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 64th  430 E 65th

☐ In favor of proposal  ☐ Against proposal  ☑ Other position

________________________
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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If you need additional space, please use the other side.
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 64th Street and 430 East 65th 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 new 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.\footnote{Project Consult 3/23/11, Exhibit 2; Gleeds 8/27/12, Exhibit 2} 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.\footnote{Gleeds 8/27/12, Cost Summary Pg. 1-2}

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.\footnote{Cushman Wakefield, 5/1/10 Pg. 27} “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.\footnote{Cushman Wakefield, 5/1/10 Pg. 29}

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,
while burdened by a 24% vacancy rate in the Other Buildings. 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. 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 1/40th 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.” We couldn’t agree with him more and thus we urge the Commission to deny this application.

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5 Responses to LPC, Pg. 30
6 Responses to LPC, Pg. 15; Responses to LPC, Pg. 46; Responses to LPC, Pg. 3
7 Stahl Letter 10/11/12 Pg. 4
PUBLIC HEARING SPEAKER SIGN-IN SHEET

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Item Address 429 E 64TH / 436 E 65TH

☐ In favor of proposal ☐ Against proposal ☒ Other position

____________________
Name

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Address

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

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

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**

<table>
<thead>
<tr>
<th>Net Vacancy Rate</th>
<th>All Vacant Units for Rent</th>
<th>All Manhattan Vacant Units for Rent</th>
<th>Rent Stabilized Units</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Built Pre-1947</td>
<td>Built Post-1947</td>
</tr>
<tr>
<td>3.12%</td>
<td>2.80%</td>
<td>2.54%</td>
<td>2.91%</td>
</tr>
</tbody>
</table>

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.\(^1\) 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 recession period nationally), still just below HR&A's assumption.\(^2\) 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

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\(^1\) Cushman & Wakefield, 2012, p. 21
\(^2\) 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 79th 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 2nd Avenue and between 61st and 79th 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. 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 64th & 430 East 65th

<table>
<thead>
<tr>
<th>Studio</th>
<th>1 Bedroom</th>
<th>2 Bedroom</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,336</td>
<td>$1,616</td>
<td>$1,964</td>
</tr>
</tbody>
</table>

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.

**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

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3 HR&A used the same discount established by Cushman & Wakefield’s 2009 report.
4 Letter from Gregg S. Wolpert, Exhibit E. Large average apartment sizes were recorded for 322 East 61st 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 61st Street, share the lot.
appropriateness of unit sizes, HR&A analyzed New York City PLUTO tax lot data for the comparable buildings.\(^5\) 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>
<thead>
<tr>
<th>Comparable Properties</th>
<th># Units</th>
<th>Average Gross Area per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>347 East 65th Street</td>
<td>20</td>
<td>450</td>
</tr>
<tr>
<td>400 East 64th Street</td>
<td>16</td>
<td>393</td>
</tr>
<tr>
<td>326 East 61st Street</td>
<td>20</td>
<td>429</td>
</tr>
<tr>
<td>322 East 61st Street</td>
<td>32</td>
<td>667</td>
</tr>
<tr>
<td>340 East 61st Street</td>
<td>20</td>
<td>476</td>
</tr>
<tr>
<td>342 East 61st Street</td>
<td>14</td>
<td>523</td>
</tr>
<tr>
<td>1154-56 1st Avenue</td>
<td>16</td>
<td>665</td>
</tr>
<tr>
<td>304 East 62nd Street</td>
<td>27</td>
<td>561</td>
</tr>
<tr>
<td>404 East 63rd Street</td>
<td>22</td>
<td>455</td>
</tr>
<tr>
<td>1470-1494 York Avenue</td>
<td>1,324</td>
<td>508</td>
</tr>
<tr>
<td><strong>Comparable Properties</strong></td>
<td></td>
<td><strong>513</strong></td>
</tr>
<tr>
<td><strong>Subject Properties</strong></td>
<td></td>
<td><strong>446</strong></td>
</tr>
</tbody>
</table>

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.

\(^5\) 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.\(^6\) 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 Claims:** 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.

\(^6\) Most recently viewed on 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 79th 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 79th 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, 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 79th 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 IAI 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. Prior to passage of the Rent Act of 2011, stabilized units were eligible for an increase equal to 1/40th of renovation costs regardless of the number of units in a building. 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.

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7 See testimony of architectural historian Andrew Scott Dolkart, January 24, 2012.
8 Letter from Gregg S. Wolpert, Exhibit B
9 The Rent Act of 2011 limited the recoverable renovation cost for buildings with more than 35 units to 1/60th of renovation costs.
10 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 submission the same methodology described in its 2012 report to calculate the return on investment for the Subject Properties. 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. 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 Consultant’s 2011 report, which estimated costs to renovate apartments to a minimally habitable

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11 HR&A 2012 Report, p. 2
standard, based on a survey of vacant apartments of varied sizes and conditions.\textsuperscript{13} This investment was adjusted to account for the 97 units that were assumed to be vacant in the 2009 test year.\textsuperscript{14,15} This resulted in a total investment of $4,341,773.

\textbf{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.

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

\begin{footnotesize}
\begin{itemize}
\item[\textsuperscript{13}] 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.
\item[\textsuperscript{14}] HR&A 2012 Report, p. 3
\item[\textsuperscript{15}] 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.
\end{itemize}
\end{footnotesize}
### Table 4: Pro-forma Analysis

#### Assumptions

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Real Estate Taxes</td>
<td>$579,757</td>
</tr>
<tr>
<td>In-Unit Renovation Costs</td>
<td>$4,018,385</td>
</tr>
<tr>
<td>45% of Capital Renovation Costs</td>
<td>$1,808,273</td>
</tr>
<tr>
<td>Property Assessed Value</td>
<td>$2,533,500</td>
</tr>
<tr>
<td><strong>Total Investment (ROI denominator)</strong></td>
<td><strong>$4,341,773</strong></td>
</tr>
<tr>
<td># of Units</td>
<td>190</td>
</tr>
<tr>
<td>Average Unit Size</td>
<td>371</td>
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<td>Depreciation Factor</td>
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#### Income

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<td>Miscellaneous Revenue</td>
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<td><strong>Total Gross Income</strong></td>
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#### Operating Expenses

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<td>Legal &amp; Profession Fees</td>
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<td>Painting &amp; Supplies</td>
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#### Net Operating Income

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#### Rate of Return

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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.

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<th>Average Monthly Rent</th>
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<td>$36</td>
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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 62nd Street
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<th>Unit</th>
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<th>Vacancy Increase</th>
<th>IAI Charge</th>
<th>Last Legal Rent</th>
<th>New Legal Rent&lt;sup&gt;16&lt;/sup&gt;</th>
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<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.
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<th>Unit</th>
<th>Rooms</th>
<th>Condition</th>
<th>Vacancy Increase</th>
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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 # 1

Item Address 429 E 64  470 E 65

☐ In favor of proposal  ☐ Against proposal  ☑ Other position

TONY MORENZI / MICH 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.
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 64th Street and 430 East 65th 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.

654 Legislative Office Building, Albany, NY 12248 • (518) 455-5676, FAX (518) 455-5282
1365 First Avenue, New York, NY 10021 • (212) 860-4906, FAX (917) 432-2983
E-mail: KellnerM@assembly.state.ny.us
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 $40,000 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 & RAISING, Rates skyrocket as aps 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.
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 64th Street and 430 East 65th 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 1/40th 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.
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 64th  430 E 65th

☐ In favor of proposal  ☐ Against proposal  ☑ Other position

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Name

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Address

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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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If you need additional space, please use the other side.
Testimony of State Senator Liz Krueger
Before the Landmarks Preservation Commission
Regarding First Avenue Estate
June 11th, 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 64a Street and 430 East 65a 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.
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

NADEZHDA WILLIAMS

Name

Address

HISTORIC DISTRICTS COUNCIL

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.
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.
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 11/13/13 Item # 1

Item Address City + Suburban

☐ In favor of proposal ☑ Against proposal ☐ Other position

Francine Morales  Ronda Wist

Name

111 W. 57th Street

Address

Municipal Arts Society

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.
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 929 E 64th  430 E 65th

☐ In favor of proposal ☐ Against proposal ☒ Other position

Patrick Solowyn
Name

Address

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.
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 419 E. 64th 430 E 65th

☐ In favor of proposal  ☐ Against proposal  ☑ Other position

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.
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/$5,089,790 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.
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 / 13  Item #: 1

Item Address 479 E. 60th St. (City & Suburb Only)

☐ In favor of proposal ☑ Against proposal ☐ Other position

Mathew Coorey  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.

If you need additional space, please use the other side.
June 11, 2013

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

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

Mr. Chair and Honorable Commissioners:

429 East 64th Street, aka 430 East 65th 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.
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.
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 11/12/2013  Item #1

Item Address 429 E. 64 St. - 430 E. 65 St.

☐ 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 65th 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 64th 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 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 hard financial times. Especially for those who do not have the wherewithal for fancy high-rises.

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.

Please do not support this application.

Thank you for hearing my testimony today.

Judith E. Schneider

340 East 64th Street
New York, NY 10021
Tel 212 755-1296  E-mail jes24@nyc.rr.com
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 + Suburb)

☐ In favor of proposal  ☒ Against proposal  ☐ Other position

Michael Hirsch  

Name

245 E. 62nd 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.
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: 6/14/13

Item #: 1

Item Address: 425 E 64th

☐ In favor of proposal  ☐ Against proposal  ☐ Other position

Anne Reynolds  
Name

Address: 435 E 65th

Representing: 435 East 65th Corp

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

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 65th 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 64th and 65th 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 65th 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 1st 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 65th Street I respectfully request that the ridiculous request for a hardship waiver be denied and that the Landmark Status granted to 439 East 64th Street and 430 East 65th Street remain.

Sincerely,

Arlene Prince
President
435 East 65th Corp.
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  1, 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.
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 01/11/13  Item # 1

Item Address 429 E 64th St City & Suburban Homes

☐ In favor of proposal  ☑ Against proposal  ☐ Other position

CHRISTABEL GOURT
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.
429 East 64th Street, aka 430 East 65th 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.
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 Address: FAE 429/430

[ ] In favor of proposal  [ ] Against proposal  [ ] Other position

Jeanne Scott Monck  
Name

429 6. 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.

[Signature]
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 04/11/2013 Item # 1

Item Address 429/430 E 64/65 St

☐ 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 copies of written testimony with related attachments and one attachment - only 1 copy of plans of renovations dated at 413-419 E 73 St.

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 64th Street and 430 E 65th Street, Stahl York Ave, LLC, demolition of the buildings.
June 11, 2013 in the Commission’s Offices at 1Centre 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
treecap@com
212-761-1350

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

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. 64th 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. 64th Street and 430 E. 65th 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 78th and 79th Streets next to the East River and 413-419 E. 73rd 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 21st 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. 73rd Street. It has two entrances at, 415 and 419, on the north side of E. 73rd 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 73rd Street façade/parapet, installation of air conditioning sleeves on 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.
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Table Summary of DOB Information on Improvement of 423-376 E 73 St, NYC

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**Description**

- **Plumbing**
  - Fixtures
  - Plumbing

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- 796458

**Status**

- Issued
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Table summarizing DOB BIS information on improvements per 431-19E 73a NYC
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... 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: NO
Local Law: Loft Law: NO
SRO Restricted: NO
TA Restricted: NO
UB Restricted: NO
Little 'E' Restricted: N/A
Grandfathered Sign: NO
Legal Adult Use: City Owned: NO
Additional BILNs 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: CA-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.

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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.

http://a810-bisweb.nyc.gov/bisweb/PropertyProfileOverviewServlet?boro=1&houseno=41... 6/10/2013
### NYC Department of Buildings

**Job Overview**

Premises: 413 EAST 73 STREET MANHATTAN

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[Show All BIS Job Types] [ ] [Show All Filings] [ ] [APPLY]

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Work on Floor(s): ROF

10/05/2007 104921195 01 A2 X SIGNED OFF 09/05/2008 0012965 RA RYCAR
PARTITION AND PLUMBING WORK IN EXISTING APARTMENT ALL AS PER PLANS AND
Work on Floor(s): 005 005 thru 005

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Work on Floor(s): 003

07/10/2008 104921195 02 A2 P APPROVED 07/29/2008 RYCAR
POST APPROVAL AMENDMENT FOR 01
Work on Floor(s): 005 005 thru 005

12/01/2008 110150112 02 A2 P APPROVED 01/23/2009 RYCAR
POST APPROVAL AMENDMENT FOR 01
Work on Floor(s): 003

05/28/2009 120047092 01 A2 X SIGNED OFF 01/19/2010 0023320 RA GOULD
MODIFICATION OF INTERIOR PARTITIONS, CEILINGS AND PLUMBING FIXTURES AS SHO
Work on Floor(s): 001

07/10/2009 120102110 01 A2 X SIGNED OFF 01/19/2010 0023320 RA GOULD
MODIFICATION OF INTERIOR PARTITIONS, DOORS, FLOORING, FRAMES, MILLWORK, HA
Work on Floor(s): 004, 005

10/06/2009 120172142 01 A2 X SIGNED OFF 04/15/2010 0023320 RA GOULD
MODIFICATION OF INTERIOR PARTITIONS, DOORS, FLOORS, CEILINGS AND PLUMBING FIX
Work on Floor(s): 003

10/06/2009 120172142 02 A2 X SIGNED OFF 04/15/2010 0023320 RA GOULD
MODIFICATION OF STRUCTURAL BEAM AND RELATED WORK AS SHOWN ON SUBMITTED PLA
Work on Floor(s): 003

11/17/2009 120102110 02 A2 P APPROVED 11/19/2009 GOULD
POST APPROVAL AMENDMENT FOR 01
Work on Floor(s): 004, 005

05/02/2011 120673248 01 A3 R PERMIT-ENTIRE 05/02/2011 0066791 PE PARIHAR
PROPOSED INSTALLATION OF HEAVY DUTY SIDEWALK SHED FILED FOR REMEDIAL REPAIR
Work on Floor(s): OSP

05/09/2011 120685339 01 A3 X SIGNED OFF 11/16/2011 0072914 PE AHMED
FACADE MASONRY REPAIR, NO CHANGE IN USE, OCCUPANCY AND EGRESS OF THE PROPE
Work on Floor(s): ROF 001 thru 006

Job Overview

05/11/2011 120688924 01 A2 X SIGNED OFF 02/13/2012 0012965 RA RYCAR
INSTALLOCATION OF NEW AIRCONDITIONER SLEEVES AT FRONT FASADE. ALL AS PER PLAN
Work on Floor(s): 001 thru 006

05/10/2011 120690234 01 A3 R PERMIT-ENTIRE 05/16/2011 0066791 PE PARIHAR
PROPOSED INSTALLATION OF PIPE SCAFFOLD FOR REMEDIAL REPAIRS AS PER PLANS.
Work on Floor(s): OSP

04/13/2012 121012554 01 A3 R PERMIT-ENTIRE 05/07/2012 00686964 PE BRAY
REP EXSTG TELECOM. CABINETS ON ROOF. REPLACE & ADD ANTENNAS ON ROOF. ALL I
Work on Floor(s): ROF

05/10/2012 121074719 01 A2 X SIGNED OFF 11/13/2012 0023320 RA GOULD
INTERIOR RENOVATION OF EXISTING APT, WORK TO INCLUDE MINOR PARTITIONS, FLO
Work on Floor(s): 001

07/18/2012 121115773 01 A2 X SIGNED OFF 02/25/2013 0023320 RA GOULD
MODIFICATION OF INTERIOR PARTITIONS, DOORS, FLOORS, PLUMBING FIXTURES AND
Work on Floor(s): 004

07/19/2012 121074719 02 A2 P APPROVED 07/30/2012 GOULD
POST APPROVAL AMENDMENT FOR 01
Work on Floor(s): 001

11/15/2012 121517652 01 A2 X SIGNED OFF 05/14/2013 0023320 RA GOULD
INTERIOR RENOVATION OF APT WORK TO INCLUDE PARTITIONS, FLOORS, DOORS, LIGH
Work on Floor(s): 004

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by
diaing 311 or (212) NEW YORK outside of New York City.
NYC Department of Buildings
Job Overview

Premises: 413 EAST 73 STREET MANHATTAN

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

Show All BIS Job Types [ ] Show All Filings [ ] APPLY

FILE DATE  JOB #  DOC #  JOB JOB STATUS  STATUS  LIC #  APPLICANT IN AUDIT  ZONING
  TYPE TYPE  DATE
12/21/2012 121469268  01  A2  R PERMIT-ENTIRE  05/09/2013  .0023320 RA GOULD  NOT APPLICATION
INTERIOR RENOVATION OF APT WORK TO INCLUDE PARTITIONS, FLOORS, DOORS, CEIL.
Work on Floor(s): 004

01/28/2013 121469268  02  A2  R PERMIT-ENTIRE  02/28/2013  0023320 RA GOULD  NOT APPLICATION
REMOVE LOAD-BEARING PARTITION WALL FOR NEW BEAM AS PER PLANS FILED HEREWITH
Work on Floor(s): 004

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.
CERTIFICATE OF OCCUPANCY


This certificate supersedes C. O. No.

To the owner or owners of the building or premises:

This CERTIFIES that the building—premises located at

146 East 73rd Street

comforms 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 646 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

Occupancy classification—Class #5. Mult. Dwell. Height 6 stories, 60 feet.

Date of completion—October 16, 1959. Located in Residence Use District.

This certificate is issued subject to the limitations hereinafter specified and to the following resolutions of the Board of Standards and Appeals:

PERMISSIBLE USE AND OCCUPANCY

<table>
<thead>
<tr>
<th>STORY</th>
<th>LIVE LOADS</th>
<th>PERSONS ACCOMMODATED</th>
<th>USE</th>
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<tbody>
<tr>
<td></td>
<td>liv per sq. ft</td>
<td>male</td>
<td>female</td>
</tr>
<tr>
<td>Cellar</td>
<td>on ground</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st story</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2nd to 6th story, incl.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2nd East 73rd Street part of building</td>
<td></td>
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</tr>
<tr>
<td>Cellar</td>
<td>on ground</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st story</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2nd to 6th story, incl.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2nd East 73rd Street part of building</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Storage.

Seven (7) apartments.

Eight (8) apartments on each story.

Boiler room and storage.

Seven (7) apartments.

Eight (8) apartments on each story.

Fuel Oil installation approved by Fire Department May 13, 1957.

CERTIFICATE WILL BE NULL AND VOID IF ALTERED IN ANY MANNER OR ADDITIONS ARE MADE THERETO.
NO CHANGES OF USE OR OCCUPANCY NOT CONSISTENT WITH THIS CERTIFICATE SHALL BE MADE UNLESS FIRST APPROVED BY THE BOROUGH SUPERINTENDENT.

Unless as approved 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 use 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 646 P. 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 P. 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.
### NYC Department of Buildings
#### Property Profile Overview

<table>
<thead>
<tr>
<th>Address</th>
<th>Manhattan</th>
<th>BIN#</th>
</tr>
</thead>
<tbody>
<tr>
<td>429 East 64 Street</td>
<td>10065</td>
<td>1078403</td>
</tr>
<tr>
<td>East 64 Street</td>
<td>NO NUMBER</td>
<td></td>
</tr>
<tr>
<td>York Avenue</td>
<td>429 - 429</td>
<td></td>
</tr>
<tr>
<td>Cross Street(s):</td>
<td>1 Avenue, York Avenue</td>
<td></td>
</tr>
</tbody>
</table>

**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

**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

**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.

<table>
<thead>
<tr>
<th>Complaints</th>
<th>Total</th>
<th>Open</th>
<th>Elevator Records</th>
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<td>Electrical Applications</td>
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<td>Violations-ECB (DOB)</td>
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<td>Jobs/Filings</td>
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<td>Illuminated Signs Annual Permits</td>
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<tr>
<td>ARA / LAA Jobs</td>
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<td></td>
<td>Plumbing Inspections</td>
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<tr>
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<td>Open Plumbing Jobs / Work Types</td>
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<td></td>
<td>Marquee Annual Permits</td>
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<tr>
<td>OR Select from List:</td>
<td></td>
<td></td>
<td>Boiler Records</td>
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<td></td>
<td></td>
<td></td>
<td>DEP Boiler Information</td>
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<td></td>
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<td>Crane Information</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>After Hours Variance Permits</td>
</tr>
</tbody>
</table>

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## NYC Department of Buildings
### Job Overview

Premises: 429 EAST 64 STREET MANHATTAN

<table>
<thead>
<tr>
<th>FILE DATE</th>
<th>JOB #</th>
<th>DOC #</th>
<th>JOB TYPE</th>
<th>JOB STATUS</th>
<th>LIC #</th>
<th>APPLICANT</th>
<th>ZONING APPROVAL</th>
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<tr>
<td>04/20/1998</td>
<td>101732261</td>
<td>01</td>
<td>A3</td>
<td>R PERMIT-ENTIRE</td>
<td>04/15/1999 0042545 PE</td>
<td>BLINN</td>
<td>NOT APPLICABLE</td>
</tr>
<tr>
<td></td>
<td>ERECT 130 FT OF HEAVY DUTY SIDEWALK SHED 8FT HIGH FOR EMERGENCY REPAIR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Work on Floor(s): GRD</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>INSTALLATION OF SHED 88 FT DURING FACADE REPAIR SHED TO COMPLY WITH</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td></td>
<td>Work on Floor(s): GRD</td>
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</tr>
<tr>
<td>12/07/1998</td>
<td>101985334</td>
<td>01</td>
<td>A3</td>
<td>X SIGNED OFF</td>
<td>09/07/2004 0026250 RA</td>
<td>Alwari</td>
<td>NOT APPLICABLE</td>
</tr>
<tr>
<td></td>
<td>Replacement of main roof Parapet walls at E 64th Street &amp; York Ave sides</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Work on Floor(s): 012</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>08/31/2004</td>
<td>103915678</td>
<td>01</td>
<td>A2</td>
<td>R PERMIT-ENTIRE</td>
<td>03/14/2013 0031182 RA</td>
<td>BRUNI</td>
<td>NOT APPLICABLE</td>
</tr>
<tr>
<td></td>
<td>The work shall include window replacement and exterior facade restoration</td>
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<td></td>
<td></td>
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<td></td>
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<tr>
<td></td>
<td>Work on Floor(s): 001 thru 006</td>
<td></td>
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<tr>
<td>10/02/2006</td>
<td>103915676</td>
<td>02</td>
<td>A2</td>
<td>D A/P ENTIRE</td>
<td>10/04/2006 0031182 RA</td>
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<tr>
<td></td>
<td>POST APPROVAL AMENDMENT FOR 01</td>
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<td>Work on Floor(s): 001 thru 006</td>
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<td>104597602</td>
<td>01</td>
<td>A3</td>
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<td>04/06/2011 0078402 PE</td>
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<tr>
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<td>Erect 200' of Heavy Duty Sidewalk Shed 300 psf in conj. with Appl. # 103915</td>
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<td>04/26/2007</td>
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<td>A3</td>
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<tr>
<td></td>
<td>ERECT PIPE SCAFFOLD A TOTAL OF 60' OF SCAFFOLD IN SIDE OF COURT - DURING</td>
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<td></td>
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<td>A3</td>
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<td>09/21/2009 0020419 RA</td>
<td>Hulme</td>
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<tr>
<td></td>
<td>INSTALL HEAVY DUTY SIDEWALK SHED A TOTAL OF 35'x35' OF SHED IN COURTYARD A</td>
<td></td>
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<td></td>
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<td></td>
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<td>02/28/2013 0080123 PE</td>
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</tbody>
</table>

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

<table>
<thead>
<tr>
<th>PMT NUMBER</th>
<th>SUB TYPE</th>
<th>SEQ</th>
<th>ISSUE DATE</th>
<th>EXPIRATION DATE</th>
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<td>01/05/2006</td>
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<td>11/21/2007</td>
<td>12/15/2008</td>
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<td>12/15/2009</td>
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<td>12/14/2010</td>
<td>12/14/2011</td>
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<td>09</td>
<td>12/13/2011</td>
<td>03/12/2012</td>
<td>T - ISSUED</td>
<td>ARTY FORMAN</td>
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<td>OT</td>
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<td>03/14/2012</td>
<td>03/12/2013</td>
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<td>103915676-01-EW</td>
<td>OT</td>
<td>11</td>
<td>03/14/2013</td>
<td>03/12/2014</td>
<td>T - ISSUED</td>
<td>ARTY FORMAN</td>
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</tbody>
</table>

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http://a810-bisweb.nyc.gov/bisweb/PermitHistoryServlet?requestid=3&allissn=0002509367... 6/11/2013
NYC Department of Buildings
Property Profile Overview

430 EAST 65 STREET
EAST 65 STREET 430 - 430
YORK AVENUE NO NUMBER

MANHATTAN 10065

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

BIN#: 1073404
Tax Block: 1459
Tax Lot: 22
Condo: NO
Vacant: NO

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

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.

C1-WALK-UP APARTMENT

Department of Finance Building Classification:

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.

<table>
<thead>
<tr>
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OR Select from List:
[ ] Select...
[ ] Show Actions

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.

http://a810-bisweb.nyc.gov/bisweb/PropertyProfileOverviewServlet?boro=1&houseno=43... 6/11/2013
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INSTALLATION OF 220 LINEAR FEET OF HEAVY DUTY SIDEWALK SHED FOR BUILDING
Work on Floor(s): OSP

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.
NYC Department of Buildings
Permit History

Premises: 430 EAST 65 STREET MANHATTAN
Bin: 1079404  Block: 1459  Lot: 22

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NYC Department of Buildings
Permit History

Premises: 430 EAST 65 STREET MANHATTAN
BIN: 1078404  Block: 1459  Lot: 22

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Job No: 120619107
Job Type: A3 - ALTERATION TYPE 3

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.
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.
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 __11__/__12__ 2012  Item #

Item Address  FAE / 429 - 430

☐ In favor of proposal  ☐ Against proposal  ☐ Other position

Kamila 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.
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 439 East 64th Street, aka East 65th Street - City and Suburban Houses

☐ 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, 9th 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
64th and 430 East 65th 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\(^1\), 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 worthy 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

\(^1\) 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\(^2\) and by the New York State Court of Appeals\(^3\)?

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\(^{th}\) question, Stahl states that “[m]aintenance and services in the Subject Buildings have not deteriorated since 1977 . . . “. Stahl then goes on to not 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.

\(^2\)N.Y. Real Prop.Law S 235-b.
(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 Cod 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.

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.
Monica A. McLaughlin  
430 East 65th 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 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.

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 Kriger, 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
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 themostly irrelevant documents) nowhere does Stahl say what “minimally habitable” means.

The **ONLY** meaningof “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 nouveaux 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?

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"?

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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.
June 11, 2013

NYC Landmarks Preservation Commission
FOIL Request portion Attn: Ms. Adrienne Asencio
One Centre Street, 9th 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 64th and 430 East 65th 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 market¹, 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

¹ 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\(^2\) and by the New York State Court of Appeals\(^3\)?

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\(^{th}\) question, Stahl states that “[m]aintenance and services in the Subject Buildings have not deteriorated since 1977 . . . “. Stahl then goes on to not 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 tastees!!!! 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.

\(^2\)N.Y. Real Prop.Law S 235-b.
(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 Cod 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.

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.

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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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Friends of Upper East Side Historic Districts

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Hon. Margery Perlmutter
Hon. Elizabeth Ryan
Hon. Roberta Washington
Press:

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New York Observer
The New York Times
The New York Post
June 9, 2013

NYC Landmarks Preservation Commission  
FOIL Request portion Attn: Ms. Adrienne Asencio  
One Centre Street, 9th 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 64th Street and 430 East 65th Street) -- $600/monthly Market Rate Rents claim 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 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\(^1\) 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.

<table>
<thead>
<tr>
<th>Address</th>
<th>2009 Monthly Rent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 429 E. 64th Str., Apt. 6A</td>
<td>$1,018</td>
</tr>
<tr>
<td>2 429 E. 64th Str., Apt. 3B</td>
<td>$1,009</td>
</tr>
<tr>
<td>3 429 E. 64th Str., Apt. 3C</td>
<td>$1,156</td>
</tr>
</tbody>
</table>

\(^1\)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.
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

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 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.
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.

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

CC:

Historical Associations:

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

Politicians:

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Carolyn Maloney, Congress Member
Community Board 8 Landmarks Committee
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Hon. Roberta Washington

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The New York Times
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June 11, 2013

NYC Landmarks Preservation Commission
FOIL Request portion Attn: Ms. Adrienne Asencio
One Centre Street, 9th 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
64th and 430 East 65th 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 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
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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.

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The New York Post
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: 42A E 64 ST a/ca 430 E 65ST ST HOMES CO

☐ In favor of proposal  ☒ Against proposal  ☐ Other position

____________________________  ______________________________
 name

____________________________  ______________________________
 Address

____________________________
 Representing

concerned Citizens of 64th-65th Streets, First Ave, York

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 65th 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 79th 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 1/4th 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.
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 64th St and 430 E 65th 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 64th-65th Streets, First to York Avenues 414 E 65 St #4I, NY 10065

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

June 11, 2013
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 6/1/1 Item #

Item Address

☐ In favor of proposal ☑ Against proposal ☐ Other position

Jay Kushner
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.
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: 11/11/2013

Item Address: SAE - 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.
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 + Suburban

Item Address

☐ In favor of proposal ☑ Against proposal ☐ Other position

MARIE BEIRNE
Name

3 PETER COOPER RD 7 Y 10-010
Address

City + Suburban Archive 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 Fernandez, 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
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 # 25  # 1

Item Address 429 East 64th Street/City of Suburban Homes

☐ In favor of proposal  X Against proposal  ☐ Other position

Lo van der Valk
Name

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 79th 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 65-66th 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.

-30-
June 11, 2013

From Iraida Pagan-Charry

Chairman Robert B. Tierney
NYC Landmarks Preservation Commission
Municipal Building
1 Centre Street, 9th flap
New York, N.Y. 10007

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

Dear Chairman Tierney and fellow Commissioners,

I have been a tenant of 429 East 64th 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,

Iraida Pagan-Charry