

It was difficult for me in January 2012 to understand the owners' conclusions regarding the rents that each apartment can command after a substantial investment for an apartment renovation, and continues to be difficult for me now. I am skeptical of the owners' claims, because under the formula used in the application's test year by the New York State Division of Homes and Community Renewal (DHCR) of 1/40<sup>th</sup> of the cost of the renovations, the legal base rent for each apartment could be increased. The owners also could be allowed additional vacancy increases. In addition, to the best of my knowledge, during the entire time the owners have possessed these buildings, a hardship application for an increased rent was never filed with the DHCR.

A year and a half later, the owners' scenario for the rental market still does not even come close to the reality described recently in the news media, for example in the newspaper article entitled, 'Renters: Get ready for a cutthroat summer' (METRO NEW YORK, May 15, 2013, by Guelda Voien). The following statements from the article clearly dispute the owners' claim for the granting of this Hardship Application by the LPC: "Rents are up, vacancies are down in April – and trends show no signs of changing"; "Meanwhile, the vacancy rate in Manhattan dropped to 1.28 percent, a 12 percent decline from the 1.46 percent rate in March, numbers from Citi Habitats show"; "It's going to make for a very competitive summer," said Gary Malin, president of Citi Habitats, the city's largest brokerage. "You will see a vacancy rate sub 1 percent very soon."

All the evidence and all their actions continue to point to the owners' willful mismanagement of these buildings in an attempt to hoodwink the LPC into believing that a true economic hardship exists. Because the owners' clear intent is to demolish the two buildings in order to build a much taller tower on the site, they have failed to manage these buildings in a reasonably efficient and prudent manner. This has denied them the ability to earn a reasonable return, making this hardship entirely self-imposed.

These two buildings are an essential part of the history of the City and Suburban First Avenue Estate and New York City, and must be preserved. Given the absurdity of the owners' conclusions in the Hardship Application, I believe the LPC, after weighing all the evidence submitted and taking into consideration all the owners' actions, has no other choice than to deny this application.

Thank you once again for this opportunity to testify today.



Landmarks Preservation  
Commission

1 Centre Street  
9th Floor North  
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212 669 7700 tel  
212 669 7960 fax

## PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 6 / 11 / 13 Item # 1

Item Address 429 E 64 : 430 E 65

☐

In favor of proposal

☐

Against proposal

☒

Other position

LIZ KRUEBER / PATRICK MADIGAN  
Name

Address

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

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NEW YORK  
STATE  
SENATE  
ALBANY, NEW YORK 12247



**LIZ KRUEGER**  
SENATOR, 28<sup>TH</sup> DISTRICT

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LEGISLATIVE OFFICE BUILDING  
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ALBANY, NEW YORK 12247  
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FAX (518) 426-6874

DISTRICT OFFICE  
211 EAST 43RD STREET  
SUITE 401  
NEW YORK, NEW YORK 10017  
(212) 490-4935  
FAX (212) 490-2151

E-MAIL  
LKRUEGER@NYSenate.GOV

RANKING MINORITY MEMBER  
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HIGHER EDUCATION  
HOUSING, CONSTRUCTION  
& COMMUNITY DEVELOPMENT  
MENTAL HEALTH &  
DEVELOPMENTAL DISABILITIES  
RULES

**Testimony of State Senator Liz Krueger**  
**Before the Landmarks Preservation Commission**  
**Regarding First Avenue Estate**  
June 11<sup>th</sup>, 2013

My name is Liz Krueger and I represent the 28th State Senate District, which includes the Upper East Side, East Midtown and Midtown neighborhoods of Manhattan. I regret that because the State Senate is in session in Albany today I am unable to attend in person.

I appreciate the opportunity to express my strong opposition to the building owner's application to demolish 429 East 64<sup>th</sup> Street and 430 East 65<sup>th</sup> Street (429 and 430), individually landmarked buildings which were constructed as part of the City and Suburban Homes Company's First Avenue Estate. Based upon my review of the owner's latest submissions supporting the hardship application, and the analysis conducted by a number of the historic preservation organizations in my community, I believe that the owner's claims that a reasonable profit cannot be generated from the properties are entirely disingenuous. If this application is approved, it would be devastating to the residents of 429 and 430, set an extremely dangerous precedent, and undermine the entire New York City landmarking process.

The Landmarks Preservation Commission (LPC) found in 1990 that the City and Suburban Homes Company was the most successful of the privately financed, limited-dividend companies that attempted to address the housing problems of the nation's working poor at the beginning of the twentieth century. 429 and 430 reflect both the culture and history of the community in which they are located, as well as a wider movement that aimed to bring better living conditions to all New Yorkers. These buildings served as national examples for the "model tenement" movement in which buildings were designed around an inner courtyard to ensure that every apartment had access to substantial light and air.

I was proud to work with countless residents and community organizations in my district, and my fellow East Side elected officials to ensure that 429 and 430 were finally designated as landmarks. The East Side celebrated the LPC's decision in 2006 to rectify the politically motivated determination made by the NYC Board of Estimate in 1990 to override the LPC and exclude the two buildings when the rest of the complex was landmarked. The community thought that its struggle to preserve the homes of more than 200 residents and two key historical buildings was finally complete. Unfortunately the owner has chosen to drag the process on,

causing undue stress on residents and wasting time and resources that could have been used better for restoration of the buildings.

I would like to place particular focus on the content found within this latest submission, much of which falls short of achieving basic credibility. The owner continues to present dramatically undervalued estimations of expected income as a means to prove an inability to obtain an acceptable return on investment. The owner claims that after a \$17 million renovation, or \$52,000 per apartment, the average amount that could be charged for monthly rent would be \$1,235 and that the properties would still be burdened by a 10% vacancy rate. The submission of this claim implies that affordable rental units on the Upper East Side are somehow in low demand. Having represented the Upper East Side and residing in Manhattan for many years, I find these claims to be wildly unrealistic. In fact, the average vacancy rate on the Upper East Side during the test year was 2.38%, and a study conducted by HR&A maintains that comparable units in the area average a monthly rent of \$1,500. Simply by adjusting these figures to reflect a reasonable vacancy rate and average expected rent, the applicant would increase their return on investment by 11.7%, nearly double the necessary amount for a hardship determination. Additionally, the applicant has continually adjusted their expected income from individual units throughout the application process from \$600 to \$888 and now \$1,235. This progression further confirms the applicant's lack of credibility.

My office constantly receives calls from people looking for affordable housing options. In fact, my office recently worked with a constituent looking for an apartment in the area who was unable to get in touch with a leasing agent or management official of these properties after visiting the office, finding it closed, and leaving several messages inquiring about available units. It is likely that this is not an isolated incident. This particular individual was prepared to pay up to \$2,000 per month and move in immediately. If actually offered at the indicated price of \$1,235, these units would undoubtedly be filled. The applicant's claim can only be a reflection of either incompetent management or an intentional misrepresentation of a highly competitive rental market. This is further reflected by the applicant's response to question 41 (a) "The applicant does not maintain records of the number of people who have either inquired about renting, or applied to rent, an apartment in the Subject Buildings or the Other Buildings." It is clear that the applicant has thus far failed to properly market, or even respond to inquiries about, their available units. This must be taken into consideration when evaluating the applicant's claims.

New York City and the courts have created a process for owners of landmarked properties to apply to the LPC for permission to demolish their buildings only in the extremely limited circumstances in which they were "incapable of earning a reasonable return....under reasonably efficient and prudent management." The hardship application process must be limited to truly distressed properties that cannot generate reasonable profits under any circumstances. The miscalculated rental potential of the buildings in the owner's application, along with the warehousing of more than 50% of the units reveal that any hardship taken on by the management of these two properties has been self inflicted and can be easily corrected.

**I urge the LPC to deny this application outright, recognizing its distorted figures, the overall negative impact it would have on current residents and the community, as well as**



**the general integrity of the Landmarks Law.** Thank you for allowing me to speak on this issue today and I hope the LPC will take into account the many voices that have spoken in opposition to this application.



Landmarks Preservation  
Commission

1 Centre Street  
9th Floor North  
New York, NY 10007

212 669 7700 tel  
212 669 7960 fax

## PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 6 / 11 / 2013 Item # 1

Item Address 429 East 64th Street

☐

In favor of proposal

☒

Against proposal

☐

Other position

NADIEZHDA WILLIAMS  
Name

HISTORIC DISTRICTS COUNCIL  
Address  
Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

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THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

232 East 11<sup>th</sup> Street New York NY 10003  
tel (212) 614-9107 fax (212) 614-9127 email hdc@hdc.org

Statement of the Historic Districts Council  
Certificate of Appropriateness Hearing

6/11/2013

Item I

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN

127519- Block 1459, lot 22-

419 East 64th Street aka 430 65th Street - City and Suburban Homes Company, Individual Landmark  
Two six-story apartment buildings designed by Phillip H. Ohm, built as part of the model tenement complex City and Suburban Homes First Avenue Estates in 1914-15, and altered in 2006. Application is to demolish the buildings, pursuant to RCNY-25-309 on the grounds that they generate an insufficient economic return.

The Historic Districts Council is the advocate for New York City's designated historic districts and neighborhoods meriting preservation. Its Public Review Committee monitors proposed changes within historic districts and changes to individual landmarks and has reviewed the application now before the Commission.

The Historic Districts Council continues to stand with those who feel this application does not meet the criteria for a hardship to demolish these individual landmarks. As the report from HR&A and the testimony of advocates has shown, imprudent management and lack of credibility plague these buildings and this application. Approval of this application would not only mean the loss of these two landmarked buildings, it would mean lowering the bar of what counts as a hardship and opening the floodgates to other supposed hardships and further demolitions.



Landmarks Preservation  
Commission

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## PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 06 / 18 / 13 Item # 1

Item Address City + Suburban

☐

In favor of proposal

☒

Against proposal

☐

Other position

Francine Morales Ronda Wist  
Name

111 W. 57<sup>th</sup> Street  
Address

Municipal Arts Society  
Representing

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Landmarks Preservation  
Commission

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## PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 6 / 11 / 13 Item # 1

Item Address 429 E 64 : 430 E 65

☐

In favor of proposal

☐

Against proposal

☒

Other position

MADREN SOLOWYN

Name

Address

NYLL

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

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Landmarks Preservation  
Commission

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## PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 6 / 11 / 13 Item # 1

Item Address 429 E. 64 : 430 E 65

☐

In favor of proposal

☐

Against proposal

☒

Other position

MANNA DAVIS

Name

232 E 11TH

Address

6VSTP

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

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Greenwich  
Village  
Society for  
Historic  
Preservation

252 East 11th Street  
New York, New York 10005

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Fax: (212) 475-8582  
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Henry Hope Reed  
Martica Sawin Fish  
Anne-Marie Summer  
Calvin Trittin  
Jean-Claude van Halbe  
George Vellonakis  
Vicki Weiner  
Anthony C. Wood

## TESTIMONY OF THE GREENWICH VILLAGE SOCIETY FOR HISTORIC PRESERVATION

City and Suburban Homes Company, First Avenue Estate  
Certificate of Appropriateness Application  
Individual Landmark, Borough of Manhattan  
June 11, 2013

Good morning Commissioners and thank you for the opportunity to testify. My name is Amanda Davis and I'm representing the Greenwich Village Society for Historic Preservation.

Though it is not our general policy to testify on cases outside our catchment area, if approved, this hardship application would set a dangerous precedent throughout New York City. As with our January 2012 testimony, we believe that the property owner (aka, "the applicant") has not presented the convincing documentation needed for the Commission to determine that an economic hardship in fact exists.

The credibility of the applicant in its management of the First Avenue Estate has proven to be questionable time and time again. They blame window replacements for many of the vacated apartments' poor condition, for example, or claim that they cannot manage to collect rent from their tenants. We are also concerned that the applicant has not complied with the Landmarks Preservation Commission's request for specific documentation; in one response the applicant states that it "does not have the sort of detailed existing conditions drawings of the Subject Buildings that have been requested and, to the best of its knowledge, such drawings are not located in the files of the Department of Buildings." (Responses, pg. 15)

The applicant has also constantly revised its income and expense statements to suit their argument over time: for example, \$600/\$888/\$1,235 in achievable market rate rents versus \$2,325,000/\$4,018,385/\$5,089,750 for in-unit renovations. Instead of using similar Upper East Side walk-up buildings for comparison, the applicant compared the First Avenue Estate to buildings of different age, size, and amenities which do not have the same level of rent regulation.

To reiterate the position we took last January 2012, we are strongly opposed to overturning landmark designation when the facts presented by the applicant do not appear to support economic hardship. As has been proven throughout their ownership of this property, they have always sought to demolish these buildings.

Hardships should only be granted when the requirements for proving a hardship as written in the Landmarks Law is followed precisely. In this case, however, given the lack of evidence, we strongly urge the Commission to vote against the applicant's request for the reasons stated above, and to uphold your past designations of this significant landmarked property.

Thank you.



1 Centre Street  
9th Floor North  
New York, NY 10007

Landmarks Preservation  
Commission

212 669 7700 tel  
212 669 7960 fax

## PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 06 / 11 / 13 Item # 1

Item Address 429 E. 64<sup>TH</sup> ST. (CITY & SUBURBAN)

☐

In favor of proposal

☒

Against proposal

☐

Other position

MATTHEW COODY

Name

Address

PRESERVATION GREENPOINT

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

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# PRESERVATION GREENPOINT

85 JAVA STREET BROOKLYN NEW YORK 11222

June 11, 2013

Landmarks Preservation Commission Public Hearing  
Testimony by Matthew Coody & Jennifer Schork

Re: 429 East 64<sup>th</sup> Street, aka 430 East 65<sup>th</sup> Street - City and Suburban Homes Company,  
First Avenue Estate – Individual Landmark

Mr. Chair and Honorable Commissioners:

429 East 64<sup>th</sup> Street, aka 430 East 65<sup>th</sup> Street are two 6-story apartment buildings designed by Philip H. Ohm, built as part of the model tenement complex City and Suburban Homes First Avenue Estate in 1914-15, and altered in 2006. Application is to demolish the buildings, pursuant to RCNY 25-309 on the grounds that they generate an insufficient economic return.

Because this hardship application at City and Suburban Homes First Avenue Estate has ramifications throughout the City, Preservation Greenpoint would like to offer an example of a comparable building within the historic area we monitor. Located in Greenpoint, Brooklyn, the Astral Apartments is a landmark-designated model tenement built in 1885-86. Like the buildings at City and Suburban First Avenue Estate, it is six stories tall, has no elevator, has not been renovated, and has smaller than average apartments with irregular layouts. The Astral is also a mixture of rent-stabilized and market rate apartments. Nevertheless, the Astral's units are rarely vacant, and are consistently rented at rates that are higher than those quoted as achievable by Stahl in their various submittals.

Granting a hardship to the owners of these buildings for questionable analysis, blatant mismanagement, and a disregard for the cultural and architectural heritage of our City jeopardizes the Landmarks Law that was put in place to protect such significant buildings, landscapes, and interiors. For the sake of the City and Suburban First Avenue Estate and the future of all the landmark-designated properties in New York City, Preservation Greenpoint urges the Commission to deny this application.

Thank you.



Landmarks Preservation  
Commission

1 Centre Street  
9th Floor North  
New York, NY 10007

212 669 7700 tel  
212 669 7960 fax

## PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 6 / 11 / 13 Item # 1

Item Address 429 E 64 : 430 E 65

☐

In favor of proposal

☐

Against proposal

☒

Other position

BETTY COOPER WALLERSTEIN

Name

Address

SELF

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

If you need additional space, please use the other side.



Landmarks Preservation  
Commission

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## PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 01/11/2013 Item # 1

Item Address 429 E 64 & 430 E 65 streets

☐

In favor of proposal

☒

Against proposal

☐

Other position

Judith E. Schneider

Name

340 East 64 Street #6D NYC 10065

Address

Self

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

If you need additional space, please use the other side.

## Judith E. Schneider

Testimony Prepared for the LPC on First Avenue Estates  
429 East 64 Streets & 430 East 65<sup>th</sup> Street, City & Suburban  
(6/11/2013)

Good afternoon Chairman Tierney and Commissioners. My name is Judith E. Schneider and I have been a resident at First Avenue and 64<sup>th</sup> Street for over 45 years. I look directly at the C & S complex every day. I can tell you that what has happened to the two York Avenue buildings is a terrible disappointment to the neighbors and the residents ~~who~~ living here.

I am here today to ask the Commission to disapprove this hardship application before you. No, I am here today to beseech the Commission to disapprove this application on behalf of our community.

The Friends of the UES have retained a forensic expert to outline the discrepancies proving the building would supply the necessary income if it remained ~~intact~~. The rents were kept low and storefront has remained empty for many years.

Many people want to make their homes on the UES, as it is still very desirable even in ~~these~~ hard financial times. Especially for those who do not have the wherewithal for fancy high-rises. ~~I believe these APTS have not been well marketed.~~

The community believes that the City of New York has a rare opportunity to right a grievous wrong. It is the act of omission by the old Board of Estimate in not landmarking the 2 buildings on York Ave., which are part of the 15 buildings comprising City and Suburban First Avenue Estates. Now to grant the owner a hardship variance would be disastrous.

~~I also believe if the hardship is granted, the building will be sold for a fraction of its value and the community will be deprived of its historic character.~~

Please do not support this application.

Thank you for hearing my testimony today.

*Judith E. Schneider*

340 East 64<sup>th</sup> Street  
New York, NY 10021  
Tel 212 755-1296 E-mail jes24@nyc.rr.com



Landmarks Preservation  
Commission

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## PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date June / 11 / 2013 Item # 1

Item Address 429 E. 64th St. (City + Suburban

☐

In favor of proposal

☒

Against proposal

☐

Other position

Michael Hirsch

Name

245 E. 62nd St.

Address

MH

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

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Landmarks Preservation  
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## PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 6 14 113 Item # 1

Item Address 425 E 64th

☐

In favor of proposal

☐

Against proposal

☐

Other position

46 For  
KEEPING  
LANDMARK  
STATUS

ARON REINER

Name

435 E 65th St

Address

435 East 65th CORP

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

If you need additional space, please use the other side.

**Arlene Prince**

435 East 65<sup>th</sup> Street – New York, New York 10065

Tel: 212-794-2968

June 11, 2013

Commissioner Robert Tierny  
Landmarks Preservation Commission

Dear Mr. Tierny,

I am speaking to you in my capacity as President of the Co-op located at 435 East 65<sup>th</sup> Street, NY, NY. I have been asked to represent a large majority of our 116 Shareholders and residents in requesting that the Subject Property located on York Avenue between 64<sup>th</sup> and 65<sup>th</sup> Street remain with the Landmark Status that was originally granted to them on April 24, 1990 and you wisely reiterated in 2006.

I have attached my original letters from 2006 and 2012 for the record. I will not have time to state all my points in 3 minutes and would appreciate the Commission reviewing my entire letter.

What must be addressed today is: Stahl York Inc.'s actions to once again try to circumvent the Landmark Commission rulings. Stahl first felt all that he had to do was destroy the exterior of the building – when that failed the next idea is hardship. Stahl has been warehousing apartments since at least 1985 that I personally am aware of. If he purposefully doesn't rent the apartments, of course, he creates his own financial hardship. I can not read anyone's mind but we all are aware it is easier to tear down a building when most apartments are vacant. We believe he has been preparing the destruction of these buildings for years.

I am an Interior Designer and have been President of my cooperative for over 20 years. I do know the costs of running a 115 apartment building and the cost of renovations.

I have looked at the RPIE for the Subject Building and am amazed at some of the Expense and Income numbers. Even though our Building is approximately half the size of the Subject Building the numbers make no sense. Section L – Expenses: Light & Power they paid \$125,848 in 2009 - our building \$39,602 in 2009 and \$46,699 in 2012. Three times our costs! Management and Administration for the Subject Building was \$125,403 in 2006 - \$873,890 in 2007 - \$361,742 in 2008 \$451,337 in 2009 and \$361,742 in 2010 there is no underlying list of what it includes so I am unable to make a true comparison except to wonder how much they might be paying for all the people hired to overturn Landmark status and/or overpaying in building expenses and management. On the income side they receive \$12,066 in Laundry income – we were paid \$18,000 by our Laundry operator in 2009 and \$21,300 in 2012. If the Subject Building was fully rented

they should be able to realize a minimum of \$40,000 per year in laundry income as laundry contracts have guaranteed minimums and override amounts.

I would like to address some of the current answers by Stahl, which I find disingenuous at best, to the Landmark Commission's questions.

Question # 8 & #29 I find the statement that cost of repairs would be higher because of the configuration of the building vastly exaggerated. Work can be done on each floor while using one of the empty apartments as a staging area. Small areas do not cost more in labor! It is less expensive to move a wall to reconfigure a bathroom than ordering \$2700.00 bath tubs and \$1500.00 interior doors. In my experience I have always gotten bulk pricing - whether or not taking delivery at one time. There might be additional delivery charges but discounts are always given.

Question #10 My building installed metal storage lockers in the basement that can be rented by our residents. We have a waiting list. The original cost of the lockers was paid back in the first year of rentals and has been income producing since then. The residents supply their own lock for the unit. We supply an overhead florescent light for the room. With the size of the apartments in the Subject building this seems to be a very profit making installation. The prices for a storage locker in our building range between \$25.00 and \$85.00 per month depending on the size of the storage unit.

Question #14 Why wasn't the Stahl Building on 65<sup>th</sup> Street & York Avenue used as a comparison? It is also a 6 Floor walk-up, in the same location on York Avenue. Is it because Stahl never warehoused the apartments and seems to maintain them? They are currently doing roof work.

Questions #20 & 22 I can't believe there are no existing drawings of the Subject Building. It is impossible to figure the cost of renovations without a floor plan. Combining apartments or removing a wall to make a bathroom larger is not considered a "gut" renovation.

Question #41 We believe the Stahl Organization did not and does not want to fully Lease the Other Buildings because the discrepancy in rents would made this hardship case more difficult. Stahl is assuming that everyone seeking an apartment walks up and down every street looking for rental offices. Advertising on Craig's list is not expensive and we wonder how many applicants don't even know that these buildings exist. They seem to take under allowable rents because they do nothing to increase the value of the rentals - all to prove their hardship case for the Subject Building.

Throughout the response to the Landmark Commission's question it is stated that the rental value of the apartments is lower due to the fact that it is not conveniently located to shopping and transportation. That the ½ block further away from 1<sup>st</sup> Avenue really makes a difference between this property and the Other Buildings. What about the 31 bus right outside the front door? This is ludicrous. **If it is so badly located, why would anyone want to live in the new tower Stahl is seeking to erect?**



We would like to know, considering he is in such a bad financial strait, how much he has paid so far for attorneys and studies of the site when he could have just had fully rented buildings? Is this part of the "management and administrative costs" in the RPIE?

Stahl states that he can only get \$600 per month rent for the apartment – that surely is not the market rate when the market is NYC. The rental price for a studio apartment in our building is \$2500 - \$2800 per month. I know a number of people who would pay \$1800 per month in a heartbeat.

The greatest fear I and the others who asked me to speak for them is: If Stahl is allowed to circumvent the system by pleading hardship, which may only exist by his own hand, what is to stop every other Landmarked building owner from doing the same? There is nothing in the size or configuration of the buildings and apartments that makes them unprofitable - They are unprofitable because Stahl wants them to be. He has warehoused apartments and mismanaged the premises on purpose for years in order to beat Landmark Status. Hardship waivers should only be given to those people who need them through no fault of their own NOT by their own design!

On behalf of the Shareholders at 435 East 65<sup>th</sup> Street I respectfully request that the ridiculous request for a hardship waiver be denied and that the Landmark Status granted to 439 East 64<sup>th</sup> Street and 430 East 65<sup>th</sup> Street remain.

Sincerely,

Arlene Prince  
President  
435 East 65<sup>th</sup> Corp.



Landmarks Preservation  
Commission

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New York, NY 10007

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## PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date JUNE 11 / 2013 Item # 1

Item Address 429 EAST 64th ST

☐

In favor of proposal

☒

Against proposal

☐

Other position

CAROL KRINSKY

Name

370 FIRST AVE

APT MF

NY NY 10010

Address

MYSELF

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

If you need additional space, please use the other side.



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New York, NY 10007

Landmarks Preservation  
Commission

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## PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Date 6 11 13 Item # 1

Item Address 429 E 64th St CITY + SUBURBAN HOMES

☐

In favor of proposal

☒

Against proposal

☐

Other position

CHRISTABEL GOUGH

Name

45 CHRISTOPHER ST NY NY 10014

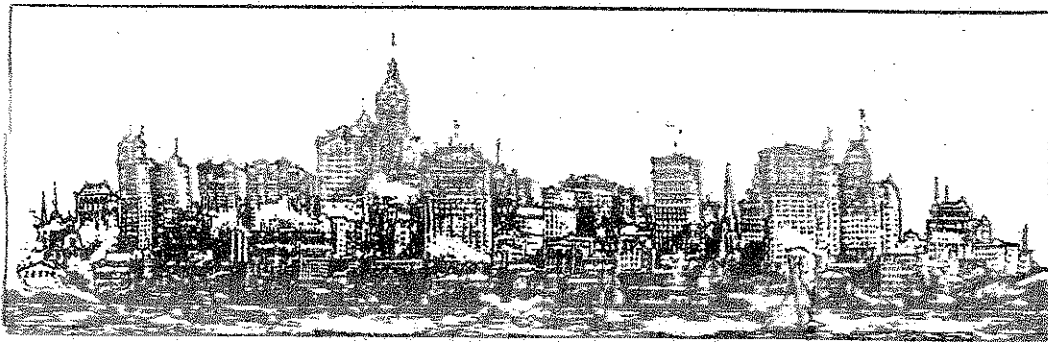
Address

SOCIETY FOR THE ARCHITECTURE OF THE CITY

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

If you need additional space, please use the other side.



## THE SOCIETY FOR THE ARCHITECTURE OF THE CITY

### **429 East 64<sup>th</sup> Street, aka 430 East 65<sup>th</sup> Street, City and Suburban Homes Company, First Avenue Estate, Individual Landmark Item #1**

Landmarks Preservation Commission, June 11, 2013

My father, who was born in 1910, was in real estate, and he said, "When I started out, real estate was about existing buildings." Today, what we call "development" gets all the publicity and all the adulation, but there is another, legitimate side to the real estate industry, and that is management. Management is a skill and can produce very acceptable profits done correctly. The landmarks law is here to give management a chance in the case of certain exceptional properties that most people agree are important to the city.

It is obvious that the applicant has done the opposite of everything a good manager would do. Friends of the Upper East Side Historic Districts has documented in full detail a failure to keep adequate records, a failure to advertise, a failure to do routine maintenance, and a total failure to observe the marketing opportunities these buildings have in New York today, where a whole eager population of single people and small families young and old is being driven out of Manhattan (where they work) because they cannot afford a spacious glitzy apartment in a costly new tower. The rents they pay in other boroughs would produce a more than adequate return for the First Avenue Estate, and that without most of the renovations that the applicant describes as necessary. In fact, many of the old fixtures they want to trash command high prices in the salvage market, are models for expensive modern copies, appear in glossy magazines, are used *by fashionable interior decorators, and work better than the mass market products of today.*

A good manager could make an acceptable profit from the existing buildings, and it would not be a hardship to do that under the terms of the law.



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Commission

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## PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date June 11, 2012 Item # \_\_\_\_\_

Item Address FAE 429/430

☐

In favor of proposal

☐

Against proposal

☐

Other position

Jeanne Scott Monck

Name

429 E. 64 St -

Address

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

If you need additional space, please use the other side.

June 11, 2013 Request to Deny Stahl Hardship Petition

Chairman Tierney, Commissioners. Thank you for allowing me this time to share my thoughts with you.

I am Jeanne Scott-Monck and I live at 429 East 64 Street in apartment 5B. I am here to urge you to deny the Stahl petition. Because I have lived in this apartment for over 40 years and am part of the greater community I know the neighborhood views this struggle as David vs. Goliath. This full- block apartment complex was not just meant to be bought and sold. It had a purpose beyond just making money. The bldgs. in question at 429 E. 64 St. and 430 E. 65 St. are a part of this complex.

In 2002 "One Thousand New York Buildings" was published. The book featured buildings chosen for many reasons. All of these buildings had purpose beyond the beauty of their architecture. On page 279 The City and Suburban Home "First Avenue Estates, East 64 St. to E. 65 St. First Avenue to York Avenue are featured with the following caption.

"The City and Suburban Homes Company" was a limited-profit company formed to improve the living conditions of "Wage Earners" the majority of whom were forced to live in sub-standard tenements. This was its second project a collection of six-story, walk-up apartments houses designed to provide light and air into every unit. They were called "estates" and compared to existing tenements they were (although the name didn't fool anyone).

Since 1898 these bldgs. have provided safe, affordable shelter for hundreds of families and were and are today a cohesive community.

As I said earlier I live at 429 E. 64 Street and have noted the warehousing being done in my section of the bldg. the ABC section, for at least a decade if not longer. Of the 18 units comprising this section only ten of them are occupied. It is so obvious by now that the empty apartments, most of which are on the lower two floors, are being deliberately held off the market.

Whatever the perceived hardship the owners of the buildings are claiming it is self-inflicted and they can cure it. In my opinion the owners have changed their minds over the years regarding these bldgs., no longer wanting to maintain them, and looking for a way out. Their petition, pages and pages of "creative writing," claiming hardship is false and it should be denied.

Again, thank you for the opportunity to speak.

Jeanne Scott-Monck



Landmarks Preservation  
Commission

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## PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 06 / 11 / 2013 Item # 1

Item Address 429/430 E 64th Street

☐

In favor of proposal

☒

Against proposal

☐

Other position

ELIZABETH MCCracken

Name

1175 YORK AVE, NY, NY 10065

Address

myself and Friends of Fair Ave. Estate

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

I have <sup>multiple</sup> copies of written testimony  
with related attachments and one attachment -  
only 1 copy of plans of renovations placed at 413-419 E 73rd  
Street in Staples long thin bag (plastic)

If you need additional space, please use the other side.

New York City Landmarks Commission Public Hearing on the Hardship Application filed by the owner of 429 E 64<sup>th</sup> Street and 430 E 65<sup>th</sup> Street, Stahl York Ave, LLC, demolition of the buildings.

June 11, 2013 in the Commission's Offices at 1 Centre Street, NY, NY at 2:30 pm

Testimony against the granting of the hardship submitted by

Elizabeth McCracken  
1175 York Ave  
New York, NY 10065  
[treekeep@aol.com](mailto:treekeep@aol.com)  
212-761-1350

Multiple copies of written testimony and Attachments A, B, C, D, E, F\*

- 12 ✓  
copies {
- A. Photographs of 413-419 E 73 St, NYC
  - B. Table of Permits of 413-419 E 73 St
  - C. Copies of Dept of Buildings Records for 413 419 . 73 St
  - D. Copies of Dept of Buildings Records for 429 E. 64 St
  - E. Copies of Dept of Buildings Records for 430 E. 65 St

\*F. One copy only of plans submitted to NYC Dept of Buildings re renovations of 4 apartments at 413-419 initiated in 2009.



Testimony before the NYC Landmarks Preservation Commission, June 11, 2013

I am Elizabeth McCracken, a former resident of 429 E. 64<sup>th</sup> Street and member of the Friends of First Avenue Estate. I speak against the granting of Stahl York Ave, LLC request to the Landmarks Preservation Commission to demolish 429 E. 64<sup>th</sup> Street and 430 E. 65<sup>th</sup> Street on the grounds of economic hardship.

The owner's written testimony and oral presentations since 2006 repeat a recurring theme that deficiencies in the apartments of 429/430 are such that it is impossible for them to ever make a 6% profit, and so they must be demolished. The owner's arguments are anything but persuasive; they show a lack of understanding of the reasons why the First Avenue Estate deserved designation in 1990, and a literal and figurative trashing of 429/430 while they were under consideration for designation a second time in 2006.

There are two other City and Suburban Homes Company properties in the Upper East Side, the well-known York Avenue Estate between 78<sup>th</sup> and 79<sup>th</sup> Streets next to the East River and 413-419 E. 73<sup>rd</sup> Street, the "James H. Jones Memorial Building" built in 1906. These properties are thriving and continue to provide affordable housing for people 100 years later. Their owners saw potential in their properties and were willing to invest in ongoing maintenance and upgrades to accommodate to 21<sup>st</sup> century needs and standards.

The York Avenue Estate has had major block-wide improvements under its current owner. These include window replacements, façade repair/cleaning, and upgrades of multiple systems throughout the complex. The window replacement plans incorporated the original style of windows, was submitted to and approved by the LPC in keeping with the landmark status of the block. The fact that the block is a landmark is not perceived as an "encumbrance" but as an asset used in marketing its apartments.

The James H. Jones Memorial Building is a six-story tenement building with a single central light court at 413-419 E. 73<sup>rd</sup> Street. It has two entrances at, 415 and 419, on the north side of E. 73<sup>rd</sup> on between York and First Avenues. With its 94 apartments, it is a natural comparable for either 429 E 64 or 430 E 65 which each has 95 apartments. Philip Ohm was the architect of the Jones building as he was to be for 429/430, the final portion of the First Avenue Estate, completed in 1915.

The NYC Department of Buildings BIS (Buildings Information System) is a remarkable online resource. It is possible to use it to look at the records of buildings permits of individual buildings throughout the City. I decided to look at the history of permits for the Jones Building and compare it with the history of permits for 429/430.

I am submitting here written results of this study for the Commission's consideration. To summarize, between 1990 and 2013, there have been 42 permits for work at the Jones building. Eleven of them have been for such things as repair of the E 73<sup>rd</sup> Street façade/parapet, installation of air conditioning sleeves on the façade, heavy duty sidewalk sheds, installation of communications equipment on the roof and even to switch from #6 to #4 heating oil. The thirty-one remaining permits

were for improvements in apartment interiors. Twenty-one of the 94 apartments have had renovations which included relocation/replacement of fixtures and appliances – including bathtubs formerly in kitchens being replaced by shower stalls inside the bathrooms – and relocations of interior partitions. The apartments are on all six floors of the building: 2 on the first floor, 1 on the second floor, 4 on the third floor, 6 on each of the fourth and fifth floors and finally 2 on the sixth floor (Details in the Table in attachment B).

Given that 2009 had been chosen by the owner of the First Avenue Estate buildings as the test year for his hardship case, I went to the Department of Buildings to look at the plans for the four projects initiated in 2009 involving: two studios (1B and 3B) and two one bedroom apartments (4D and 5D). These projects included relocation of interior walls and appliances. Copies of the plans on file at the Department of Buildings for all four projects are submitted here.

In the studios, the bathtubs shown in the “living/kitchen” areas were replaced by the addition of a stall shower in the “proposed bathroom”. An adjustment to the interior load-bearing wall separating the “existing bedroom” from the rest of the area created the proposed “kitchenette”. New refrigerators, gas ranges, sinks and dishwashers, cabinets, stone counters, and tile flooring and backsplashes were used.

In the 4 D and 5 D apartments the work was more complicated. The existing layouts included a living area, kitchen, two bedrooms and a full bathroom. The fundamental changes involved moving the kitchen to the area next to the bathroom, using the existing kitchen area as a bedroom and enlarging the living area with the left-over space. New appliances and fixtures were used in similar fashion as the studio renovations.

Here is a comparison with the work permits filed for 429 E. 64 and 430 E. 65 on record at the DOB for the period 1989-2013.

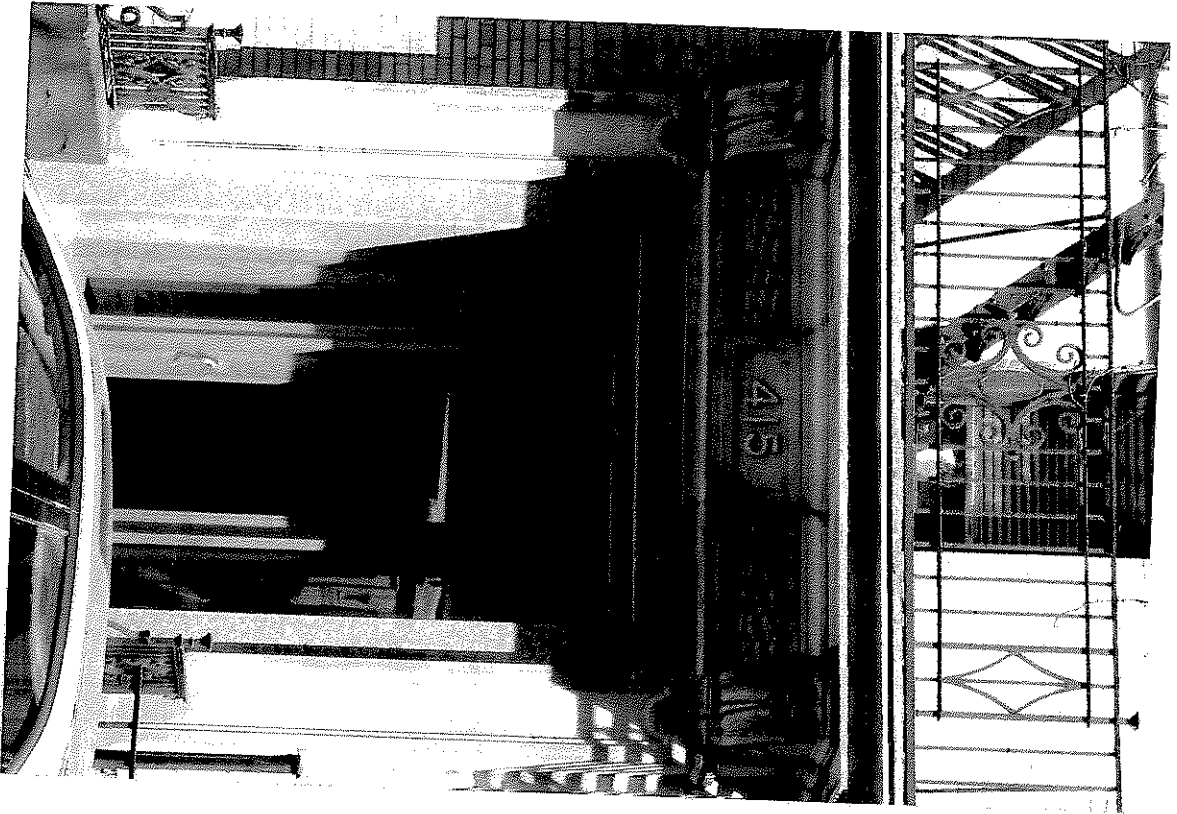
There have been two permits each for actual work at 429 and 430 issued in 1998 and 2004. The earlier ones were for “façade repair” and the other for “window replacement and exterior façade restoration”. It’s curious that the 2004 work permits were unused until 2006 when they were executed to remove parapets meticulously restored under the 1998 permits. Both jobs were done by the same contractor. The 11 remaining permits for the two buildings related to the scaffolding and sheds required for the work.

The 2004 work permits have been renewed yearly and do not expire until March 14, 2014. The 2006 shed is still up around the York Avenue and side streets of the façade. The permits for the shed have also been renewed to July 1, 2013.

Can there be any doubt the Stahl York Avenue LLC has ever wanted to maintain or improve 429/430 as affordable housing. Different motives are involved.

I urge the Commission to deny this self-serving hardship application.





## Attachment B

Table Summarizing DOB BIS Information on Improvements at 413-419 E 73 St, NYC

Item	Permit #	Filed	Status/ sign-off	Cost Estimate	Permit Fee	Apt	Description	Plumbing	Fixtures
1	100039735	05/08/90	12/27/90	18,000	340.00	1F, 5G	At first floor apt #1F and at 5th floor apt #5G erect new partitions & create new closets	4,000	toilet, sink, bathtub, stove, lav
2	100079326	07/26/90	01/09/91	32,000	490.00	4G, 4H	At 4th floor apts 4G, 4H, replace interior finishes. Install new kitchen & bathroom fixtures & erect new partitions.	8,000	toilet, sink, bathtub, stove, lav
3	100751125	12/22/93	01/04/94	10,000	191.50	6E	Remove & relocate existing interior partitions, remove existing kitchen & bathroom fixtures and replace with new	7,000	toilet, sink, bathtub, stove, lav
4	100762701	01/04/94	01/26/94	0	100.00		Replace oil & change grade of oil from #6 to #4		
5	100778099	03/21/94	04/05/94	10,000	191.50	2E	Remove & relocate existing interior partitions, remove existing kitchen & bathroom fixtures and replace with new	3,000	toilet, sink, bathtub, stove, lav
6	100845338	08/17/94	08/19/94	10,000	191.50	6C	Remove & relocate existing interior partitions to remove existing kitchen & bathroom fixtures and replace with new	7,000	toilet, sink, bathtub, stove, lav
7	101004672	03/08/95	05/04/95	10,000	191.50	5th fl*	Partition & plumbing work in existing apt. All as per plans & application filed	7,000	toilet, sink, bathtub, stove, lav
8	101243842	02/14/96	02/14/96	10,000	191.50	5C	Partition & plumbing work in existing apt.	7,000	toilet, sink, bathtub, stove, lav
9	101369742	09/11/96	01/09/97	10,000	191.50	4C	Partition & plumbing work in existing apt.	7,000	toilet, sink, bathtub, stove, lav
10	101446142	10/22/96	09/18/97	40,000	500.50	ROF	Install unmanned communication equipment & antennas on roof		
11	101338549	07/03/97	08/26/97	25,000	346.00	2nd fl*	Replace interior finishes install new kitchen and bathroom fixtures and erect new partitions	5,000	toilet, sink, bathtub, stove, lav
13	101791848	04/29/98	05/01/98	15,000	243.00	ROF	Install unmanned communication equipment & antennas on roof		
	102094065	05/04/99	07/06/99	15,000	243.00	ROF	Installing telecommunications cabinets & antennas on roof. Original installation approved under 10144612		
14	102450624	09/23/99	11/01/99	20,000	294.50	2H	Partition and plumbing work in existing apartment. All per plans and application filed herewith.	10,000	toilet, sink, bathtub, stove, lav
15	102935674	01/02/01	01/08/01	20,000	294.50	5F	Partition and plumbing work in existing apartment. All per plans and application filed herewith.	10,000	lav
16	103027476	11/08/01	11/20/01	20,000	294.00	4E	Remove, relocate & replace 1 bathtub, 1 wc, 1 kitchen sink on all new roughing. Relocate 1 lav	10,000	bathtub, toilet, sink, lav

## Attachment B

Table Summarizing DOB BIS Information on Improvements at 413-419 E 73 St, NYC

Item	Permit #	Filed	Status/ sign-off	Cost Estimate	Permit Fee	Apt	Description	Plumbing	Fixtures
17	103393490	03/04/03	10/27/03	11,000	201.80	3A	Renovate existing apartment 3A. Replace/relocate plumbing fixtures	2,000	
18	103657633	09/04/03	10/08/03	20,000	294.50	5H	Remove, relocate replace with new on all new roughing, 1 s/c, 1 kitchen sink, 1 bathtub	10,000	
19	104243686	09/26/05	10/05/05	25,000	294.50	1H	Replace with new 1 w.c, 1 lav, 1 bathtub, 1 kitchen sink on existing roughing	12,000	
20	104490490	07/14/06	05/14/08	20,000	294.50	ROF	Application is filed for the replacement of existing parapets and related minor facade repairs. All works as per plans submitted herewith.		
21	104671776	02/07/07	03/08/07	40,000	50.50	4A	Apartment renovation remove and install partitions. Replace and relocate plumbing fixtures per plans	7,000	Relocate tub, lav, w/c, kitchen sink, gas meter and gas stove
22	104869723	08/14/07	05/07/10	25,000	346.00	ROF	Installing telecommunications cabinets & related Dunnage on roof in conformance with TPPN 5/98.		
23	104921195	10/05/07	09/05/08	35,000	449.00	5B	Partition and plumbing work in existing apartment. Replace with new w/c, bathtub, kitchen sink on existing roughing	15,000	
24	110150112	04/23/08	07/01/08	39,630	446.00	3F	Partition and plumbing work in existing apartment. All per plans and application filed herewith.	8,000	gas piping, water piping
25	104921195	07/10/08	07/28/08	39,658		5B	Post approval amendment [See same permit number above]		water piping, gas piping, gas meter
26	110150112	12/01/08	01/23/09	0	446.00	3F	Herewith filing as built plan A-1 and revised schedule. Post approval amendment for 01. [See same permit number above]		
27	120047092**	05/28/09	01/19/10	47,000		1B	Modification of interior partitions, ceilings and plumbing fixtures as shown on submitted plans.	5,000	dishwasher, lav, stall shower
28	120102110**	07/10/09	01/19/10	97,000	1187.60	4D, 5D	Modification of interior partitions, doors, floor, frames, millwork, hardware and plumbing fixtures as shown on existing plans	12,000	toilet (2), lav (2), bathtub (2)
29	120172142**	10/06/09	04/15/10			3B	Modification of interior partitions, doors, plans, ceilings and plumbing fixtures on submitted plans	6,000	dishwasher, lav, stall shower
30	120172142**	10/06/09	04/15/10			3B	Modification of structural beam and related work as shown on submitted plan [See same permit number above]		
31	120102110**	11/17/09	11/19/20019			4D, 5D	Post approval amendment [See same permit number above]		
32	120679248	05/02/11	05/02/11				Proposed installation of heavy duty sidewalk shed for remedial repairs as per plans. No storage on sidewalk shed.		

## Attachment B

Table Summarizing DOB BIS Information on Improvements at 413-419 E 73 St, NYC

Item	Permit #	Filed	Status/ sign-off	Cost Estimate	Permit Fee	Apt	Description	Plumbing	Fixtures
33	120685339	05/09/11	11/16/11	50,000	815.50		Facade masonry repair no change in use occupancy and egress of the property		
34	120688924	05/11/11	02/13/12	25,000	346.00		Installation of new air conditioner sleeves at front facade. All as per plans and applications filed herewith.		
35	120690234	05/16/11	05/16/11		130.00	OSP	Proposed in installation of pipe scaffold for remedial repairs as per plans.		
36	121012554	04/13/12	05/27/12		441.00	ROF	Repair existing telecom. Cabinets on roof. Replace and add antennas on roof		
37	121074719	05/10/12	11/13/20120		828.50	1F	Interior renovation of existing apt. work to include minor partitions, floors, lighting and related plumbing work as per plans filed herewith	5,000	water piping, dishwasher, lav, stall shower
38	121157773	07/18/12	02/25/13	50,000	728.50	4E	Modification of interior partitions, doors, floors, plumbing fixtures	5,000	water piping, dishwasher, lav, stall shower
39	121074719	07/19/12	07/30/12	50,000	828.50	1F	Post approval amendment. Remove & cap bathtub in kitchen, 1st floor. Relocate gas range, sink, gas piping, meter in 1st floor for	5,000	
40	121517652	11/15/12	05/04/13	50,000	728.50	6D	Interior renovation of apt. Work to include partitions, floors, doors, lights and related partitions, floors, doors, lights & related plumbing as per plans.	3,000	dishwasher, stall shower
41	121469268	12/21/12	05/09/03	50,000	953.80	4F	Interior renovation of apt work to include partitions, plans, doors, ceiling & related plumbing work as per filed herewith...	5,000	dishwasher, lav, stall shower, gas piping
42	121469268	01/28/13	02/28/13	52,000	728.00	4F	Remove load-bearing partition wall for new beam as per plans filed herewith	5,000	dishwasher, lav, small shower
* Apartment letter not included in DOB BIS online record									
** See attached copies of plans filed with NYC Dept of Buildings									
Shaded areas are improvements other than apartment interiors									
Elizabeth McCracken, June 2013									




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NYC Department of Buildings  
Property Profile Overview

413 EAST 73 STREET  
EAST 73 STREET

413 - 419

MANHATTAN 10021

Health Area : 4300  
Census Tract : 124  
Community Board : 108  
Buildings on Lot : 1

BIN# 1083091

Tax Block : 1468  
Tax Lot : 9  
Condo : NO  
Vacant : NO

[View DCP Addresses...](#)

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[View Zoning Documents](#)

[View Challenge Results](#)

[Pre - BIS PA](#)

[View Certificates of Occupancy](#)

Cross Street(s): 1 AVENUE, YORK AVENUE

DOB Special Place Name:

DOB Building Remarks:

Landmark Status:

Special Status: N/A

Local Law: NO

Loft Law: NO

SRO Restricted: NO

TA Restricted: NO

UB Restricted: NO

Little 'E' Restricted: N/A

Grandfathered Sign: NO

Legal Adult Use: NO

City Owned: NO

Additional BINs for Building: NONE

Special District: UNKNOWN

This property is not located in an area that may be affected by Tidal Wetlands, Freshwater Wetlands, or Coastal Erosion Hazard Area. [Click here for more information](#)

Department of Finance Building Classification: C4-WALK-UP APARTMENT

Please Note: The Department of Finance's building classification information shows a building's tax status, which may not be the same as the legal use of the structure. To determine the legal use of a structure, research the records of the Department of Buildings.

	Total	Open	<a href="#">Elevator Records</a>
<a href="#">Complaints</a>	13	0	<a href="#">Electrical Applications</a>
<a href="#">Violations-DOB</a>	0	0	<a href="#">Permits In-Process / Issued</a>
<a href="#">Violations-ECB (DOB)</a>	1	0	<a href="#">Illuminated Signs Annual Permits</a>
<a href="#">Jobs/Filings</a>	42		<a href="#">Plumbing Inspections</a>
<a href="#">ARA / LAA Jobs</a>	0		<a href="#">Open Plumbing Jobs / Work Types</a>
<a href="#">Total Jobs</a>	42		<a href="#">Facades</a>
<a href="#">Actions</a>	17		<a href="#">Marquee Annual Permits</a>
OR Enter Action Type: <input type="text"/>			<a href="#">Boiler Records</a>
OR Select from List:			<a href="#">DEP Boiler Information</a>
Select... <input type="button" value="v"/>			<a href="#">Crane Information</a>
AND <input type="button" value="Show Actions"/>			<a href="#">After Hours Variance Permits</a>

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NYC Department of Buildings  
Job Overview

Page: 1 of 2

Premises: 413 EAST 73 STREET MANHATTAN

BIN: 1083091 Block: 1468 Lot: 9

To start overview at new date, select Month:  Day:  Year:

Show All BIS Job Types ☐

Show All Filings ☐

[APPLY](#)

FILE DATE	JOB #	DOC #	JOB TYPE	JOB STATUS	STATUS DATE	LIC #	APPLICANT	IN AUDIT	ZONING APPROVAL
05/08/1990	<u>100039735</u>	01	A2	X SIGNED OFF	12/27/1990	0006733 RA	DAUB		NOT APPLICABLE
AT FIRST FLOOR APT #1F AND AT 5TH FLOOR APT.#5G, ERECT NEW PARTITIONS Work on Floor(s): 1, 5									
07/26/1990	<u>100079326</u>	01	A2	R PERMIT-ENTIRE	01/09/1991	0006733 RA	DAUB		NOT APPLICABLE
AT 4TH FLOOR APARTMENTS #4G & #4H, REPLACE INTERIOR FINISHES, Work on Floor(s): 4									
12/22/1993	<u>100751125</u>	01	A2	Q PERMIT-PARTIAL	01/04/1994	0012965 RA	RYCAR		NOT APPLICABLE
TO REMOVE AND RELOCATE EXISTING INTERIOR PARTITIONS, TO REMOVE EXISTING Work on Floor(s): 6									
01/04/1994	<u>100762701</u>	01	A2	R PERMIT-ENTIRE	01/26/1994	0039622 PE	PEROTTO		NOT APPLICABLE
REPLACE OIL AND CHANGE GRADE OF OIL FROM #6 TO #4. Work on Floor(s): CLR									
03/21/1994	<u>100778099</u>	01	A2	R PERMIT-ENTIRE	04/05/1994	0012965 RA	RYCAR		NOT APPLICABLE
TO REMOVE AND RELOCATE EXST'G. INTERIOR PARTITIONS, TO REMOVE EXST'G. Work on Floor(s): 2									
08/17/1994	<u>100845338</u>	01	A2	Q PERMIT-PARTIAL	08/19/1994	0012965 RA	RYCAR		NOT APPLICABLE
REMOVE & RELOCATE EXISTING INTERIOR PARTITIONS, REMOVE & REPLACE BATHROOM Work on Floor(s): 6									
03/08/1995	<u>101004672</u>	01	A2	R PERMIT-ENTIRE	05/04/1995	0012965 RA	RYCAR		NOT APPLICABLE
PARTITION & PL WORK IN EXST'G APT. ALL AS PER PLANS & APPL FILED NO CHA Work on Floor(s): 005									
02/14/1996	<u>101243842</u>	01	A2	Q PERMIT-PARTIAL	02/14/1996	0012965 RA	RYCAR		NOT APPLICABLE
PARTITION AND PLUMBING WORK IN EXISTING APARTMENT. THERE IS NO CHANGE Work on Floor(s): 5									
09/11/1996	<u>101369742</u>	01	A2	R PERMIT-ENTIRE	01/09/1997	0012965 RA	RYCAR		NOT

APPLICABLE

PARTITION AND PLUMBING WORK IN EXISTING APARTMENT. ALL AS PER PLANS AND  
Work on Floor(s): 4

10/22/1996 101446142 01 A2 X SIGNED OFF 09/18/1997 0005570 PE RIBAUDO

NOT  
APPLICABLE

INSTALL UNMANNED COMMUNICATION EQ & ANTE NNAS ON ROOF. NO CHANGE TO USE  
Work on Floor(s): RF

07/03/1997 101838549 01 A2 R PERMIT-ENTIRE 08/26/1997 0021448 RA DAUB

NOT  
APPLICABLE

REPLACE INTERIOR FINISHES,INSTALL NEW KI TCHEN AND BATHROOM FIXTURES AND  
Work on Floor(s): 002

04/29/1998 101791848 01 A2 Q PERMIT-PARTIAL 05/01/1998 0023289 RA DAVIS

NOT  
APPLICABLE

REMOVE AND RELOCATE EXISTING INTERIOR PARTITIONS. REMOVE EXISTING KITCHEN  
Work on Floor(s): 004

05/04/1999 102094065 01 A2 X SIGNED OFF 07/06/1999 0073766 PE ABUJAWDE

NOT  
APPLICABLE

INSTALLING TELECOMMUNICATIONS CABINETS AND ANTENNAS ON ROOF. ORIGINAL  
Work on Floor(s): ROF

09/23/1999 102450624 01 A2 R PERMIT-ENTIRE 11/01/1999 0012965 RA RYCAR

NOT  
APPLICABLE

PARTITION AND PLUMBING WORK IN EXISTING APARTMENT. ALL AS PER PLANS AND  
Work on Floor(s): 2

01/02/2001 102935674 01 A2 Q PERMIT-PARTIAL 01/08/2001 0012965 RA RYCAR

NOT  
APPLICABLE

Partition & plumbing work in existing apartment. All as per plans &  
Work on Floor(s): 005

11/08/2001 103027476 01 A2 Q PERMIT-PARTIAL 11/20/2001 0012965 RA RYCAR

NOT  
APPLICABLE

PARTITION & PLUMBING WORK IN EXISTING APARTMENT. ALL AS PER PLANS &  
Work on Floor(s): 004

03/04/2003 103393490 01 A2 X SIGNED OFF 10/27/2003 0024039 RA TRUEMNER

NOT  
APPLICABLE

RENOVATE EXISTING APARTMENT 3A, NEW PLUMBING FIXTURES. NO CHANGE TO  
Work on Floor(s): 003

09/04/2003 103557633 01 A2 R PERMIT-ENTIRE 10/08/2003 0012965 RA RYCAR

NOT  
APPLICABLE

PARTITION & PLUMBING WORK IN EXISTING APARTMENT. ALL AS PER PLANS &  
Work on Floor(s): 005

09/26/2005 104243686 01 A2 Q PERMIT-PARTIAL 10/05/2005 0012965 RA RYCAR

NOT  
APPLICABLE

PARTITION & PLUMBING WORK IN EXISTING APARTMENT. ALL AS PER PLANS &  
Work on Floor(s): 001

07/14/2006 104490490 01 A2 X SIGNED OFF 05/14/2008 0028075 RA Pompeo

NOT  
APPLICABLE

Application is filed for the replacement of existing parapet sand related  
Work on Floor(s): ROF

02/07/2007 104671776 01 A2 R PERMIT-ENTIRE 03/08/2007 0024039 RA TRUEMNER

NOT  
APPLICABLE

APARTMENT RENOVATION. REMOVE AND INSTALLPARTITIONS, REPLACE AND RELOCATE

Work on Floor(s): 4

08/14/2007	<u>104869723</u>	01	A3	R PERMIT-ENTIRE	05/07/2010 0079598 PE COLAGRAN	NOT APPLICABLE
INSTALLING TELECOMMUNICATIONS CABINETS &RELATED DUNNAGE ON ROOF IN CONF-						
Work on Floor(s): ROF						
10/05/2007	<u>104921195</u>	01	A2	X SIGNED OFF	09/05/2008 0012965 RA RYCAR	NOT APPLICABLE
PARTITION AND PLUMBING WORK IN EXISTING APARTMENT.ALL AS PER PLANS AND						
Work on Floor(s): 005 005 thru 005						
04/23/2008	<u>110150112</u>	01	A2	R PERMIT-ENTIRE	07/01/2008 0012965 RA RYCAR	NOT APPLICABLE
PARTITION AND PLUMBING WORK IN EXISTING APARTMENT.ALL AS PER PLANS AND						
Work on Floor(s): 003						
07/10/2008	<u>104921195</u>	02	A2	P APPROVED	07/29/2008 RYCAR	NOT APPLICABLE
POST APPROVAL AMENDMENT FOR 01						
Work on Floor(s): 005 005 thru 005						
12/01/2008	<u>110150112</u>	02	A2	P APPROVED	01/23/2009 RYCAR	NOT APPLICABLE
POST APPROVAL AMENDMENT FOR 01						
Work on Floor(s): 003						
05/28/2009	<u>120047092</u>	01	A2	X SIGNED OFF	01/19/2010 0023320 RA GOULD	NOT APPLICABLE
MODIFICATION OF INTERIOR PARTITIONS, CEILINGS AND PLUMBING FIXTURES AS SHO						
Work on Floor(s): 001						
07/10/2009	<u>120102110</u>	01	A2	X SIGNED OFF	01/19/2010 0023320 RA GOULD	NOT APPLICABLE
MODIFICATION OF INTERIOR PARTITIONS, DOORS, FLOORING, FRAMES, MILLWORK, HA						
Work on Floor(s): 004,005						
10/06/2009	<u>120172142</u>	01	A2	X SIGNED OFF	04/15/2010 0023320 RA GOULD	NOT APPLICABLE
MODIFICATION OF INTERIOR PARTITIONS,DOORS,FLOORS,CEILINGS AND PLUMBING FIX						
Work on Floor(s): 003						
10/06/2009	<u>120172142</u>	02	A2	X SIGNED OFF	04/15/2010 0023320 RA GOULD	NOT APPLICABLE
MODIFICATION OF STRUCTURAL BEAM AND RELATED WORK AS SHOWN ON SUBMITTED PLA						
Work on Floor(s): 003						
11/17/2009	<u>120102110</u>	02	A2	P APPROVED	11/19/2009 GOULD	NOT APPLICABLE
POST APPROVAL AMENDMENT FOR 01						
Work on Floor(s): 004,005						
05/02/2011	<u>120679248</u>	01	A3	R PERMIT-ENTIRE	05/02/2011 0066791 PE PARIHAR	NOT APPLICABLE
PROPOSED INSTALLATION OF HEAVY DUTY SIDEWALK SHED FILED FOR REMEDIAL REPAI						
Work on Floor(s): OSP						
05/09/2011	<u>120685339</u>	01	A3	X SIGNED OFF	11/16/2011 0072914 PE AHMED	NOT APPLICABLE
FACADE MASONRY REPAIR. NO CHANGE IN USE, OCCUPANCY AND EGRESS OF THE PROPE						
Work on Floor(s): ROF 001 thru 006						

05/11/2011	<u>120688924</u>	01	A2	X SIGNED OFF	02/13/2012	0012965 RA RYCAR	NOT APPLICABLE
INSTALLATION OF NEW AIRCONDITIONER SLEEVES AT FRONT FASADE. ALL AS PER PLAN Work on Floor(s): 001 thru 006							
05/16/2011	<u>120690234</u>	01	A3	R PERMIT-ENTIRE	05/16/2011	0066791 PE PARIHAR	NOT APPLICABLE
PROPOSED INSTALLATION OF PIPE SCAFFOLD FOR REMEDIAL REPAIRS AS PER PLANS. Work on Floor(s): OSP							
04/13/2012	<u>121012554</u>	01	A3	R PERMIT-ENTIRE	05/07/2012	0086064 PE BRAY	NOT APPLICABLE
REP EXSTG TELECOM. CABINETS ON ROOF. REPLACE & ADD ANTENNAS ON ROOF. ALL I Work on Floor(s): ROF							
05/10/2012	<u>121074719</u>	01	A2	X SIGNED OFF	11/13/2012	0023320 RA GOULD	NOT APPLICABLE
INTERIOR RENOVATION OF EXISTING APT, WORK TO INCLUDE MINOR PARTITIONS, FLO Work on Floor(s): 001							
07/18/2012	<u>121157773</u>	01	A2	X SIGNED OFF	02/25/2013	0023320 RA GOULD	NOT APPLICABLE
MODIFICATION OF INTERIOR PARTITIONS, DOORS, FLOORS, PLUMBING FIXTURES AND Work on Floor(s): 004							
07/19/2012	<u>121074719</u>	02	A2	P APPROVED	07/30/2012	GOULD	NOT APPLICABLE
POST APPROVAL AMENDMENT FOR 01 Work on Floor(s): 001							
11/15/2012	<u>121517652</u>	01	A2	X SIGNED OFF	05/14/2013	0023320 RA GOULD	NOT APPLICABLE
INTERIOR RENOVATION OF APT WORK TO INCLUDE PARTITIONS, FLOORS, DOORS, LIGH Work on Floor(s): 004							

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NYC Department of Buildings  
Job Overview

Premises: 413 EAST 73 STREET MANHATTAN

Page: 2 of 2  
BIN: 1083091 Block: 1468 Lot: 9

To start overview at new date, select Month:  Day:  Year:

Show All BIS Job Types  Show All Filings  APPLY

FILE DATE	JOB #	DOC #	JOB TYPE	JOB STATUS	STATUS DATE	LIC #	APPLICANT IN AUDIT	ZONING APPROVAL
12/21/2012	<u>121469268</u>	01	A2	R PERMIT-ENTIRE	05/09/2013	0023320 RA	GOULD	NOT APPLICABLE
INTERIOR RENOVATION OF APT WORK TO INCLUDE PARTITIONS, FLOORS, DOORS, CEIL Work on Floor(s): 004								
01/28/2013	<u>121469268</u>	02	A2	R PERMIT-ENTIRE	02/28/2013	0023320 RA	GOULD	NOT APPLICABLE
REMOVE LOAD-BEARING PARTITION WALL FOR NEW BEAM AS PER PLANS FILED HEREWIT Work on Floor(s): 004								

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**DEPARTMENT OF BUILDINGS**  
**BOROUGH OF MANHATTAN, THE CITY OF NEW YORK**

No. **11833**  
 Date **October 16, 1959**

## CERTIFICATE OF OCCUPANCY

(Standard form adopted by the Board of Standards and Appeals and issued pursuant to Section 646 of the New York Charter, and Sections C26-181.0 to C26-187.0 inclusive Administrative Code 2.1.3.1. to 2.1.3.7. Building Code.)

This certificate supersedes C. O. No.

To the owner or owners of the building or premises:

THIS CERTIFIES that the ~~new~~ ~~altered~~ ~~existing~~ ~~building~~ premises located at  
**415-419 East 73rd Street**

Block **1468** Lot **9 and 11**

, conforms substantially to the approved plans and specifications, and to the requirements of the building code and all other laws and ordinances, and of the rules and regulations of the Board of Standards and Appeals, applicable to a building of its class and kind at the time the permit was issued; and

CERTIFIES FURTHER that, any provisions of Section 646F of the New York Charter have been complied with as certified by a report of the Fire Commissioner to the Borough Superintendent. **Class 3**

~~Nonfireproof~~ Alt. No. **1325-1953**

Construction classification—**nonfireproof**

**New Law Tenement**

Occupancy classification—**Class "A" Mult. Dwell.** Height **6** stories, **60** feet.

Date of completion—**October 16, 1959**

Located in **Residence** Use District.

B Area **1 1/2**

Height Zone at time of issuance of permit **2043-1953; 2010-1953**

This certificate is issued subject to the limitations hereinafter specified and to the following resolutions of the Board of Standards and Appeals: (Circular numbers to be inserted here)

### PERMISSIBLE USE AND OCCUPANCY

STORY	LIVE LOADS lbs. per Sq. Ft.	PERSONS ACCOMMODATED			USE
		MALE	FEMALE	TOTAL	
<u>415 East 73rd Street part of building</u>					
Cellar	on ground				Storage.
1st story					Seven (7) apartments.
2nd to 6th story, incl.					Eight (8) apartments on each story.
<u>419 East 73rd Street part of Building</u>					
Cellar	on ground				Boiler room and storage.
1st story					Seven (7) apartments.
2nd to 6th story, incl.					Eight (8) apartments, on each story.
Fuel Oil installation approved by Fire Department May 13, 1957.					
See 6123 Code "Fire Department" 1, 1957 stated in glass and main					

**NO CHANGES OF USE OR OCCUPANCY NOT CONSISTENT WITH THIS CERTIFICATE SHALL  
BE MADE UNLESS FIRST APPROVED BY THE BOROUGH SUPERINTENDENT**

Unless an approval for the same has been obtained from the Borough Superintendent, no change or rearrangement in the structural parts of the building, or affecting the light and ventilation of any part thereof, or in the exit facilities, shall be made; no enlargement, whether by extending on any side or by increasing in height shall be made; nor shall the building be moved from one location or position to another; nor shall there be any reduction or diminution of the area of the lot or plot on which the building is located.

The building or any part thereof shall not be used for any purpose other than that for which it is certified.

The superimposed, uniformly distributed loads, or concentrated loads producing the same stresses in the construction in any story shall not exceed the live loads specified on reverse side; the number of persons of either sex in any story shall not exceed that specified when sex is indicated, nor shall the aggregate number of persons in any story exceed the specified total; and the use to which any story may be put shall be restricted to that fixed by this certificate except as specifically stated.

This certificate does not in any way relieve the owner or owners or any other person or persons in possession or control of the building, or any part thereof from obtaining such other permits, licenses or approvals as may be prescribed by law for the uses or purposes for which the building is designed or intended; nor from obtaining the special certificates required for the use and operation of elevators; nor from the installation of fire alarm systems where required by law; nor from complying with any lawful order for additional fire extinguishing appliances under the discretionary powers of the fire commissioner; nor from complying with any lawful order issued with the object of maintaining the building in a safe or lawful condition; nor from complying with any authorized direction to remove encroachments into a public highway or other public place, whether attached to or part of the building or not.

If this certificate is marked "Temporary", it is applicable only to those parts of the building indicated on its face, and certifies to the legal use and occupancy of only such parts of the building; it is subject to all the provisions and conditions applying to a final or permanent certificate; it is not applicable to any building under the jurisdiction of the Housing Division unless it is also approved and endorsed by them, and it must be replaced by a full certificate at the date of expiration.

If this certificate is for an existing building, erected prior to March 14, 1916, it has been duly inspected and it has been found to have been occupied or arranged to be occupied prior to March 14, 1916, as noted on the reverse side, and that on information and belief, since that date there has been no alteration or conversion to a use that changed its classification as defined in the Building Code, or that would necessitate compliance with some special requirement or with the State Labor Law or any other law or ordinance; that there are no notices of violations or orders pending in the Department of Buildings at this time; that Section 646F of the New York City Charter has been complied with as certified by a report of the Fire Commissioner to the Borough Superintendent, and that, so long as the building is not altered, except by permission of the Borough Superintendent, the existing use and occupancy may be continued.

"§ 646 F. No certificate of occupancy shall be issued for any building, structure, enclosure, place or premises wherein containers for combustibles, chemicals, explosives, inflammables and other dangerous substances, articles, compounds or mixtures are stored, or wherein automatic or other fire alarm systems or fire extinguishing equipment are required by law to be or are installed, until the fire commissioner has tested and inspected and has certified his approval in writing of the installation of such containers, systems or equipment to the Borough Superintendent of the borough in which the installation has been made. Such approval shall be recorded on the certificate of occupancy."

Additional copies of this certificate will be furnished to persons having an interest in the building or premises, upon payment of a fee of fifty cents per copy.


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NYC Department of Buildings  
Property Profile Overview

429 EAST 64 STREET

EAST 64 STREET

YORK AVENUE

429 - 429

NO NUMBER

MANHATTAN 10065

Health Area : 4400

Census Tract : 116

Community Board : 108

Buildings on Lot : 2

BIN# 1078403

Tax Block : 1459

Tax Lot : 22

Condo : NO

Vacant : NO

[View DCP Addresses...](#)[Browse Block](#)[View Zoning Documents](#)[View Challenge Results](#)[Pre - BIS PA](#)[View Certificates of Occupancy](#)

Cross Street(s):

1 AVENUE, YORK AVENUE

DOB Special Place Name:

DOB Building Remarks:

Landmark Status:

L - LANDMARK

Special Status:

N/A

Local Law:

NO

Loft Law:

NO

SRO Restricted:

NO

TA Restricted:

NO

UB Restricted:

NO

Little 'E' Restricted:

N/A

Grandfathered Sign:

NO

Legal Adult Use:

NO

City Owned:

NO

Additional BINs for Building:

NONE

Special District:

UNKNOWN

This property is not located in an area that may be affected by Tidal Wetlands, Freshwater Wetlands, or Coastal Erosion Hazard Area. [Click here for more information](#)

## Department of Finance Building Classification:

C1-WALK-UP APARTMENT

Please Note: The Department of Finance's building classification information shows a building's tax status, which may not be the same as the legal use of the structure. To determine the legal use of a structure, research the records of the Department of Buildings.

	Total	Open	<a href="#">Elevator Records</a>
<a href="#">Complaints</a>	27	0	<a href="#">Electrical Applications</a>
<a href="#">Violations-DOB</a>	10	0	<a href="#">Permits In-Process / Issued</a>
<a href="#">Violations-ECB (DOB)</a>	8	0	<a href="#">Illuminated Signs Annual Permits</a>
<a href="#">Jobs/Filings</a>	9		<a href="#">Plumbing Inspections</a>
<a href="#">ARA / LAA Jobs</a>	2		<a href="#">Open Plumbing Jobs / Work Types</a>
Total Jobs	11		<a href="#">Facades</a>
Total Actions	0		<a href="#">Marquee Annual Permits</a>
OR Enter Action Type: <input type="text"/>			<a href="#">Boiler Records</a>
OR Select from List:			<a href="#">DEP Boiler Information</a>
Select... <input type="button" value="v"/>			<a href="#">Crane Information</a>
AND <input type="button" value="Show Actions"/>			<a href="#">After Hours Variance Permits</a>

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NYC Department of Buildings  
Job Overview

Premises: 429 EAST 64 STREET MANHATTAN

 Page: 1 of 1  
 BIN: 1078403 Block: 1459 Lot: 22

 To start overview at new date, select Month:  Day:  Year: 
 Show All BIS Job Types  Show All Filings  APPLY

FILE DATE	JOB #	DOC #	JOB TYPE	JOB STATUS	STATUS DATE	LIC #	APPLICANT IN AUDIT	ZONING APPROVAL
04/20/1998	<u>101732261</u>	01	A3	R PERMIT-ENTIRE	04/15/1999	0042545 PE	BLINN	NOT APPLICABLE
ERECT 130 FT OF HEAVY DUTY SIDEWALK SHED 8FT HIGH FOR EMERGENCY REPAIR Work on Floor(s): GRD								
11/23/1998	<u>102183218</u>	01	A3	R PERMIT-ENTIRE	10/22/1999		ZAHARIA	NOT APPLICABLE
INSTALLATION OF SHED 88 FT DURING FACADE REPAIR SHED TO COMPLY WITH Work on Floor(s): GRD								
12/07/1998	<u>101963234</u>	01	A3	X SIGNED OFF	09/07/2004	0026250 RA	Alwari	NOT APPLICABLE
Replacement of main roof Parapet walls at E 64th Street & York Ave sides Work on Floor(s): 012								
08/31/2004	<u>103915676</u>	01	A2	R PERMIT-ENTIRE	03/14/2013	0031182 RA	BRUNI	NOT APPLICABLE
The work shall include window replacement and exterior facade restoration Work on Floor(s): 001 thru 006								
10/02/2006	<u>103915676</u>	02	A2	D A/P ENTIRE	10/04/2006	0031182 RA	BRUNI	NOT APPLICABLE
POST APPROVAL AMENDMENT FOR 01 Work on Floor(s): 001 thru 006								
11/06/2006	<u>104597802</u>	01	A3	X SIGNED OFF	04/06/2011	0078402 PE	Blinn	NOT APPLICABLE
Erect 200' of Heavy Duty Sidewalk Shed 300 psf in conj. with Appl.# 103915 Work on Floor(s): 001								
04/26/2007	<u>104749569</u>	01	A3	X SIGNED OFF	10/01/2009	0020419 RA	Hulme	NOT APPLICABLE
ERECT PIPE SCAFFOLD A TOTAL OF 60' OF SCAFFOLD IN SIDE OF COURT- DURING Work on Floor(s): 001								
04/26/2007	<u>104749578</u>	01	A3	X SIGNED OFF	09/21/2009	0020419 RA	Hulme	NOT APPLICABLE
INSTALL HEAVY DUTY SIDEWALK SHED A TOTAL OF 35'x35' OF SHED IN COURTYARD A Work on Floor(s): 001								
02/22/2011	<u>120615833</u>	01	A3	R PERMIT-ENTIRE	02/28/2013	0080123 PE	SYED-NAQ	NOT

APPLICABLE

INSTALLATION OF 210 LINEAR FEET OF HEAVY DUTY SIDEWALK SHED FOR BUILDING

Work on Floor(s): OSP

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# NYC Department of Buildings

## Permit History

Premises: 429 EAST 64 STREET MANHATTAN

 Job No: 103915676

 BIN: 1078403 Block: 1459 Lot: 22

Job Type: A2 - ALTERATION TYPE 2

### PERMIT INFORMATION

PMT NUMBER	SUB TYPE	SEQ NO	ISSUE DATE	EXPIRATION DATE	STATUS	APPLCNT
<u>103915676-01-EW</u>	OT	01	09/07/2004	01/05/2005	T - ISSUED	ARTIE FORMAN
<u>103915676-01-EW</u>	OT	02	12/29/2004	01/05/2006	T - ISSUED	ARTIE FORMAN
<u>103915676-01-EW</u>	OT	03	12/30/2005	12/15/2006	T - ISSUED	ARTIE FORMAN
<u>103915676-01-EW</u>	OT	04	12/04/2006	12/15/2007	T - ISSUED	ARTIE FORMAN
<u>103915676-01-EW</u>	OT	05	11/21/2007	12/15/2008	T - ISSUED	ARTIE FORMAN
<u>103915676-01-EW</u>	OT	06	11/25/2008	12/15/2009	T - ISSUED	ARTY FORMAN
<u>103915676-01-EW</u>	OT	07	12/21/2009	12/15/2010	T - ISSUED	ARTY FORMAN
<u>103915676-01-EW</u>	OT	08	12/14/2010	12/14/2011	T - ISSUED	ARTY FORMAN
<u>103915676-01-EW</u>	OT	09	12/13/2011	03/12/2012	T - ISSUED	ARTY FORMAN
<u>103915676-01-EW</u>	OT	10	03/14/2012	03/12/2013	T - ISSUED	ARTIE FORMAN
<u>103915676-01-EW</u>	OT	11	03/14/2013	03/12/2014	T - ISSUED	ARTY FORMAN

//

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NYC Department of Buildings  
Property Profile Overview

430 EAST 65 STREET

EAST 65 STREET  
YORK AVENUE

430 - 430  
NO NUMBER

MANHATTAN 10065

Health Area : 4400  
Census Tract : 116  
Community Board : 108  
Buildings on Lot : 2

BIN# 1078404

Tax Block : 1459  
Tax Lot : 22  
Condo : NO  
Vacant : NO

[View DCP Addresses...](#)

[Browse Block](#)

[View Zoning Documents](#)

[View Challenge Results](#)

[Pre - BIS PA](#)

[View Certificates of Occupancy](#)

Cross Street(s): 1 AVENUE, YORK AVENUE

DOB Special Place Name:

DOB Building Remarks:

Landmark Status: L - LANDMARK

Local Law: NO

SRO Restricted: NO

UB Restricted: NO

Little 'E' Restricted: N/A

Legal Adult Use: NO

Additional BINs for Building: NONE

Special Status: N/A

Loft Law: NO

TA Restricted: NO

Grandfathered Sign: NO

City Owned: NO

Special District: UNKNOWN

This property is not located in an area that may be affected by Tidal Wetlands, Freshwater Wetlands, or Coastal Erosion Hazard Area. [Click here for more information](#)

Department of Finance Building Classification:

C1-WALK-UP APARTMENT

Please Note: The Department of Finance's building classification information shows a building's tax status, which may not be the same as the legal use of the structure. To determine the legal use of a structure, research the records of the Department of Buildings.

	Total	Open
<a href="#">Complaints</a>	21	0
<a href="#">Violations-DOB</a>	6	0
<a href="#">Violations-ECB (DOB)</a>	0	0
<a href="#">Jobs/Filings</a>	9	
<a href="#">ARA / LAA Jobs</a>	5	
<a href="#">Total Jobs</a>	14	
<a href="#">Total Actions</a>	0	

[Elevator Records](#)

[Electrical Applications](#)

[Permits In-Process / Issued](#)

[Illuminated Signs Annual Permits](#)

[Plumbing Inspections](#)

[Open Plumbing Jobs / Work Types](#)

[Facades](#)

[Marquee Annual Permits](#)

[Boiler Records](#)

[DEP Boiler Information](#)

[Crane Information](#)

[After Hours Variance Permits](#)

OR Enter Action Type:

OR Select from List:

Select...

AND

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## NYC Department of Buildings

## Job Overview

Page: 1 of 1

Premises: 430 EAST 65 STREET MANHATTAN

BIN: 1078404 Block: 1459 Lot: 22To start overview at new date, select Month:  Day:  Year: ☐ Show All BIS Job Types☐ Show All Filings

FILE DATE	JOB #	DOC #	JOB TYPE	JOB STATUS	STATUS DATE	LIC #	APPLICANT	IN AUDIT	ZONING APPROVAL
12/21/1998	<u>101968060</u>	01	A3	R PERMIT-ENTIRE	10/25/1999		ZAHARIA		NOT APPLICABLE
INSTALLATION OF SHED 156FT.DURING FACADE REPAIR SHED COMPLY WITH LL33/91 Work on Floor(s): GRD									
08/26/2004	<u>103912054</u>	01	A3	X SIGNED OFF	08/21/2009	OT	Hama		NOT APPLICABLE
Erect 426' of Temporary Heavy Duty Sidewalk Shed 300 psf for protection du Work on Floor(s): 001									
08/31/2004	<u>103915667</u>	01	A2	R PERMIT-ENTIRE	03/14/2013	0031182 RA	BRUNI		NOT APPLICABLE
The work shall include window replacement and exterior facade restaurona Work on Floor(s): 001 thru 006									
10/02/2006	<u>103915667</u>	02	A2	D A/P ENTIRE	10/04/2006	0031182 RA	BRUNI		NOT APPLICABLE
POST APPROVAL AMENDMENT FOR 01 The work shall include window replacemen t Work on Floor(s): 001 thru 006									
01/25/2007	<u>104660252</u>	01	A3	X SIGNED OFF	08/04/2009	0078402 PE	Blinn		NOT APPLICABLE
Erect Temporary Pipe Scaffold 90' x 60' tall on E 65 th St. , 90' x 60' on Work on Floor(s): 001									
04/24/2007	<u>104747124</u>	01	A3	X SIGNED OFF	07/10/2009	0020419 RA	Hulme		NOT APPLICABLE
ERECT PIPE SCAFFOLD A TOTAL OF 60' OF SCAFFOLD IN SIDE OF COURT- DURING Work on Floor(s): 001									
04/24/2007	<u>104747188</u>	01	A3	X SIGNED OFF	07/10/2009	0020419 RA	Hulme		NOT APPLICABLE
INSTALL HEAVY DUTY SIDEWALK SHED A TOTAL OF 35'x35' OF SHED IN COURTYARD. Work on Floor(s): 001									
02/23/2009	<u>110468271</u>	01	A3	X SIGNED OFF	06/09/2011	0080123 PE	SAYED-NA		NOT APPLICABLE
INSTALLATION OF HEAVY DUTY SIDEWALK SHED A TOTAL OF 210 L.F AS PER PLAN AT Work on Floor(s): 001									
02/25/2011	<u>120619107</u>	01	A3	R PERMIT-ENTIRE	03/27/2013	0029017 RA	WESOLOWS		NOT

INSTALLATION OF 220 LINEAR FEET OF HEAVY DUTY SIDEWALK SHED FOR BUILDING

Work on Floor(s): OSP

APPLICABLE

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NYC Department of Buildings  
Permit History

Premises: 430 EAST 65 STREET MANHATTAN

BIN: 1078404 Block: 1459 Lot: 22

Job No: 103915667

Job Type: A2 - ALTERATION TYPE 2

PERMIT INFORMATION						
PMT NUMBER	SUB TYPE	SEQ NO	ISSUE DATE	EXPIRATION DATE	STATUS	APPLCNT
<u>103915667-01-EW</u>	OT	01	09/07/2004	01/05/2005	T - ISSUED	ARTIE FORMAN
<u>103915667-01-EW</u>	OT	02	12/29/2004	01/05/2006	T - ISSUED	ARTIE FORMAN
<u>103915667-01-EW</u>	OT	03	12/30/2005	12/15/2006	T - ISSUED	ARTIE FORMAN
<u>103915667-01-EW</u>	OT	04	12/04/2006	12/15/2007	T - ISSUED	ARTIE FORMAN
<u>103915667-01-EW</u>	OT	05	11/21/2007	12/15/2008	T - ISSUED	ARTIE FORMAN
<u>103915667-01-EW</u>	OT	06	11/25/2008	12/15/2009	T - ISSUED	ARTY FORMAN
<u>103915667-01-EW</u>	OT	07	12/14/2009	12/14/2010	T - ISSUED	ARTY FORMAN
<u>103915667-01-EW</u>	OT	08	12/14/2010	12/14/2011	T - ISSUED	ARTY FORMAN
<u>103915667-01-EW</u>	OT	09	12/13/2011	03/12/2012	T - ISSUED	ARTY FORMAN
<u>103915667-01-EW</u>	OT	10	11/19/2012	03/12/2013	T - ISSUED	ARTY FORMAN
<u>103915667-01-EW</u>	OT	11	03/14/2013	03/12/2014	T - ISSUED	ARTY FORMAN

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# NYC Department of Buildings

## Permit History

Premises: 430 EAST 65 STREET MANHATTAN

Job No: 120619107

BIN: 1078404 Block: 1459 Lot: 22

Job Type: A3 - ALTERATION TYPE 3

PERMIT INFORMATION						
PMT NUMBER	SUB TYPE	SEQ NO	ISSUE DATE	EXPIRATION DATE	STATUS	APPLCNT
<u>120619107-01-EQ</u>	SH	01	02/25/2011	02/25/2012	T - ISSUED	FARI HAMA
<u>120619107-01-EQ</u>	SH	02	02/07/2012	03/15/2012	T - ISSUED	COLM COEN
<u>120619107-01-EQ</u>	SH	03	03/14/2012	03/14/2013	T - ISSUED	COLM COEN
<u>120619107-01-EQ</u>	SH	04	03/27/2013	07/01/2013	T - ISSUED	COLM COEN

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.





Landmarks Preservation  
Commission

1 Centre Street  
9th Floor North  
New York, NY 10007

212 669 7700 tel  
212 669 7960 fax

## PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date June / 11 / 2012 Item # \_\_\_\_\_

Item Address FAE / 429 / 430

☐

In favor of proposal

☐

Against proposal

☐

Other position

George Reisz

Name

429 E. 64 St.

Address

Representing \_\_\_\_\_

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

If you need additional space, please use the other side.



Landmarks Preservation  
Commission

1 Centre Street  
9th Floor North  
New York, NY 10007

212 669 7700 tel  
212 669 7960 fax

## PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date Feb / 11 / 2012 Item # \_\_\_\_\_

Item Address FAC / 429 - 430

☐

In favor of proposal

☐

Against proposal

☐

Other position

Katiline Giffi

Name

429 E. 64 St.

Address

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

If you need additional space, please use the other side.



Landmarks Preservation  
Commission

1 Centre Street  
9th Floor North  
New York, NY 10007

212 669 7700 tel  
212 669 7960 fax

## PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 6 / 11 / 2013 Item # 1

Item Address 429 East 64th Street, aka East 65th Street - City and Suburban Homes

☐

In favor of proposal

☒

Against proposal

☐

Other position

Monica McLaughlin

Name

430 East 65th Street

Address

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

If you need additional space, please use the other side.

June 11, 2013

NYC Landmarks Preservation Commission  
FOIL Request portion Attn: Ms. Adrienne Asencio  
One Centre Street, 9<sup>th</sup> Floor  
New York, NY 10007

**Re: Stahl's Hardship Application and Demolition Request regarding a portion of the landmarked First Avenue Estates – two landmarked apartment buildings located at 429 East 64<sup>th</sup> and 430 East 65<sup>th</sup> Streets in the Upper East Side of Manhattan, New York**

Billionaire developers cry hardship claiming the need for demolitions because to render the apartments within them "minimally habitable" would run into millions of dollars.

**This is nonsense.** These apartments are legally habitable in their present state as defined by New York State law. In Manhattan's extremely tight rental market<sup>1</sup>, they will be snapped up within hours of being offered. To the extent that some apartments do need repairs, Stahl damaged their interiors themselves with the installation of grossly oversized windows in a failed attempt to render the buildings unworthy of land status. Self-imposed hardship is not valid, therefore, documentation regarding millions of dollars' worth of required renovations is irrelevant to this hardship application.

---

Dear Ms. Asencio and all LPC members:

Stahl claims that in 2009, the vacant and warehoused market-rate apartments in the buildings at issue (under various fantasy scenarios) would require millions of dollars' worth of repairs to make them "**minimally habitable**" yet (although they use this term quite liberally throughout the hundreds of pages of mostly irrelevant documents that make up their "hardship" application) nowhere in any of these documents does Stahl define exactly what it is they mean when they use the term "minimally habitable".

**Legal Meaning of "minimally habitable" According to New York Law**

The **ONLY** meaning of "habitable" applicable to this hardship application is the legal definition – whether or not the apartments are legally habitable according to New York State law. If the apartments are not legally habitable, repairs need to be made. If the apartments are legally habitable, the apartments can be offered as is and **NONE** of the various fantasy construction

---

<sup>1</sup> According to Citi Habitats November 2009 Rental Market Analysis report the vacancy rate on that date in Manhattan was 1.87%

scenarios as envisioned by Stahl are applicable to this hardship application. Plain and simple, if the apartments are legal, expensive extensive repairs are not needed. To the extent that Stahl themselves rendered the apartments uninhabitable, dollar amounts for repairs cannot be included in a hardship application. The hardship in a hardship application cannot be self imposed. (All dollar amounts for renovations related to the installation of grossly oversized windows in an attempt to render the buildings not worthy of landmark, including but not limited to damage to the walls, floors and ceilings, cannot be included in renovation costs.)

According to NY law, absent and express agreement to the contrary a **landlord is NOT required to ensure that the premises be in perfect or even aesthetically pleasing condition.** Fit for human habitation requires only that the apartments be in good repair and free from conditions that are hazardous to health, life or safety.

Is Stahl, in fact claiming that the vacant warehoused market rate apartment to be not legally habitable, that to rent them out in their current state (or the state they were in when the last tenants vacated) would violate the Warranty of Habitability as established in New York landlord-tenant law by statute<sup>2</sup> and by the New York State Court of Appeals<sup>3</sup>?

**Is it Stahl's claim that occupancy of the apartments would be dangerous to health, life or safety of prospective tenants?** I would think Stahl is not making this claim because, in response to the LPC's 25<sup>th</sup> question, Stahl states that "[m]aintenance and services in the Subject Buildings have not deteriorated since 1977 . . . ". Stahl then goes on to note that "numerous provisions of law, including the Housing Maintenance Code and the Rent Control and Rent Stabilization laws, require that the Subject Buildings be adequately maintained and serviced."

So if the buildings have been maintained and serviced adequately, how is it that the vacant apartments need millions of dollars' worth of renovations in order to render them "minimally habitable"? One can only conclude that what Stahl means by not being minimally habitable is that they believe that the apartments, in their current state, are not PRETTY enough for their nouveau riche tastes!!!! As I already stressed, **a landlord is NOT required by law to ensure that the premises be in perfect or even aesthetically pleasing condition.** Pretty is NOT a legal requirement.

These apartments are habitable in their present state. Any damages have been self-imposed by Stahl and therefore documentation regarding millions of dollars' worth of renovations is irrelevant to this hardship application.

---

<sup>2</sup>N.Y. Real Prop.Law S 235-b.

<sup>3</sup>See Park West Management Corp. v. Mitchell, 47 N.Y. 2d 316, 418 N.Y.S. 2d 310, 391 N.E.2d 1288 (1979).

### **(1st) FOIL REQUEST**

Does the LPC know what Stahl means by “habitable” and “minimally habitable” as used in their hardship application? Does the LPC assume they know what Stahl means and so they have not bothered to ask? What is the LPC’s understanding of the meaning of “habitable” as used by Stahl?

**Does the LPC know what the legal definition of habitable is?** In their questions to Stahl, Question number 19 reads “With respect to valuation of the apartments that are renovated to be “minimally habitable” or “code compliant,” meaning they lack modern amenities and conveniences . . .”.

- Does the LPC believe that in order to be New York Housing code compliant, amenities other than heat, hot water and electricity must be provided?
- Does the LPC believe that in order for an apartment to be New York Housing code compliant, a landlord must provide luxury conveniences such as those that Stahl proposes in their fantasy renovation scenarios – things like elevators and expensive top-of-the-line medicine cabinets, new flooring, fancy appliances and brand new bathtubs?

If this is the LPC’s understanding of the meaning of legally habitable under New York State Law, perhaps the LPC is not qualified to fairly review Stahl’s hardship application.

To determine whether the apartments are legally habitable, the LPC should determine whether:

- The buildings have valid Certificates of Occupancy;
- Whether there are Housing Code or Sanitary Code violations; and
- Whether there are New York City Housing Maintenance Code or New York State Multiple Dwelling Law violations.

In accordance with the provisions of the New York State Freedom of Information Law, please provide me with (the opportunity to examine and copy) or (copies on disk of) all the records described below no matter when the date they were created.

Any and all records, including but not limited to receipts, records, copies of checks paid, correspondence, reports, lists, e-mails, faxes, memorandums, minutes, hand written notes, meeting sign-in sheets and blue prints regarding or related to requests by the LPC for documentation regarding :

- Evidence that the LPC has asked Stahl for a definition of the term “minimally habitable” as they are using it in their hardship application;
- Evidence that the LPC is aware of the legal standards required for legal habitability under New York State Law;

- Evidence that the LPC has attempted to determine whether the buildings have valid Certificates of Occupancy, whether there are Housing Code or Sanitary Code violations; and whether there are New York City Housing Maintenance Code or the New York State Multiple Dwelling Law violations regarding the buildings.
- Evidence that the LPC has asked Stahl whether dollar amounts for renovations provided in the various scenarios include renovations to repair damages to apartments that resulted from self-imposed hardship, for example, from the installation of the grossly oversized windows by Stahl in their failed attempt to render the buildings unworthy of Landmark status.

**I am NOT interested in or requesting documents which Stahl has already supplied as parts of the 3 plus installments to their hardship application – the various economic feasibility study / scenarios or the answers to the 46 questions asked by the LPC except to the extent that any specific question asked by the LPC responds to my request. (I already have these documents.)**

**I want to know what action the LPC, as decision-making body for this hardship application, has performed to determine the merits of this hardship application. I am looking for documents related to this area.**

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*Monica A. McLaughlin*  
*430 East 65<sup>th</sup> Street, #2A, New York, NY 10065*

I expect an acknowledgement of this request within five working days, as provided in the "Uniform Rules and Regulations for All City Agencies Pertaining to the Administration of the Freedom of Information Law," Title 43, Rules of the City of New York, Ch. 1. I expect to you to release the requested records within ten working days of your acknowledgement, as provided in the Rules. I will deem this request to have been denied if you do not comply with the Rules.

If you have any questions about this request, please contact me by telephone or e-mail at either **917-670-8385** or **monjon22@hotmail.com**. I look forward to hearing from you soon. Thanks in advance for your cooperation and assistance.

Sincerely,

Monica McLaughlin, alone and on behalf of those of my neighbors who share the sentiments of this letter-- written as Residents of the City of New York, as Residents of the Upper East Side of Manhattan and as Tenants of First Avenue Estate.

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First Avenue Estate Tenants Organization  
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**Press:**

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Dollar amounts for renovation costs in each of Stahl's many fantasy construction scenarios are irrelevant to this hardship application.

---

Stahl claims that the warehoused apartments require millions of dollars' worth of renovations to make them "**minimally habitable**" yet (although they use this term quite liberally throughout hundreds of pages of the mostly irrelevant documents) nowhere does Stahl say what "minimally habitable" means.

---

The **ONLY** meaning of "habitable" applicable to this hardship application is the legal definition -- whether or not the apartments are habitable according to New York State law. If the apartments are not legally habitable, repairs need to be made. If the apartments are legally habitable, the apartments can be offered as is -- no new doors, floors, bathrooms and so on.

Plain and simple, if the apartments are legal, expensive extensive repairs are not needed. To the extent that Stahl themselves rendered the apartments uninhabitable, dollar amounts for repairs cannot be included in a hardship application. The hardship in a hardship application cannot be self imposed. (All dollar amounts for renovations related to the installation of grossly oversized windows in an attempt to render the buildings not worthy of landmark, including but not limited to damage to the walls, floors and ceilings, cannot be included in renovation costs.)

According to NY law, a landlord is **NOT** required to ensure that the premises be in perfect or even aesthetically pleasing condition. Fit for human habitation requires only that the apartments be in good repair and free from conditions that are hazardous to health, life or safety.

---

**Does Stahl claim the apartments to be dangerous to health, life or safety ?**

I think not. In response to question 25, Stahl states that “[m]aintenance and services in the Subject Buildings have not deteriorated since 1977 . . .”.

So if the buildings have been maintained and serviced adequately, how is it that the vacant apartments need millions of dollars’ worth of renovations in order to render them “minimally habitable”?

One can only conclude that what Stahl means is that the apartments, in their current state, are not PRETTY enough for their nouveau riche tastes!!!! As already mentioned, a landlord is **NOT** required to ensure that the premises be in aesthetically pleasing condition. Pretty is NOT a legal requirement.

---

The apartments are habitable in their present state or damages are self-inflicted.

Simply put, Stahl does not have a case. The members of the LPC should not embarrass themselves by voting to approve this fraudulent application. If you do, it will follow you for the rest of your lives.

---

**Does Stahl claim the apartments to be dangerous to health, life or safety ?**

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June 11, 2013

NYC Landmarks Preservation Commission  
FOIL Request portion Attn: Ms. Adrienne Asencio  
One Centre Street, 9<sup>th</sup> Floor  
New York, NY 10007

**Re: Stahl's Hardship Application and Demolition Request regarding a portion of the landmarked First Avenue Estates – two landmarked apartment buildings located at 429 East 64<sup>th</sup> and 430 East 65<sup>th</sup> Streets in the Upper East Side of Manhattan, New York**

Billionaire developers cry hardship claiming the need for demolitions because to render the apartments within them "minimally habitable" would run into millions of dollars.

**This is nonsense.** These apartments are legally habitable in their present state as defined by New York State law. In Manhattan's extremely tight rental market<sup>1</sup>, they will be snapped up within hours of being offered. To the extent that some apartments do need repairs, Stahl damaged their interiors themselves with the installation of grossly oversized windows in a failed attempt to render the buildings unworthy of land status. Self-imposed hardship is not valid, therefore, documentation regarding millions of dollars' worth of required renovations is irrelevant to this hardship application.

---

Dear Ms. Asencio and all LPC members:

Stahl claims that in 2009, the vacant and warehoused market-rate apartments in the buildings at issue (under various fantasy scenarios) would require millions of dollars' worth of repairs to make them "minimally habitable" yet (although they use this term quite liberally throughout the hundreds of pages of mostly irrelevant documents that make up their "hardship" application) nowhere in any of these documents does Stahl define exactly what it is they mean when they use the term "minimally habitable".

#### **Legal Meaning of "minimally habitable" According to New York Law**

The **ONLY** meaning of "habitable" applicable to this hardship application is the legal definition – whether or not the apartments are legally habitable according to New York State law. If the apartments are not legally habitable, repairs need to be made. If the apartments are legally habitable, the apartments can be offered as is and **NONE** of the various fantasy construction

---

<sup>1</sup> According to Citi Habitats November 2009 Rental Market Analysis report the vacancy rate on that date in Manhattan was 1.87%

scenarios as envisioned by Stahl are applicable to this hardship application. Plain and simple, if the apartments are legal, expensive extensive repairs are not needed. To the extent that Stahl themselves rendered the apartments uninhabitable, dollar amounts for repairs cannot be included in a hardship application. The hardship in a hardship application cannot be self imposed. (All dollar amounts for renovations related to the installation of grossly oversized windows in an attempt to render the buildings not worthy of landmark, including but not limited to damage to the walls, floors and ceilings, cannot be included in renovation costs.)

According to NY law, absent and express agreement to the contrary a **landlord is NOT required to ensure that the premises be in perfect or even aesthetically pleasing condition.** Fit for human habitation requires only that the apartments be in good repair and free from conditions that are hazardous to health, life or safety.

Is Stahl, in fact claiming that the vacant warehoused market rate apartment to be not legally habitable, that to rent them out in their current state (or the state they were in when the last tenants vacated) would violate the Warranty of Habitability as established in New York landlord-tenant law by statute<sup>2</sup> and by the New York State Court of Appeals<sup>3</sup>?

**Is it Stahl's claim that occupancy of the apartments would be dangerous to health, life or safety of prospective tenants?** I would think Stahl is not making this claim because, in response to the LPC's 25<sup>th</sup> question, Stahl states that "[m]aintenance and services in the Subject Buildings have not deteriorated since 1977 . . . ". Stahl then goes on to note that "numerous provisions of law, including the Housing Maintenance Code and the Rent Control and Rent Stabilization laws, require that the Subject Buildings be adequately maintained and serviced."

So if the buildings have been maintained and serviced adequately, how is it that the vacant apartments need millions of dollars' worth of renovations in order to render them "minimally habitable"? One can only conclude that what Stahl means by not being minimally habitable is that they believe that the apartments, in their current state, are not PRETTY enough for their nouveau riche tastes!!!! As I already stressed, a **landlord is NOT required by law to ensure that the premises be in perfect or even aesthetically pleasing condition.** Pretty is NOT a legal requirement.

These apartments are habitable in their present state. Any damages have been self-imposed by Stahl and therefore documentation regarding millions of dollars' worth of renovations is irrelevant to this hardship application.

---

<sup>2</sup>N.Y. Real Prop.Law S 235-b.

<sup>3</sup>See *Park West Management Corp. v. Mitchell*, 47 N.Y. 2d 316, 418 N.Y.S. 2d 310, 391 N.E.2d 1288 (1979).

**(1st) FOIL REQUEST**

Does the LPC know what Stahl means by “habitable” and “minimally habitable” as used in their hardship application? Does the LPC assume they know what Stahl means and so they have not bothered to ask? What is the LPC’s understanding of the meaning of “habitable” as used by Stahl?

**Does the LPC know what the legal definition of habitable is?** In their questions to Stahl, Question number 19 reads “With respect to valuation of the apartments that are renovated to be “minimally habitable” or “code compliant,” meaning they lack modern amenities and conveniences . . .”.

- Does the LPC believe that in order to be New York Housing code compliant, amenities other than heat, hot water and electricity must be provided?
- Does the LPC believe that in order for an apartment to be New York Housing code compliant, a landlord must provide luxury conveniences such as those that Stahl proposes in their fantasy renovation scenarios – things like elevators and expensive top-of-the-line medicine cabinets, new flooring, fancy appliances and brand new bathtubs?

If this is the LPC’s understanding of the meaning of legally habitable under New York State Law, perhaps the LPC is not qualified to fairly review Stahl’s hardship application.

To determine whether the apartments are legally habitable, the LPC should determine whether:

- The buildings have valid Certificates of Occupancy;
- Whether there are Housing Code or Sanitary Code violations; and
- Whether there are New York City Housing Maintenance Code or New York State Multiple Dwelling Law violations.

In accordance with the provisions of the New York State Freedom of Information Law, please provide me with (the opportunity to examine and copy) or (copies on disk of) all the records described below no matter when the date they were created.

Any and all records, including but not limited to receipts, records, copies of checks paid, correspondence, reports, lists, e-mails, faxes, memorandums, minutes, hand written notes, meeting sign-in sheets and blue prints regarding or related to requests by the LPC for documentation regarding :

- Evidence that the LPC has asked Stahl for a definition of the term “minimally habitable” as they are using it in their hardship application;
- Evidence that the LPC is aware of the legal standards required for legal habitability under New York State Law;

- Evidence that the LPC has attempted to determine whether the buildings have valid Certificates of Occupancy, whether there are Housing Code or Sanitary Code violations; and whether there are New York City Housing Maintenance Code or the New York State Multiple Dwelling Law violations regarding the buildings.
- Evidence that the LPC has asked Stahl whether dollar amounts for renovations provided in the various scenarios include renovations to repair damages to apartments that resulted from self-imposed hardship, for example, from the installation of the grossly oversized windows by Stahl in their failed attempt to render the buildings unworthy of Landmark status.

**I am NOT interested in or requesting documents which Stahl has already supplied as parts of the 3 plus installments to their hardship application – the various economic feasibility study / scenarios or the answers to the 46 questions asked by the LPC except to the extent that any specific question asked by the LPC responds to my request. (I already have these documents.)**

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**Press:**

Curbed New York  
East Side Our Town  
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The New York Post

Monica A. McLaughlin  
430 East 65<sup>th</sup> Street, #2A  
New York, NY 10065

June 9, 2013

NYC Landmarks Preservation Commission  
FOIL Request portion Attn: Ms. Adrienne Asencio  
One Centre Street, 9<sup>th</sup> Floor  
New York, NY 10007

**Knocking Down Landmarks: Billionaire Developers Cry Hardship Claiming They Must Knock Down Two Landmarked Upper East Side Buildings Because the Apartments in Them are So Inferior That They Cannot Be Rented for More Than \$600 a Month – Including All Utilities.**

**RE: First Avenue Estates, Owner Stahl's Hardship Application Requesting Demolition of the Two Riverfront Buildings in the Landmarked First Avenue Estate (429 East 64<sup>th</sup> Street and 430 East 65<sup>th</sup> Street) -- \$600/monthly Market Rate Rentsclaim by Stahl is invalid in the face of factual evidence to the contrary: Current and former tenants paid in excess of this amount**

Dear Ms. Asencio and all LPC members:

Stahl claims that in 2009, the vacant warehoused apartments in the buildings at issue could not have been rented out for more than \$600 a month.

- If this were true, why did the last tenants who lived in these warehoused apartments pay far in excess of that dollar amount?
- If this were true, why did most of the rent stabilized tenants who lived in these apartments in 2009 pay far in excess of the \$600 monthly rental amount that Stahl claims they could only get for market-rate rentals? See the chart below for actual monthly rentals<sup>1</sup> and keep in mind that these are NOT market rents, these are rent stabilized rents (rates much lower than market rents) – all far in excess of what Stahl claims to be an impossible dollar amount to obtain for these buildings. In fact, in 2009, only 4 of the rent stabilized apartments rented for \$600 or less while 26 of them rented for more than \$1,000 a month.

	Address	2009 Monthly Rent
1	429 E. 64 <sup>th</sup> Str., Apt. 6A	\$1,018
2	429 E. 64 <sup>th</sup> Str., Apt. 3B	\$1,009
3	429 E. 64 <sup>th</sup> Str., Apt. 3C	\$1,156

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<sup>1</sup>Data taken from the Rent Roll Analysis as of January 13, 2009 as provided by Stahl in their Comparative Economic Feasibility Study prepared by Cushman & Wakefield dated February 5, 2009.

Monica A. McLaughlin  
430 East 65<sup>th</sup> Street, #2A  
New York, NY 10065

4	429 E. 64 <sup>th</sup> Str., Apt. 4D	\$1,368
5	429 E. 64 <sup>th</sup> Str., Apt. 4E	\$1008
6	429 E. 64 <sup>th</sup> Str., Apt. 3F	\$1,127
7	429 E. 64 <sup>th</sup> Str., Apt. 3G	\$1,264
8	429 E. 64 <sup>th</sup> Str., Apt. 1H	\$1,026
9	429 E. 64 <sup>th</sup> Str., Apt. 5H	\$1,179
10	429 E. 64 <sup>th</sup> Str., Apt. 3J	\$1,209
11	429 E. 64 <sup>th</sup> Str., Apt. 3L	\$1,020
12	429 E. 64 <sup>th</sup> Str., Apt. 6M	\$1,496
13	429 E. 64 <sup>th</sup> Str., Apt. 4N	\$1,074
14	430 E. 65 <sup>th</sup> Str., Apt. 5A	\$1,338
15	430 E. 65 <sup>th</sup> Str., Apt. 5I	\$1,090
16	430 E. 65 <sup>th</sup> Str., Apt. 6I	\$1,088
17	430 E. 65 <sup>th</sup> Str., Apt. 2J	\$1,318
18	430 E. 65 <sup>th</sup> Str., Apt. 1K	\$1,152
19	430 E. 65 <sup>th</sup> Str., Apt. 5K	\$1,096
20	430 E. 65 <sup>th</sup> Str., Apt. 2L	\$1,821
21	430 E. 65 <sup>th</sup> Str., Apt. 1M	\$1,252
22	430 E. 65 <sup>th</sup> Str., Apt. 2M	\$1,247
23	430 E. 65 <sup>th</sup> Str., Apt. 6N	\$1,134
24	430 E. 65 <sup>th</sup> Str., Apt. 4O	\$1,371
25	430 E. 65 <sup>th</sup> Str., Apt. 3P	\$1,148
26	430 E. 65 <sup>th</sup> Str., Apt. 6P	\$1,061

- If this were true why are the current tenants in these buildings paying far in excess of that amount today?

Has the LPC asked Stahl these questions? If so, I would like to see evidence of it. Did Stahl reply to these questions (if asked)? If so I would like to see evidence of it.

If the LPC has not yet asked Stahl these questions, I strongly encourage them to do so. If the LPC does not plan to ask Stahl these questions, I would like to know why not.

### **(1st) FOIL REQUEST**

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- Evidence that the LPC specifically asked Stahl to explain the discrepancy between their claim that they could not have rented out the vacant market-rate apartments in 2009 for more than \$600 a month and the fact that before becoming vacant, the market-rate apartments did in fact rent out for dollar amounts far in excess of \$600 a month.
- Evidence that the LPC asked Stahl to provide a statement stating that to the best of their knowledge that the rents paid by tenants in the vacant market rate apartments did not exceed \$600.
- Evidence that the LPC specifically asked Stahl to explain the discrepancy between their claim that they could not have rented out the vacant market-rate apartments in 2009 for more than \$600 a month and the fact that most of the rent stabilized tenants that lived in these apartments in 2009 paid far in excess of that dollar amount in monthly rent.
- Evidence that the LPC specifically asked Stahl to explain the discrepancy between their claim that they could not have rented out the vacant market-rate apartments in 2009 for more than \$600 a month and the fact that most of the rent stabilized tenants living in these apartments today pay far in excess of that dollar amount in monthly rent.

**NOTE:**

I am **NOT** interested in nor am I requesting any e-mails, correspondence or requests of Stahl other than those authored by the LPC.

I am **NOT** interested in or requesting documents regarding questions asked and information requested from any other source other than those authored by the LPC.

I am **NOT** interested in or requesting documents which Stahl has already supplied as parts of the 3 installments to their hardship application – the various economic feasibility study / scenarios or the answers to the 46 questions asked by the LPC except to the extent that any specific question asked by the LPC responds to my request.

I want to know what information the LPC, as decision-making body for this hardship application, has done to determine the merits of this hardship application.

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June 11, 2013

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Billionaire developers cry hardship claiming the need for demolitions because to render the apartments within them "minimally habitable" would run into millions of dollars.

**This is false. Stahl's figures for renovation costs are inflated and fraudulent because they contain dollar amounts for repairs to apartment interiors that were damaged by Stahl themselves with the installation of grossly oversized windows in a failed attempt to render the buildings unworthy of land status. Self-imposed hardship is not valid, therefore, documentation regarding millions of dollars' worth of required renovations is irrelevant to this hardship application.**

---

### **(1st) FOIL REQUEST**

Is the LPC aware that costs for renovations on Stahl's Hardship application include damages to the apartments inflicted by Stahl themselves?

Has the LPC requested that Stahl amend their hardship application to remove renovation costs for damages to the apartments that were inflicted by Stahl themselves?

In accordance with the provisions of the New York State Freedom of Information Law, please provide me with (the opportunity to examine and copy) or (copies on disk of) all the records described below no matter when the date they were created.

Any and all records, including but not limited to receipts, records, copies of checks paid, correspondence, reports, lists, e-mails, faxes, memorandums, minutes, hand written notes, meeting sign-in sheets and blue prints regarding or related to requests by the LPC for documentation regarding :

- Evidence that the LPC has asked Stahl to amend their hardship application so as to exclude damages to the apartments that were inflicted by Stahl themselves;



- Evidence that Stahl has amended their hardship application so as to exclude renovation costs for damages to the apartments that were inflicted by Stahl themselves including but not limited to damages to the walls, floors and ceilings..

I am **NOT** interested in or requesting documents which Stahl has already supplied as parts of the 3 plus installments to their hardship application – the various economic feasibility study / scenarios or the answers to the 46 questions asked by the LPC except to the extent that any specific question asked by the LPC responds to my request. (I already have these documents.)

I want to know what action the LPC, as decision-making body for this hardship application, has performed to determine the merits of this hardship application. I am looking for documents related to this area.

If the LPC has any of this information in their possession whether or not answers were provided by Stahl, please provide me with (the opportunity to examine and copy) or (copies on disk of) all the records described above no matter when the date they were created.

Please place missing documents on "special locate" and notify me that you have done so.

I wish to make it clear that I want all records identifiable with this request, even though reports on those records or copies of the records have been sent to other offices and even though there may be apparent duplication between the records in more than one office.

If documents are denied in part, please specify the exemptions claimed for each page or passage. For documents withheld in their entirety please state, in addition, the date of and the number of pages in each document.

Please advise me of any destruction of records and include the date of and authority for such destruction.

I want to see complete sets of records, but if complete sets of records are not extant, then I wish to see any portion of the requested records that exist.

Time is of the essence in this matter; if some of the requested records are more readily available than others, I want to see any available records at the earliest opportunity. Please do not delay making any of the requested records available because other requested records are not yet found, redacted, or otherwise prepared for release.

I expect an acknowledgement of this request within five working days, as provided in the "Uniform Rules and Regulations for All City Agencies Pertaining to the Administration of the Freedom of Information Law," Title 43, Rules of the City of New York, Ch. 1. I expect you to release the requested records within ten working days of your acknowledgement, as provided in the Rules. I will deem this request to have been denied if you do not comply with the Rules.

*Monica A. McLaughlin*  
*430 East 65<sup>th</sup> Street, #2A, New York, NY 10065*

If you have any questions about this request, please contact me by telephone or e-mail at either **917-670-8385** or **ormonjon22@hotmail.com**. I look forward to hearing from you soon. Thanks in advance for your cooperation and assistance.

Sincerely,

Monica McLaughlin, alone and on behalf of those of my neighbors who share the sentiments of this letter-- written as Residents of the City of New York, as Residents of the Upper East Side of Manhattan and as Tenants of First Avenue Estate.

CC:

Historical Associations:

First Avenue Estate Tenants Organization  
Friends of First Avenue Estate  
Friends of Upper East Side Historic Districts

Politicians:

Bill DeBlasio, Public Advocate  
Carolyn Maloney, Congress Member  
Community Board 8 Landmarks Committee  
Jessica Lappin, City Council Representative  
Dan Quart, Assembly Member  
Liz Kruger, Senator  
Micah Kellner, Assembly Member  
Michael Bloomberg, Mayor  
Scott Stringer, Manhattan Borough President

LPC Members:

Hon. Robert B. Tierney, Chair  
Hon. Pablo E. Vengoechea, Vice Chair  
Hon. Frederick Bland  
Hon. Michael Goldblum  
Hon. Diana Chapin  
Hon. Michael Devonshire  
Hon. Joan Gerner  
Hon. Christopher Moore  
Hon. Margery Perlmutter  
Hon. Elizabeth Ryan  
Hon. Roberta Washington

Press:

Curbed New York  
East Side Our Town  
New York Observer  
The New York Times  
The New York Post



Landmarks Preservation  
Commission

1 Centre Street  
9th Floor North  
New York, NY 10007

212 669 7700 tel  
212 669 7960 fax

## PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date JUNE 11 2013

Item # 1

FIRST AVENUE ESTATE  
CITY + SUBURBAN  
HOMES CO

Item Address 429 E 64 St aka 430 E 65 St

☐

In favor of proposal

☒

Against proposal

☐

Other position

JOY KIERAS

Name

414 E 65 St 41 NY 10065

Address

concerned CITIZENS of 64th-65th streets, First Ave NYC

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

If you need additional space, please use the other side.

Good afternoon Commissioners. Thank you for your work.

I am Joy Heaney Kieras, a resident of First Avenue Estate (FAE), at 414 E 65<sup>th</sup> Street. These remarks accompany my written testimony, which chiefly addresses the owner's responses to the 46 questions posed by the Commission after the last hearing.

The owner disparages the layout, design, and uniqueness in FAE of the Subject Buildings (SB). Yet these buildings reflect a decade of built experiments in the 9 buildings constructed in York Avenue Estate (YAE), the model tenement complex at 79<sup>th</sup> Street and York Avenue.

He envisions insurmountable difficulties in storing and moving materials and supplies for reconstruction and rehabilitation. All buildings in FAE have full basements, once offered to tenants for storage and a special room for baby carriages. These are dry, clean, empty and accessible.

The owner claims he can't make a 6% profit on these 2 buildings. Yet he chooses financial loss by offering cut-rate rent, "preferential rents" of 21 to 30% in the Other Buildings (OB).

Can this be philanthropy? The City and Suburban Homes Company eschewed this and always made a profit.

The new windows punched out about 1/4<sup>th</sup> the windows in these 2 buildings and claims "improve aesthetics" and being a little bigger, increase "light and air." There is no support for this fanciful and preposterous claim for "improved aesthetics."

To rent the 750 apartments in the rest of FAE, the owner has a rental office, where mainly one person also schedules routine maintenance and repairs, and emergencies. To attract new renters, the owner relies on word of mouth, referral by tenants, etc.

With a 20% vacancy rate in the 750 apartments (50% in the SB), does this seem to be a sound rental policy and prudent practice?

To the owner's claims of upgrades and services, we offer one example and the picture is mixed.

Lastly, the owner disparages the small size of the apartments in these 2 buildings. Yet, the shortage of affordable housing in NYC recently prompted a competition for apartment designs of even smaller size (about 220-450 square feet). The Museum of the City of New York held an exhibition afterwards.

Concerned Citizens of 64<sup>th</sup>-65<sup>th</sup> streets, First to York Avenues

Thus, a century ago, the City and Suburban Homes Company seems far-sighted as it built to high standards-even today-1,000 apartments with heralded designs and layouts for working people at affordable rents.

Imagine that! The Old is New!

Reject the application of the owner! Thank you.

Testimony at the Landmark Preservation Commission (LPC) hearing on June 11, 2013 in opposition to the Certificate of Appropriateness on the application filed in 2010 by the owner, Stahl York Avenue Co. LLC, to demolish 429 E 64<sup>th</sup> St and 430 E 65<sup>th</sup> St for economic hardship. These 2 buildings completed First Avenue Estate (FAE), the full-block model tenement development by the City and Suburban Homes Company. After the first hearing (January 2012), the LPC sent the owner a list of 46 questions. Some of the owner's responses to the questions will be discussed here.

In his response, the owner states that these buildings—the Subject Buildings compared to Other Buildings in FAE—have *tiny, awkwardly laid-out apartments* (accompanying cover letter of Paul Selver, Kramer Levin Naftalis & Frankel LLP), *constricted stairwells and common areas* (Q29R)\*, *poor layouts* (Q35) even after improvements *deficient in layout and quality of finishes compared to like-kind apartments on the same block and in the competitive market* (Q35bR), *a single egress from each building* (Q35aR), an assertion of higher building density *The Subject Buildings contain 412 units per acre. For the Other Buildings the density is 322 per acre* (see also Table) (Q43fR), small size *The apartments in the Other Buildings, while small, average 450 square feet in size. They are therefore larger than the apartments in the Subject Buildings, which have an average size of 370 square feet...* (Q15R), harder to rent *...Other Buildings and their units and overall room size and dimensions are superior to the Subject Buildings, making them more appealing to a tenant.* (Q45aR), distant from services *...Other Buildings are somewhat closer to the retail uses along First and Second Avenues and to the Lexington Avenue subway than are the Subject Buildings.* (Q15R).

The owner's claim of economic hardship focuses on the original layout and design of the buildings—finding insurmountable flaws. Meanwhile he ignores the significant successes of the design such as windows in every room, eat-in kitchens (roomy enough for a full-size table and chairs), built-in closets and cabinets, full-baths, entry foyers, wood flooring, cross-ventilation and abundant light and air.

These successes have been discussed and described in many places. We cite here three who specifically supported us in First Avenue Estate's efforts to obtain landmark status: Mary B. Dierickx, who prepared our report on First Avenue Estate in 1989 for the Commission, Mr. Andrew S. Dolkart, who prepared the National Register of Historic Places-Nomination in 1986—successfully placed on both the New York State and National Registers, and testified, most recently at the first hardship hearing (January 2012), and, Mr. Richard A. Plunz, who testified before the Commission in 1989 and has written on the history of urban housing "A History of Housing in New York City" (2000 pp 99-103). The Research Department's Report, and Gale Harris, in particular, have provided us with invaluable information.

In an additional response, the owner claims necessary rent cuts *...in 2011 61 apartments the Other Buildings were leased. ...39 of 61 apartments... requiring a preferential rent.* (Q26R), an average voluntary rent reduction of 21.5%. *Please explain why the owner is "collecting preferential rents from the rent regulated apartment to a tenant who is "unable or unwilling to pay legal recorded rent"?* (Q43j). *Legal rents for individual apartments may be greater or less than the market will bear. A preferential rent preserves the legal rent levels to which future Rent Guidelines Board increases apply.* (Q43jR) An example is offered: *\$2,300 is the monthly rent for this unit allowed under Rent Stabilization, and that the unit is actually for a preferential rent of \$1,600. This preferential rent, which reflects the market rent that can be actually be achieved for this unit...* (Q43gR), a rent reduction of 30%.

The economic hardship rationale claimed by the owner for the Subject Buildings is interesting to compare with the choice of voluntary economic loss for the Other Buildings.

The common area floors and stairs are washed less frequently, and waxed even less frequently. The building was wired for Time Warner cable television soon after it became available in the area and functions well in my experience. Some services have changed. An outside contractor does the apartment painting, for a few years now. There is now a single plasterer for the entire complex; he is very busy and not easy to schedule. In my apartment, the statutory air-conditioner is no longer serviced, the renting office claimed last summer; another tenant states the same response.

On the basis of our evaluation of the owner's claims, we urge the LPC to reject the application. Thank you for your consideration.

Joy Kieras, Concerned Citizens of 64<sup>th</sup>-65<sup>th</sup> Streets, First to York Avenues 414 E 65 St #4I, NY 10065

\*Q-Question number by Commission R-Response by owner.

June 11, 2013



Landmarks Preservation  
Commission

1 Centre Street  
9th Floor North  
New York, NY 10007

212 669 7700 tel  
212 669 7960 fax

## PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 6 / 1 / Item #

Item Address

☐

In favor of proposal

☒

Against proposal

☐

Other position

Jay Kusnetz  
Name

430 E 65 Apt 30  
Address

self  
Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

If you need additional space, please use the other side.





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Commission

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New York, NY 10007

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## PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date June , 11 , 2013 Item # \_\_\_\_\_

Item Address FAE - 429 / 130

☐

In favor of proposal

☐

Against proposal

☐

Other position

Gerald Bunting

Name

429 E. 64 St.

Address

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

If you need additional space, please use the other side.



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New York, NY 10007

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## PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 6, 11, 13

Item # City of Suburban  
#1

Item Address \_\_\_\_\_

☐

In favor of proposal

☒

Against proposal

☐

Other position

MARIE

BEIRNE

Name

3 pelen Cooper Rd

NY 10010

Address

City of Suburban Archery Room

Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

If you need additional space, please use the other side.

Good afternoon Chairman Tierney and Commissioners:

I am Marie Beirne, representing the City & Suburban Homes Archive Room. Since 1984, When the tenants first received notice that Mr. Peter Kalikow had purchased the site, the community has worked fervently on the campaign to landmark City & Suburban Homes – both the York Avenue Estate and First Avenue Estate.

The Coalition to Save City & Suburban Homes comprised of over two hundred civic and preservation organizations in New York City and the City & Suburban Home tenants association have maintained that each estate, each site is a complete entity, and each site must be preserved as a whole.

At one time during his ownership of the property, Mr. Kalikow warehoused close to 50 % of the property, almost half of 1,300 apartments, creating a self-imposed financial hardship.

I lived in City & Suburban for 19 years...and at that time, watched it be emptied out and at times there was no one above, below or on the side of my apartment...I called it "Little House on the Prairie"... today, under new ownership, most apartments are inhabited with folks who think nothing of walking up 6 flights of stairs, who appreciate the opportunity to live in Manhattan...maintaining a presence of the Middle Class in our beloved borough.

Please turn down this application for this self-imposed financial hardship.

Thank you,

Marie Beirne

3 Peter Cooper Road, Apt 8d, NY, NY 10010



Landmarks Preservation  
Commission

1 Centre Street  
9th Floor North  
New York, NY 10007

212 669 7700 tel  
212 669 7960 fax

## PUBLIC HEARING SPEAKER SIGN-IN SHEET

If you wish to speak, please complete this form. In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Date 6 / 11 / 2013 Item # ~~21~~ # 1

Item Address 429 East 64<sup>th</sup> Street / City & Suburban Homes

☐

In favor of proposal

☒

Against proposal

☐

Other position

Lo van der Valk  
Name

Address

Carnegie Hill Neighbors  
Representing

If you would rather leave a statement, complete and return to the Reception Desk, or mail the form to the Commission at the above address, attention: Jenny Fernández, Director of Intergovernmental and Community Relations.

If you need additional space, please use the other side.

## JUNE 11, 2013- TESTIMONY BY JOYCE MATZ AT LANDMARK PRESERVATION COMMISSION REGARDING CITY & SUBURBAN YORK AVE.

City & Suburban's York Ave Estate on 79<sup>th</sup> Street and York Ave was ruled by the court to be a single landmarked site and not 12 individual landmarks. Consequently one site in the entire complex could not be removed from designation. It follows that the City & Suburban complex on 65-66<sup>th</sup> streets should be judged in the same way—as one complete landmark- and not as individual landmarks.

Consequently, when judging this latter complex, they must be judged as a whole and not as individual buildings. So if one site in the entire complex is badly painted or left to rot, the entire complex must be judged as a whole. If the whole is designated, this effort by the owner to demean one building out of the whole, the owner of the complex has endeavored to demean the entire block, thus instituting a self imposed hardship on the whole. I do not believe that the commissioners can be fooled by this underhanded attempt by the owner to cause himself a hardship.

Many of the vacant apartments and the exterior have been kept in disrepair. So that when they are shown to prospective renters they are turned off by how ugly and in what bad condition the one building appears to be. Consequently they are not easily rented because of their terrible condition. That leads inevitably to people not wishing to rent them- which leads to many empty apartments. In that way, the owner makes sure there are empty apartments. That is his argument. That he can't rent apts. Of course he makes sure no one will rent, they are in such bad condition- and not worth the money he is asking for them. Is he asking too much? Of course, when you consider their condition. Were he to clean and repair them they would be easy to rent.

Everywhere throughout the city, people are hungry for apartments. Searching for them. But no one, no matter how needy, do people want to live in dirty, broken down apts. And the owner makes certain no one will rent when he asks too much for these unpleasant homes. It is a round robin. He doesn't want to rent—so keep them unpleasant, broken down and dirty, with nothing working, holes in walls, no heat or hot water- old sinks and dish washers. And what do you have but unrentables. Paint the exterior a terrible color, so no one will even want to look inside. This is a very simple case to understand. Deception, and self imposed hardship.

Admittedly, too, some tenants are not paying their rents. Is that because the landlord is not pursuing the rent? Not asking for it? Nor are tenants refusing to pay because repairs on their apartments have not been done by the owner?

In addition, the rental office keeps no record of those seeking apartments, how many have applied, who they are and why they don't take an apartment. There are more questions than answers. But the answers are very simple. The owner has made sure that no one will rent! Actually, the owner purposely keeps apartments empty. So he can claim they can't be rented.

June 11, 2013

From Iraida Pagan-Charry

Chairman Robert B. Tierney  
NYC Landmarks Preservation Commission  
Municipal Building  
1 Centre Street, 9<sup>th</sup> flr  
New York, N.Y. 10007

Re: City & Suburban Homes Company  
First Avenue Estate  
429 East 64<sup>th</sup> Street & 430 East 65<sup>th</sup> Street, Manhattan  
(Block 1459 Lot 22)

Dear Chairman Tierney and fellow Commissioners,

I have been a tenant of 429 East 64<sup>th</sup> Street for 45 years now. I strongly request to stop Mr. Stahl's plan to demolish these two historic and landmarked buildings. Please preserve them. These apartments can easily be renovated and repaired and rented for twice the amount that Mr. Stahl has claimed (\$600.00-\$800.00). Warehousing these many vacant apartments for the sake of claiming economic hardship is self-inflicted.

My husband and I raised our son in our one bedroom apartment. These units are indeed suitable for families. We like our neighborhood, we know our neighbors, who are nice people. We like our living quarters; we keep our apartment clean and livable. We are senior citizens, for us it is very difficult to find affordable housing in New York City.

In 1968, I started paying \$103.00 a month for rent. I currently pay \$950.00 per month. I must note that some neighbors are paying over \$1,200.00 a month and not \$600.00 as Mr. Stahl has stated the average rent to be. If Mr. Stahl would improve the conditions of these buildings with a restoration, we would gladly cooperate by paying some periodic additional rent charges. Please do not tear down our homes. Thank you for your time.

Sincerely,

A handwritten signature in black ink that reads "Iraida Pagan-Charry". The signature is written in a cursive, flowing style.

Iraida Pagan-Charry