

LANDMARKS PRESERVATION COMMISSION  
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Landmarks Preservation Commission  
July 24, 2007 Designation List 394  
LP-2226

**FREDERICK C. AND BIRDSALL OTIS EDEY RESIDENCE**

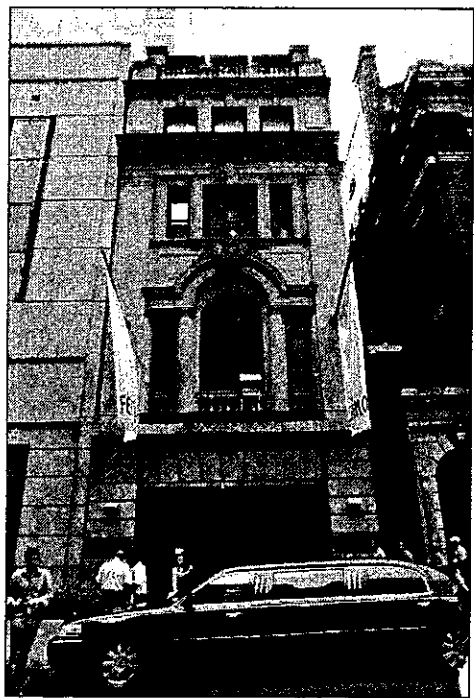
10 West 56<sup>th</sup> Street, Manhattan. Built 1901; Warren & Wetmore architects.

Landmark site: Borough of Manhattan, Tax Map Block 1271, Lot 46

On March 13, 2007, the Landmarks Preservation Commission held a public hearing on the proposed designation as a Landmark of the Frederick C. and Birdsall O. Edey Residence at 10 West 56<sup>th</sup> Street and the proposed designation of the related Landmark Site (Item No. 3). The hearing had been duly advertised in accordance with the provisions of law. Ten speakers testified in favor of designation, including New York City Council Member Daniel R. Garodnick, representatives of the Manhattan Borough President Scott M. Stringer, New York State Assemblyman Richard Gottfried, Manhattan Community Board 5, the Historic Districts Council, the New York Landmarks Conservancy, the Metropolitan Chapter of the Victorian Society in America, the West 54-55 Street Block Association and residents of the area. There were no speakers in opposition to designation. The owner submitted a statement in support of designation, with the condition that the company be allowed flexibility in changing the front display windows. In addition, the Commission has received letters from New York State Senator Liz Krueger and 21 members of the West 54-55 Street Block Association in support of designation.

Summary

In the first half of the nineteenth century, the area now known as Midtown Manhattan developed as a middle class residential district. During the building boom that followed the Civil War, four-story brick and brownstone-faced rowhouses were erected on the West 40s and 50s. By the turn of the century, the area had become home to many of the city's most affluent citizens. The lot at 10 West 56<sup>th</sup> Street was purchased in 1899 by a prominent financier, Frederick C. Edey, for his wife Birdsall O. Edey. Mrs. Edey was a distinguished New York citizen in her own right; a leader in the Women's Suffrage Movement and the National President of Girl Scouts of America from 1930 to 1935. In 1901, Frederick Edey hired the architectural firm of Warren & Wetmore to design 10 West 56<sup>th</sup> Street, one of several townhouses on the block being built for bankers in the early twentieth century; and West 56<sup>th</sup> Street between Fifth and Sixth Avenues became aptly known as "Bankers Row".



The elegant neo-French Renaissance Revival Style building at 10 West 56<sup>th</sup> Street is one of the few surviving townhouses designed by Warren & Wetmore. The first floor retains its rusticated piers at either side, which serve as a base for this slender building supporting two giant half columns. A modillioned cornice frames a grand sculptural Palladian window; with an elegant cartouche and keystone at the centerpiece of the design at the second level. A smaller tripartite window at the third level is succeeded by an attic with a balustraded parapet, and a dormered copper mansard roof.

Warren & Wetmore was a nationally significant architectural firm and this is a significant and early example of its more restrained use of the neo-French Renaissance Revival style that appears in later works, such as Steinway Hall (1924-25), and the Aeolian Building (1925-27) both designated New York City Landmarks. Many of the firm's other New York City buildings are also individual landmarks, including; Grand Central Station (1903-13), and the New York Yacht Club (1899-1900). Most of the residences along West 56<sup>th</sup> Street have been demolished or severely altered; making the Edey residence a rare survivor of Midtown Manhattan's residential past.

## DESCRIPTION AND ANALYSIS

### West 56<sup>th</sup> Street, between Fifth and Sixth Avenues<sup>1</sup>

The neighborhood of today's western Midtown Manhattan was initially developed after the Civil War, and gradually transformed from open farmland north of the city to a fringe area of shanty towns, stockyards, blacksmiths and similar hazardous or noxious manufacturing uses. The landscaping of Central Park, begun in 1857, however, combined with the northward growth of New York City on Manhattan Island, helped the area develop into a middle-class residential district, while pushing the shanty towns farther northward. During the building boom that followed the Civil War, four-story brick and brownstone-faced rowhouses went up on the streets of the West 40s and 50s, while larger mansions were erected along Fifth Avenue. Beginning in 1879, the Vanderbilt family built several mansions on the avenue. They had such an influence on the development of the neighborhood that the ten blocks off Fifth Avenue south of Central Park gradually became known as "Vanderbilt Row," one of the most prestigious residential districts in late-nineteenth-century New York.

Just three blocks south of Central Park, West 56<sup>th</sup> Street between Fifth and Sixth Avenues followed the trend of other blocks in the area as it became a fashionable location for many of the city's most affluent citizens.<sup>2</sup> While most of the lots on the West 56<sup>th</sup> Street block were occupied by modest brownstones by 1871, more upscale townhouses began to appear. In keeping with the taste of the time, many of the facades of the older rowhouses from the 1860s and 1870s had been given new facades, or had been replaced altogether with more up-to-date Georgian- and neo-Renaissance style houses. Within the first years of the twentieth century, the block quickly became associated with several other prominent bankers who also hired well-known architects to design their fashionable townhouses: investment banker Henry Seligman commissioned C.P.H. Gilbert to design his neo-French Renaissance townhouse on two lots at 30-32 West 56<sup>th</sup> Street (1899-1901). Other nearby buildings included the Harry B. Hollins Residence at No. 12-14 (Stanford White of McKim, Meade & White, 1899-1901),<sup>3</sup> the Beaux-Arts style E. Hayward Ferry Residence at No. 26 (H.A. Jacobs, 1907),<sup>4</sup> the Arthur Lehman Residence at No. 31 (John Duncan, 1903-04) and the Edward Wasserman Residence (Henry Seligman's brother-in-law) at No. 33 (C.P.H. Gilbert, 1901-02). In 1899, financier Frederick C. Edey commissioned Warren & Wetmore to design a neo-Renaissance Revival style townhouse at 10 West 56<sup>th</sup> Street.

In the years following World War I, the mansions of Fifth Avenue and the lavish residences of the adjacent West 50s side streets began to give way to commercial uses and apartment house development. Seeking refuge from these changes, the wealthy families moved farther north to the Upper East Side. Most of the townhouses that survived were altered for commercial use on the ground floors. By the 1920s and 1930s, most houses on West 56<sup>th</sup> Street between Fifth and Sixth Avenues were occupied by those working in the garment trade. After the 1950s West 56<sup>th</sup> Street became known as "Eat Street" due to the large number of upscale restaurants that transformed the elegant facades to accommodate the growing demand for fine dining just off Fifth Avenue.

### Midtown & 10 West 56<sup>th</sup> Street<sup>5</sup>

The lot at 10 West 56<sup>th</sup> Street was purchased in 1899 by a prominent financier, Frederick C. Edey, for his wife Birdsall O. Edey.<sup>2</sup> The building at 10 West 56<sup>th</sup> Street was to be designed concurrently with 12-14 West 56<sup>th</sup> Street,<sup>6</sup> a designated NYC Landmark by the nationally prominent firm of McKim, Mead & White; however, construction was postponed due to a pre-existing covenant prohibiting building out to the lot line for twenty years. In 1901, the covenant expired and Edey hired the architectural firm of Warren & Wetmore to design the building. 10 West 56<sup>th</sup> Street was one of several townhouses on the block being built for bankers in the early twentieth century; and West 56<sup>th</sup> Street between Fifth and Sixth Avenues became aptly known as "Bankers Row." The Frederick C. & Birdsall Otis Edey Residence at No. 10 West 56<sup>th</sup> Street was constructed in 1901.

### Frederick and Birdsall Otis Edey<sup>7</sup>

Frederick Edey (1864-1926), son of the late stock broker Charles C. Edey, began his career in his father's brokerage firm, Charles C. Edey & Sons. In 1886 he joined the brokerage firm of H. B. Hollins & Co., founded by his friend and neighbor Harry B. Hollins, where he was a partner until October of 1892. Edey was also on the Board of Directors for the North Shore Traction Company, a railway investment firm chartered in 1892. Edey co-founded the brokerage firm Huhn, Edey & Co. (1904-1915) with fellow stock broker George A. Huhn. In 1915, Edey founded his last firm, Fred. Edey & Co., in which he remained a partner until his death in 1926. Edey held a seat on the New York Stock Exchange, and was a member of several prominent gentlemen's clubs: the Metropolitan, the Union Club, Turf and Field, the Riding Club and the National Golf Links. He also kept a large country estate in Bellport, Long Island.

Birdsall Otis Edey (1872-1940) a prominent New York City resident was the daughter of State Senator James Otis (1836-1898) from Bellport,<sup>8</sup> Long Island. A leader in the Women's Suffrage Movement, most notably recognized for her work with the Girl Scouts of America, Mrs. Edey was active in girl scouting from 1919, held many different positions and was the first editor of the *Girl Scout Leader Magazine*. She later served as National President of Girl Scouts of America for five years (1930-1935). Two Girl Scout camps were dedicated in her honor: Camp Birdsall Edey in Pleasant Township, Pennsylvania, (affiliated with the Penn Lakes Girl Scout Council, Inc.), and Camp Edey, in Bayport, New York, (affiliated with the Girl Scouts of Suffolk County.) Outside her work with the Suffrage and Scouting Movements, Mrs. Edey was a published poet; her most notable works are "Rivets" and "Butter Money."<sup>8</sup> Mrs. Edey was president of the Craftsman Group for Poetry, the director of the American Women's Association (1928-29), and a director of the Women's City Club. The Edeys were married in 1893; the couple gave birth to their only daughter, Julia, in July 1894.

### The Architects: Warren & Wetmore<sup>9</sup>

Whitney Warren (1864-1943), born in New York City, studied architecture privately, attended Columbia College for a time, and continued his studies at the Ecole des Beaux-Arts in Paris from 1885 to 1894. Upon his return to New York, he worked in the office of McKim, Mead & White. One of Warren's country house clients was Charles Delevan Wetmore (1866-1941). Borne in Elmira New York, Wetmore was a graduate of Harvard University (1899) and Harvard Law School (1892). He also studied architecture and had designed three dormitory buildings (c. 1890) on that campus before joining a law firm. Impressed by his client's architectural ability, Warren persuaded Wetmore to leave law and to establish Warren & Wetmore in 1898. While Warren was the principal designer of the firm and used his social connections to provide it with clients, Wetmore became the legal and financial specialist. Whitney Warren was also a founder of the Society of Beaux-Arts Architects and the Beaux-Arts Institute of Design.

Warren & Wetmore became a highly successful and prolific, largely commercial, architectural firm, best known for its designs for hotels and for buildings commissioned by railroad companies. The firm's work was concentrated in New York City during the first three decades of the twentieth century, but it also received projects across the United States and overseas. The designs were mainly variations of the neo-Classical idiom, including essays in the Beaux-Arts and neo-Renaissance styles. Warren & Wetmore's first major commission, the result of a competition, was the flamboyant New York Yacht Club (1899-1900) at 37 West 44<sup>th</sup> Street. Early residences by the firm included town houses on the Upper East Side, such as the Marshall Orme Wilson House, 3 East 64<sup>th</sup> Street (1904-05); the James A. and Florence S. Burden House, 7 East 91<sup>st</sup> Street (1902-05); and the R. Livingston and Eleanor T. Beeckman House, 854 Fifth Avenue (1903-05).<sup>10</sup> The firm of Warren & Wetmore was responsible for the design of the facades of the Chelsea Piers (1902-10, demolished) along the Hudson River between Little West 12th and West 23<sup>rd</sup> Streets; the Vanderbilt Hotel (1910-13), 4 Park Avenue, including Della Robbia Bar (with R. Guastavino Co. and Rookwood Pottery Co.) Aeolian Hall (1912-13) and a number of luxury apartment houses, such as No. 903 Park Avenue (1912).<sup>11</sup>

Warren & Wetmore is most notably associated with the design of Grand Central Terminal (1903-13, with Reed & Stem and William J. Wilgus, engineer), East 42<sup>nd</sup> Street and Park Avenue, as well as a number of projects in its vicinity.<sup>12</sup> Whitney Wetmore was the cousin of William K. Vanderbilt,

chairman of the New York Central Railroad, who was responsible for the firm's selection as chief designers. Nearby development by the firm over the span of two decades included: Hotel Belmont (1905-06, demolished); Ritz-Carlton Hotel (1910, demolished); The Biltmore Hotel (1912-14, significantly altered), Vanderbilt Avenue and East 43<sup>rd</sup> Street; Park Avenue Viaduct (designed 1912, built 1917-19); Commodore Hotel (1916-19, significantly altered), 125 East 42<sup>nd</sup> Street; Equitable Trust Co Building (1917-18), 347- 355 Madison Avenue; hotel Ambassador (1921, demolished); and New York Central Building (1927-29), 230 Park Avenue. Due to the firm's success with Grand Central Terminal it received commissions for other railroad stations for the New York Central, Michigan Central, Canadian Northern, and Erie Railroads. Notable among these are the Fort Gary Station (1909), Winnipeg, Canada; Yonkers Railroad Station (1911); Union Station (1911-12), Houston; and Michigan Central Station (1913-14, with Reed & Stem), Detroit.

The firm's later work displays an increased interest in the "composition of architectural mass."<sup>7</sup> Prominent later commissions included the Heckscher Building (1920-21), 730 Fifth Avenue; Plaza Hotel addition (1921), 2 Central Park South; Steinway Hall (1924-25); Aeolian Building (1925-27); Tower Building (1926), 200 Madison Avenue; Consolidated Edison Co. Building Tower (1926), 4 Irving Place; Erlanger Theatre (1926-27), 246-256 West 44<sup>th</sup> Street; and Stewart & Co. Building (1929, demolished), 721-25 Fifth Avenue. The Heckscher, Steinway, Aeolian, and Consolidated Edison Building show the firm's success in its use of setbacks and picturesque towers. Little was constructed by the firm after 1930. Whitney Warren retired from Warren & Wetmore in 1931, but remained a consulting architect. Charles Wetmore was the firm's senior partner until the end of his life.

### Design

Warren & Wetmore designed the Frederick C. and Birdsall O. Edey Residence in the neo-French Renaissance Revival style with a "modern French mode."<sup>13</sup> The restraint of the design is of special interest, coming as it does from a nationally prominent firm renowned for their more bold and creative interpretations of the French Renaissance Revival, Classical, and Beaux-Arts Styles. The Edey residence was constructed primarily of brick and limestone. It is a six-story townhouse with two sub-level floors. The slender, 25-foot-wide structure employs more direct historical precedent with sparse yet sculptural details than Warren & Wetmore's other house designs and buildings from the early period of the firm's career. The tripartite division of the façade, which emphasizes the middle stories between a strong cornice and a decorative course above a rusticated base, is characteristic of the neo-French Renaissance Revival Style. "Modern French mode" was part of a wider trend which balanced American style with French details. More important, its inherent modernity encouraged architects to employ new technologies and to explore new building types.<sup>14</sup>

From 1900 to 1914 Warren & Wetmore designed twelve residences in Midtown Manhattan. Their largest house was the Mr. and Mrs. Orme Wilson Residence at 3 East 64<sup>th</sup> Street (1900-03, now the Consulate General of India). Situated on a large triple lot, the mansion was designed for grand-scale entertaining. Elaborate foliate details were employed at the windows, front door and balustrade to contrast the smooth stone façade. The Sidney Dillon Ripley Residence at 16 East 79<sup>th</sup> Street (1901-03), a brick and limestone townhouse, is neo-French Renaissance Revival in design, with English terrace details. Warren & Wetmore went on to design several speculative houses in French Renaissance Revival style, with a mansard roof, elliptical dormers, a triple bay and balconettes. The pair at 832-34 Fifth Avenue (demolished 1930) and second pair that is still standing at 9 and 11 East 84<sup>th</sup> Street, are smaller in plan and elevation, but are in the same French Renaissance Revival Style. The George Henry Warren Residence, 924 Fifth Avenue (1902-3, demolished 1950); and the Robert Livingston Beeckman Residence, 854 Fifth Avenue (1903-5 permanent Mission of Serbia and Montenegro to the United States); both replicate the same use of restraint in the design elements as the Edey Residence. In the James A. Burden Residence, 7 East 91<sup>st</sup> Street (1902-5, now the Convent of the Sacred Heart), Warren & Wetmore skillfully combined the massing of an Italian Palazzo with true French details in the base, balustrade, and cornice. Due to the scarcity of land on the east side of Manhattan, the residences designed by Warren & Wetmore between 1909 and 1910 were smaller and less imposing, and include the H. D. Brookman

Residence, 5 East 70<sup>th</sup> Street (1909, demolished 1973) and the S. Reading Bertron Residence, 935 Fifth Avenue (1910, demolished 1953).<sup>15</sup>

#### Later History

The later history of the Edey residence followed in the same pattern as most Midtown residences as they converted to retail use, most often upscale dress shops, restaurants, furniture stores, or apartment house development. In 1919 when the Edeys sold their residence at 10 West 56<sup>th</sup> Street to the Frangold Realty Company, a sixth story was added.<sup>16</sup> The new owners leased the townhouse to an exclusive French dressmaker, Madame Frances Inc. Then the property was acquired by Frances and Nathan B. Spingold, owners of the 14 West 56<sup>th</sup> Street Corporation and Mme. Frances Inc. Between 1930 to 1945, the building was leased to Lloyds Furniture Galleries. It was during this time that alterations were done to widen the entrance to accommodate the merchandise.<sup>17</sup> The building is currently owned by Felissimo and used as exhibition space.

#### Description

Neo-French Renaissance Revival Style townhouse is constructed, primarily of brick and limestone, and is a six-story building eighty-four feet in height, with two sub-level floors. The townhouse is built out to the lot line. The modern recessed entrance is clad in glass and metal; it has a center glass door with flanking sidelights. The molded concrete base supports the limestone façade; it retains its rusticated piers at either side and they serve as a base for two giant Tuscan pilasters that bear two non-historic flanking metal flag poles with ball finial caps. A modillioned cornice supported by two engaged Tuscan columns frames a sculptural Palladian window that retains its original scrolled metal framework, enriched by a dentil course, with an elegant three-dimensional cartouche and keystone. A smaller non-historic tripartite window that employs a molded sill course with a projecting center with a guttae band beneath is located at the third level, succeeded by a terminating cornice that supports another set of molded windows with a keyed enframingent, followed by the attic that has a balustraded parapet. A tri-dormered copper mansard roof has flanking parapets and chimneys. The east façade cannot be seen from the street due to a newer building that abuts the façade. The west façade is constructed of brick and has standard window openings, with lintels and sills of limestone. The first and second level has no window openings because of a party wall agreement from 1914 with the Hollins house, 12-14 West 56<sup>th</sup> Street, a New York City Landmark.<sup>18</sup> Two windows at the third level, three windows at the fourth level, four windows at the fifth level, and five windows at the sixth level are all visible from the street, and have been up-dated. In addition to the earlier alterations, a metal service door has been added to the left of the main entrance, and two non-historic floodlights have been added to the piers above new metal signage that bears the Felissimo company name.

Report prepared by  
Theresa C. Noonan  
Research Department

#### **NOTES**

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<sup>1</sup> Portions of this section are adapted from Landmarks Preservation Commission, *Harry B. Hollins Residence Designation Report* (LP-1266) (New York: City of New York, 1984), prepared by the Research Department; LPC, *15 West 54<sup>th</sup> Street House Designation Report* (LP-1105) (New York: City of New York, 1981), prepared by the Research Department; LPC, *Henry Seligman Residence Designation Report* (LP-2227) (New York: City of New York, 2007), prepared by Amanda B. Davis. Information in this section is based on the following sources: Robert A. M. Stern, Gregory Gilmartin, and John Massengale, *New York 1900* (New York: Rizzoli International Publishers, 1983), 325, 330, 351.

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<sup>2</sup> "Furniture Firm Rents Home near Fifth Avenue," *New York Times*, September 5, 1940, 41.

<sup>3</sup> The Harry B. Hollins Residence and the Henry Seligman Residence are designated New York City Landmarks.

<sup>4</sup> Henry Seligman bought the rowhouse at 26 West 56<sup>th</sup> Street in July 1907 and commissioned architect H.A. Jacobs to design a new façade for the building. In December 1908, Seligman sold the building to E. Hayward Ferry with the stipulation that, as long as Seligman resided at 30 West 56<sup>th</sup> Street, No. 26 could only be used as a single-family residence.

<sup>5</sup> New York County, Office of the Registrar, Deeds and Conveyances; Liber: 59, p. 407, New York City Department of Buildings, New Building Application Docket (NB 1328-01).

<sup>6</sup> Hollins Correspondence, Box 251, McKim, Mead & White Archives, The New-York Historical Society; New York County, Office of the Registrar, Deeds and Conveyances; Liber: 56, p. 407.

<sup>7</sup> "Obituary Notes: Frederick C. Edey" *New York Times*, 23 August 1926; "Obituary Notes: Mrs. Edey, Leader In The Girl Scouts" *New York Times*, 18 March 1940; "Notes Of the Social World: the Edey-Otis Engagement" *New York Times*, June 18, 1893; "Notes Of the Social World: the Edey-Otis Wedding" *New York Times*, September 15, 1893; Camp Edey: <http://find.acacamps.org/cgi/details.cgi?id=19878>, Camp Birdsall Edey: <http://persi.heritageonline.com>; Girl Scouts of America: <http://www.girlscouts.org/>; Girl Scouts of Suffolk County: <http://www.gssc.us/about/history>.

<sup>8</sup> Information in this section is based on the following sources: Birdsall Otis Edey, *Builders: Poems by Birdsall Otis Edey*, [comp. by] Mildred Adams Kenyon. [s.l.]: Girl Scouts, Inc., 1940 p.142 -- LI REF 811 E, <http://www.pmlib.org/Glimpse%20into%20Lfs%20Poetic%20Heritage.htm>

<sup>9</sup> Portions of this section are adapted from LPC, *Aeolian Building (later Elizabeth Arden Building)* (LP-2125)(New York: City of New York, 2002) prepared by Jay Shockley; Peter Pennoyer and Anne Walker, *The Architecture of Warren & Wetmore*, (New York - London: W.W. Norton & Company, 2006), 60-70, 134; Dennis S. Francis, *Architects in Practice, New York City 1840-1900* (New York: Comm. For the Pres. of Arch. Recs., 1979), 80-81; James Ward, *Architects in Practice, New York City 1900-1940* (New York: Comm. for the Pres. of Arch. Recs., 1989), 82, 84; LPC Architects files; Dennis McFadden, "Warren & Wetmore," *Macmillan Encyclopedia of Architects* 4 (New York: Free Press, 1982), 377; Warren obit., January 25, 1943; Wetmore obit., *New York Times*, May 9, 1941 and *New York Herald-Tribune*, May 10, 1941.

<sup>10</sup> The New York Yacht Club and Burden and Beeckman Houses are designated New York City Landmarks. The Wilson House is located within the Upper East Side Historic District.

<sup>11</sup> The Della Robbia Bar is a designated New York City Interior Landmark. The Plaza Hotel and Steinway Hall are designated New York City Landmarks. The Erlanger Theater is a designated New York City Landmark and Interior Landmark. This section is based on LPC, *(Former) Della Robbia Bar (aka The "Crypt," now Fiori Restaurant) Designation Report* (LP-1904) (New York: City of New York, 1994), prepared by David M. Breiner.

<sup>12</sup> Grand Central Terminal is a designated New York City Landmark and Interior Landmark. Pershing Viaduct and the New York Central Building are designated New York City Landmarks.

<sup>13</sup> "Mrs. Frederick Edey 10 West 56<sup>th</sup> St." *Architecture* 7 (March 1903): 19; Stern, Gilmartin, and Massengale, 330, 351.

<sup>14</sup> Portions of this section are adapted from Pennoyer and Walker, 60-70, 134.

<sup>15</sup> Ibid.

<sup>16</sup> New York City Department of Buildings, Borough of Manhattan, Alteration Application, (ALT 2622-19).

<sup>17</sup> New York City Department of Buildings, Borough of Manhattan, Alteration Application, (ALT 1111-31).

<sup>18</sup> New York County, Office of the Registrar, Deeds and Conveyances, Liber, 60, 273.

## FINDINGS AND DESIGNATION

On the basis of a careful consideration of the history, the architecture and other features of this building, the Landmarks Preservation Commission finds that the Frederick C. and Birdsall O. Edey Residence has a special character and a special historical and aesthetic interest and value as part of the development, heritage, and cultural characteristics of New York City.

The Commission further finds that, among its important qualities, 10 West 56<sup>th</sup> Street, designed by Warren & Wetmore for prominent investment banker Fererick C. Edey and his wife Birdsall Otis Edey, stands as a particularly dignified and well-preserved example of the fashionable townhouses that once lined the side streets off Fifth Avenue; that, constructed between 1899 and 1901, the residence was one of several townhouses on the block built for bankers at the turn-of-the-twentieth century, and the street became known as "Bankers' Row"; that Warren & Wetmore designed the Frederick C. and Birdsall O. Edey Residence in the neo-French Renaissance Revival style with a "modern French mode," that the restraint of the design is of special interest, coming as it does from a nationally prominent firm renowned for their more bold and creative interpretations of the French Renaissance Revival, Classical, and Beaux-Arts Styles; that the firm of Warren & Wetmore, had received many commissions from New York's leading families at that time and was accustomed to designing townhouses exclusively in neo-French Renaissance architectural style and for 10 West 56<sup>th</sup> Street, Warren & Wetmore employed the restrained neo-French Renaissance style on a limestone façade that gave the townhouse a charming presence on the street; that the elegant façade, primarily of brick and limestone, is a six story townhouse eighty-four feet in height, with two sub-level floors. The townhouse is built out to the lot line. The entrance is clad in glass and metal. The molded concrete base supports the limestone façade; it retains its rusticated piers at either side serve as a base for this slender building that support two giant Tuscan pilasters that bear two non-historic flanking metal flag poles with ball finial caps. A modillioned cornice supported by two engaged Tuscan columns frames a sculptural Palladian window that retains its original scrolled metal framework, enriched by a dental course, with an elegant three-dimensional cartouche and keystone. A smaller tripartite window that employs a molded sill course with a projecting center with a guttae band beneath is located at the third level, succeeded by a terminating cornice that supports another set of molded windows with a keyed enframingent, followed by the attic that has a balustraded parapet. A tri-dormered copper mansard roof has flanking parapets and chimneys; that Frederick C. Edey, son of the late stock broker Charles C. Edey began his career in his father's brokerage firm, Charles C. Edey & Son; that in 1886 he joined the brokerage firm of H. B. Hollins & Co. founded by his friend and neighbor Harry B. Hollins where he was a partner until October of 1892, that Edey was also on the Board of Directors for the North Shore Traction Company a railway investment firm, chartered in 1892; that Edey co-founded the brokerage firm Huhn, Edey & Co. with fellow stock broker George A. Huhn. In 1915, Edey founded his last firm, Fred Edey & Co. in which he remained a partner of until his death in 1926; that Edey held a seat on the New York Stock Exchange, and was a member of several prominent gentlemen's clubs; that Birdsall Otis Edey was a prominent New York City resident; that she was the daughter of State Senator James Otis from Bellport, Long Island; that Mrs. Edey was a leader in the Women's Suffrage Movement, most notably recognized for her work with the Girl Scouts of America; that Mrs. Edey was active in Girl Scouting from 1919, held many different positions and was the first editor of *the Girl Scout Leader Magazine*; that She later served as National President of Girl Scouts of America for five years (1930-1935); that two Girl Scout camps were dedicated in her honor; Camp Birdsall Edey in Pleasant Township, Warren, Pennsylvania, and Camp Edey, in Bayport, New York; that outside her work with the Suffrage and Scouting Movements, Mrs. Edey was a published poet and had several volumes of poetry published, most notable among her works are "*Rivets*" and "*Butter Money*;" that Mrs. Edey was president of the Craftsman Group for Poetry; that the Edey

residence followed in the same pattern as most midtown residences as they converted to retail use; that the new owners leased the townhouse to the exclusive French dressmaker, Madame Frances Inc.; that between 1930 to 1945, the building was leased to Lloyds Furniture Galleries until 1945.

Accordingly, pursuant to the provisions of Chapter 74, Section 3020 of the Charter of the City of New York and Chapter 3 of Title 25 of the Administrative Code of the City of New York, the Landmarks Preservation Commission designates as a Landmark the Frederick c. Edey and Birdsall Otis Edey Residence, 10 West 56<sup>th</sup> Street, Borough of Manhattan, and designates Manhattan Tax Map Block 1271, Lot 46 as its Landmark Site.

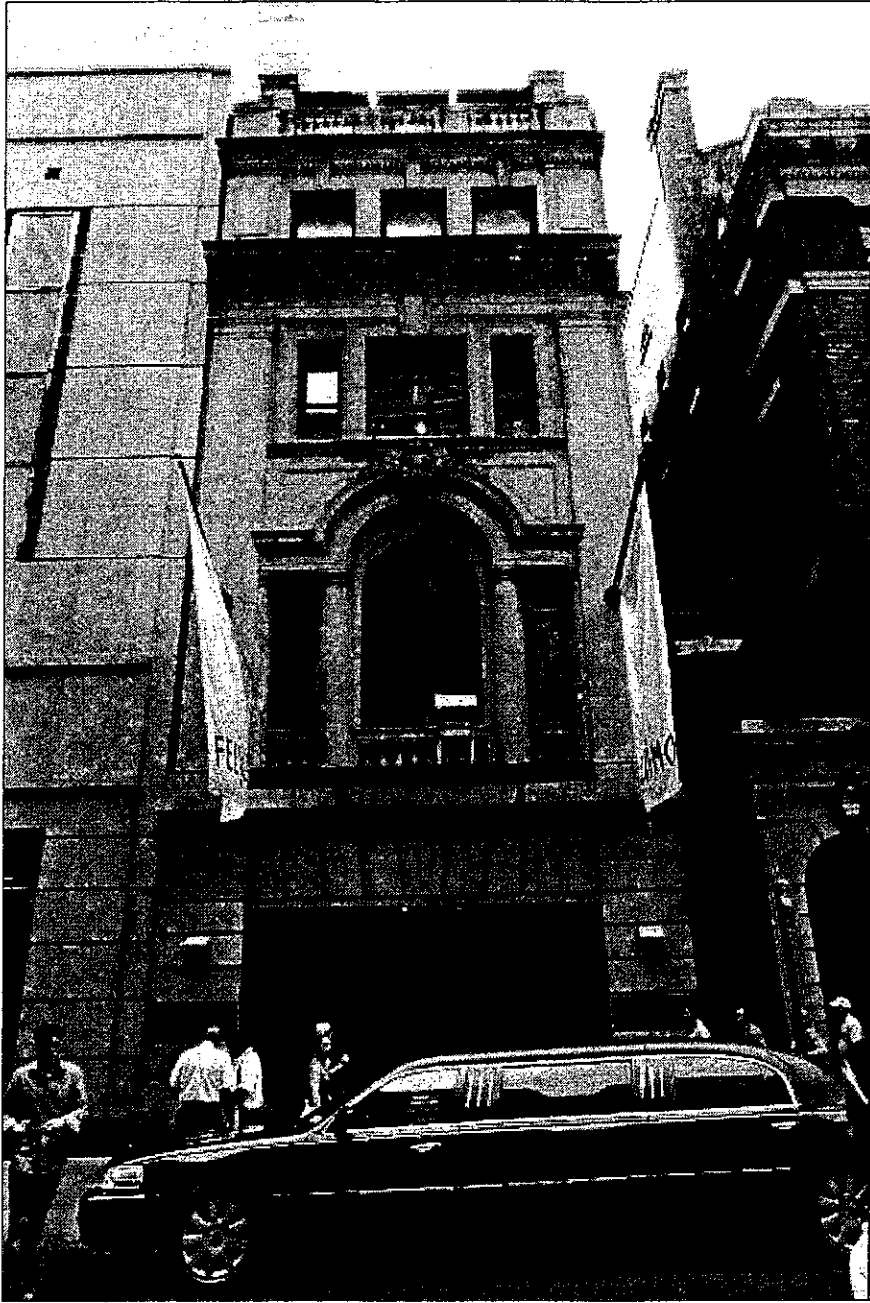
Robert B. Tierney, Chair

Pablo E. Vengoechea, Vice-Chair

Stephen F. Byrns, Diana Chapin, Joan Gerner, Christopher Moore,

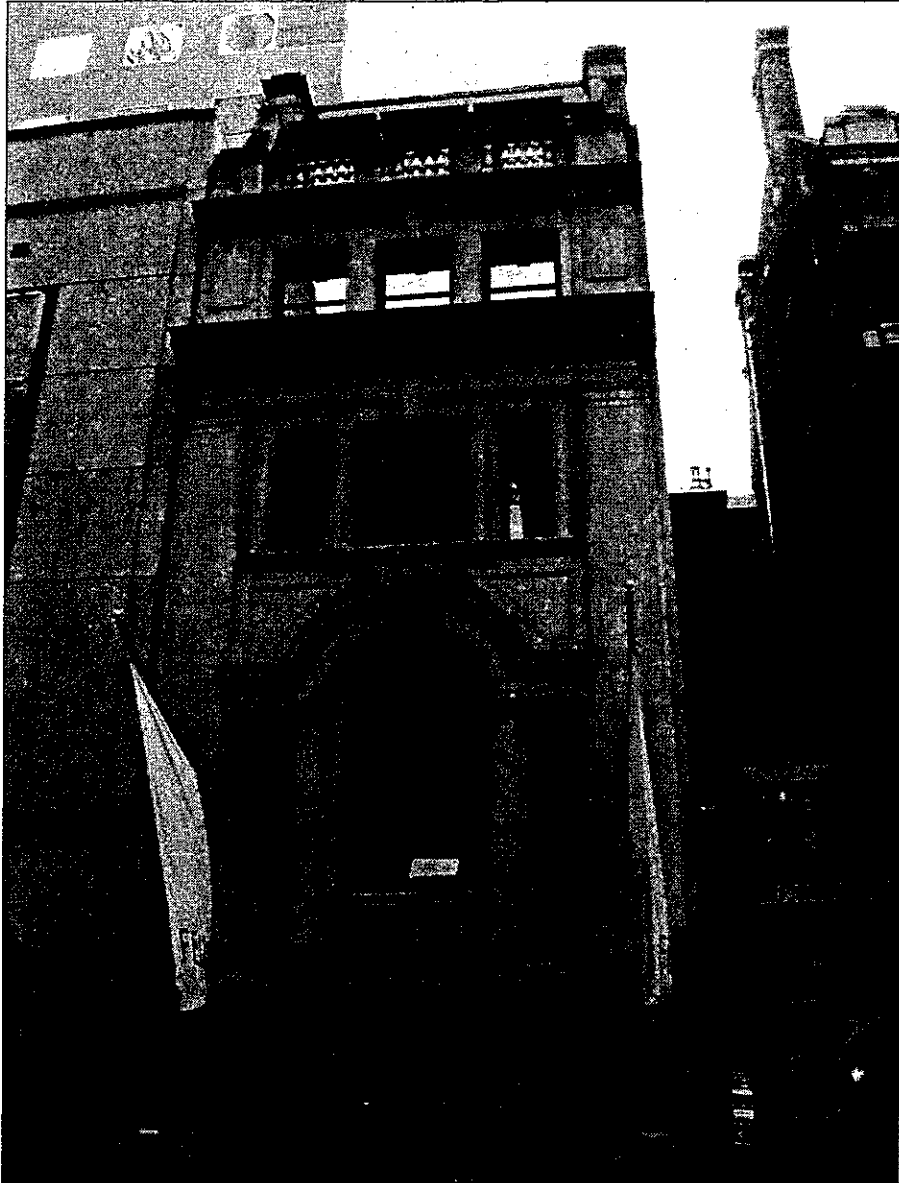
Elizabeth Ryan, Roberta Washington, Commissioners





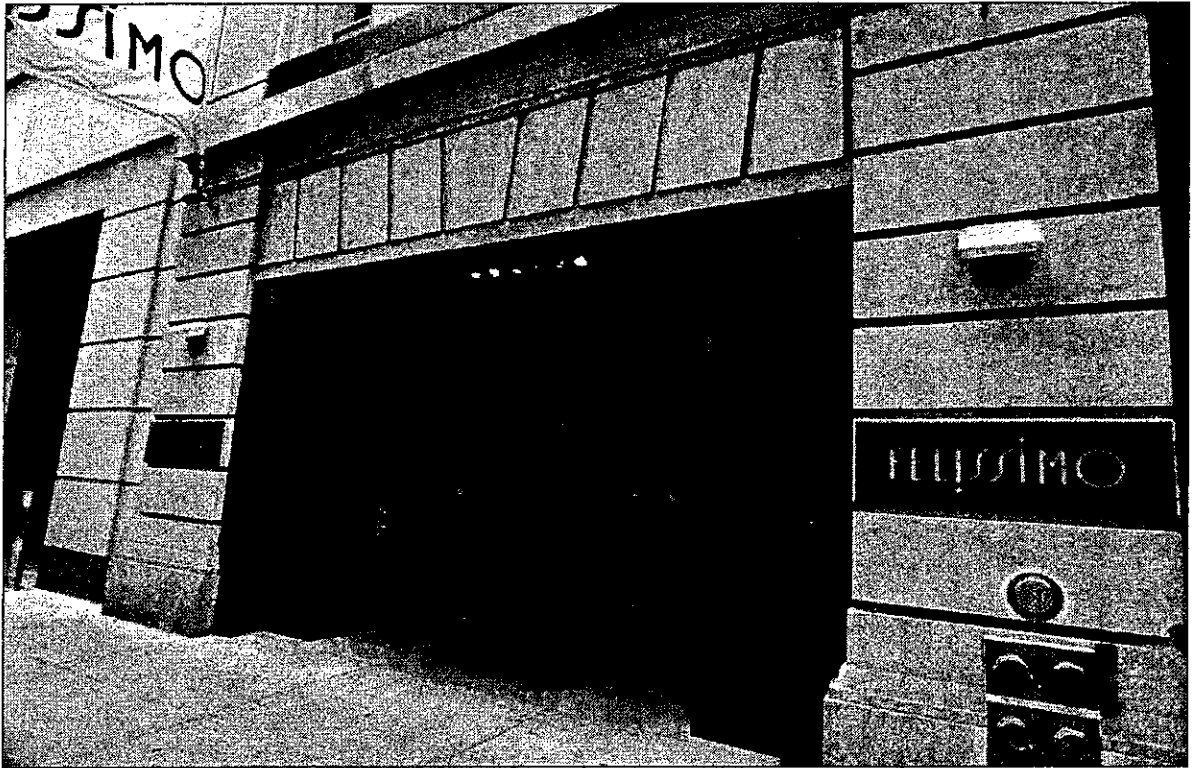
10 w. 56<sup>th</sup> Street -- South Elevation

Photo by: Carl Forster



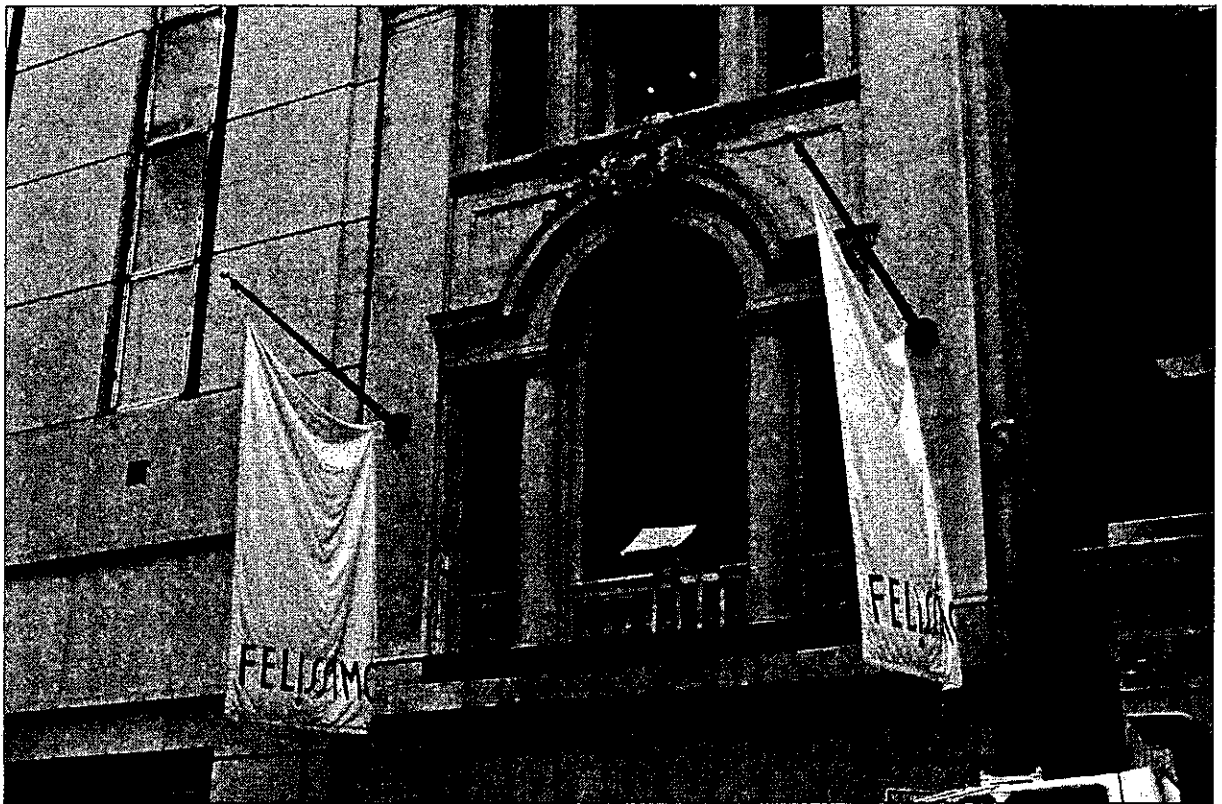
10 w. 56<sup>th</sup> Street --South Elevation II

Photo by: Theresa Noonan



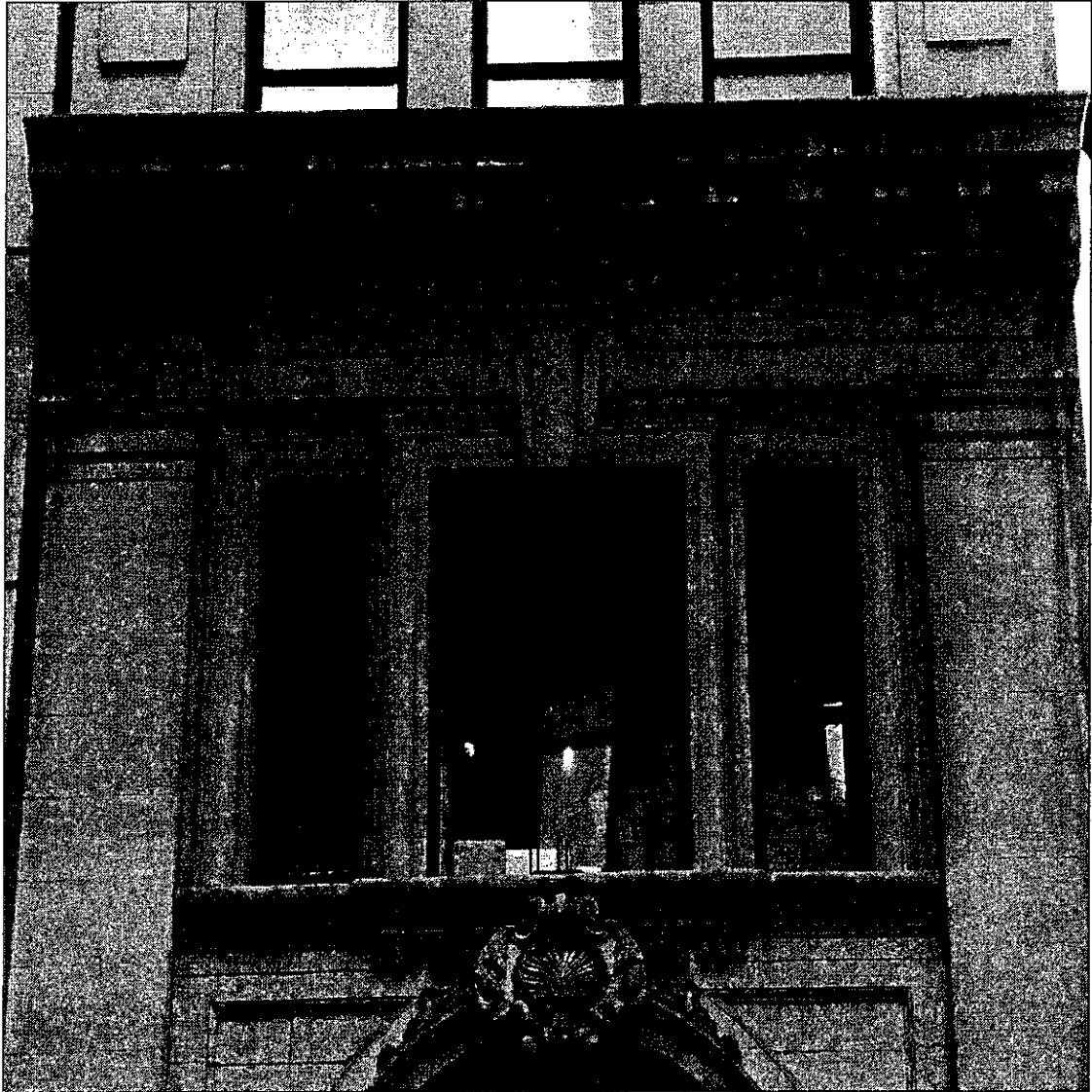
10 W. 56<sup>th</sup> Street Entrance

Photo by: Carl Forster



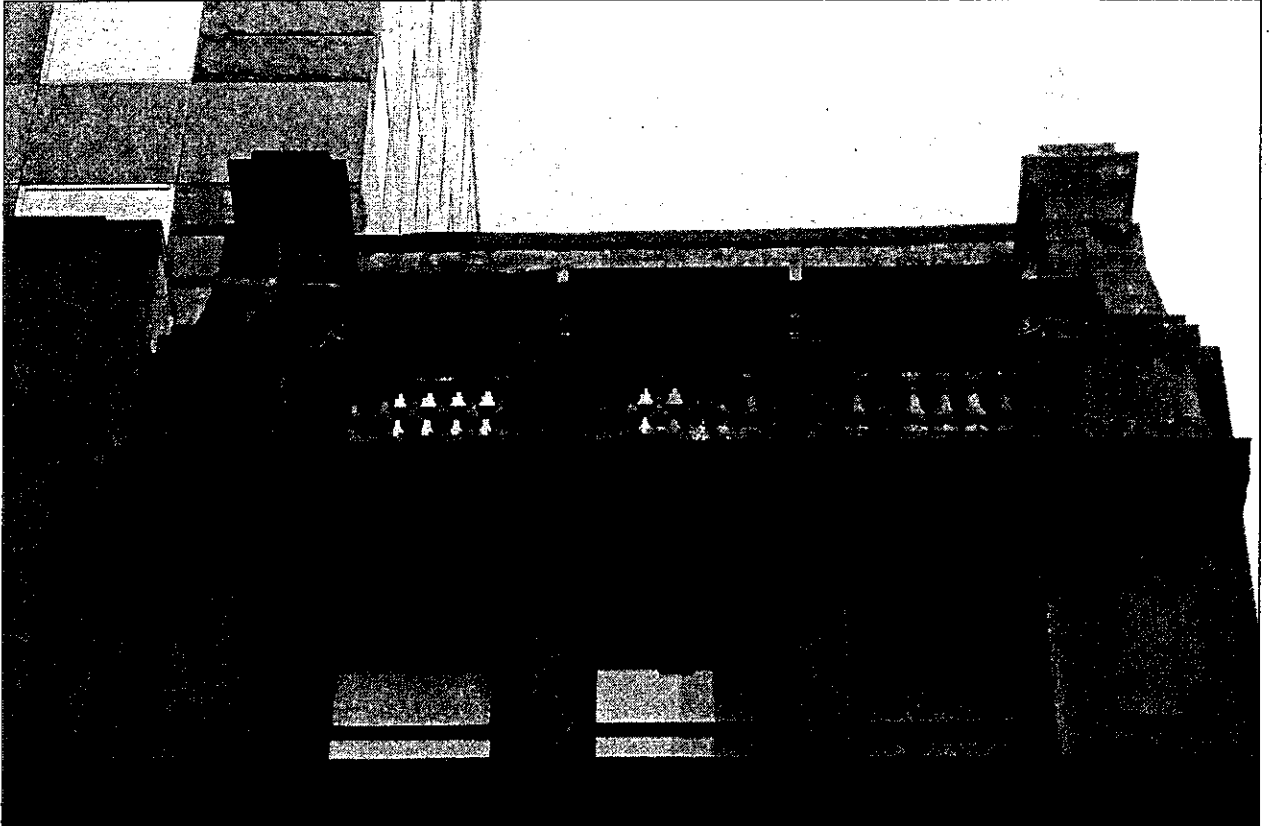
10 W. 56<sup>th</sup> Street -- Second Story

Photo by: Carl Forster



10 W. 56<sup>th</sup> Street -- Third Story

Photo by: Carl Forster



**10 W. 56<sup>th</sup> Street – Fourth and Fifth Story**

**Photo by: Carl Forster**



**10 W. 56<sup>th</sup> Street Detail**

Photo by: Carl Forster



**10 W. 56<sup>th</sup> Street West Elevation**

Photo by: Carl Forster



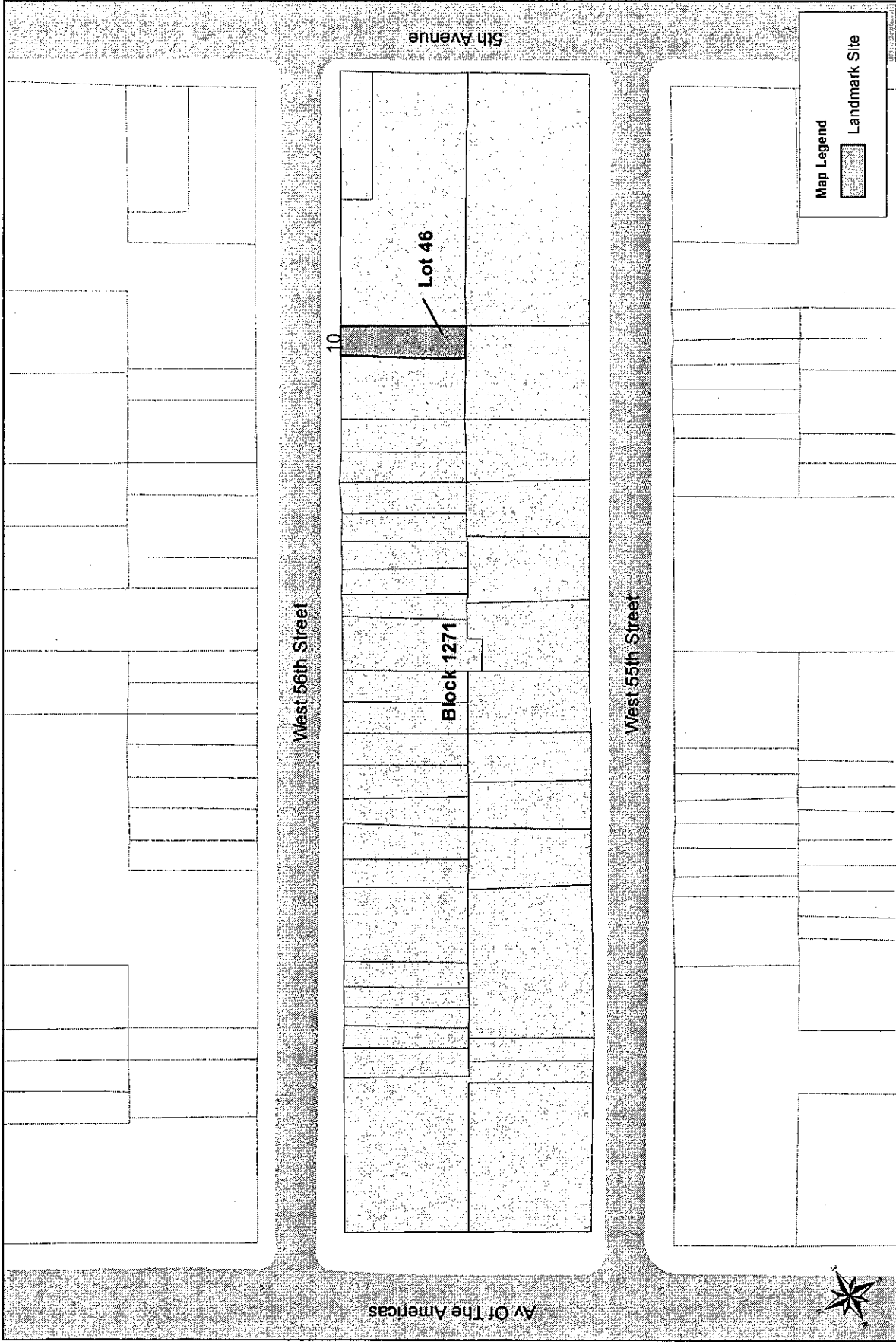


New York City Tax Photographs (c. 1940)



10 w. 56<sup>th</sup> Street South Elevation

Photo by: Theresa Noonan



**FREDERICK C. AND BIRDSALL O. EDEY RESIDENCE (LP-2226), 10 West 56th Street.**  
 Landmark Site: Borough of Manhattan Tax Map Block 1271, Lot 46.

Designated: July 24, 2007

Graphic Source: New York City Department of City Planning, MapPLUTO, Edition 06C, 2006.  
 Author: New York City Landmarks Preservation Commission, J.M.

**TESTIMONY OF MARK A. SILBERMAN, LANDMARKS PRESERVATION  
COMMISSION, ON INT. 542, BEFORE THE SUB-COMMITTEE ON  
LANDMARKS, PUBLIC SITING AND MARITIME USES.**

**OCTOBER 23, 2007**

This testimony is submitted in connection with the Subcommittee's consideration of Int. No. 542, which would create a procedure for redefining the validity of Department of Building ("DOB") permits obtained prior to a landmark designation, and for requiring certain notices between the Landmarks Preservation Commission ("LPC") and the DOB during the landmarking process.

Under section 25-321 of the Landmarks Law, a building permit issued prior to designation is considered "grandfathered" and the work may proceed after designation without the review or approval of the LPC. Instead of grandfathering all pre-existing permits, Int. 542 would amend section 25-321 to create a procedure for determining whether a pre-existing permit should be grandfathered based on the amount of work that has occurred. Specifically, Section 2 of the proposed bill requires that, immediately after landmark designation, DOB suspend all pre-existing permits and issue stop work orders. The DOB would then "forthwith determine if the holder of such permit [has] undertaken substantial construction and made substantial expenditures in further of such permit prior to the designation." If there has been such work and expenditure, the DOB would reinstate the permit; if not, the permit would be revoked.

Int. 542 also requires that the LPC give the DOB written notice of "any public hearing or meeting relating to any designation" (Section 3), and, for these buildings, requires that DOB forward a copy of permit applications to the LPC within three days of their submission. (Section 4). It also requires LPC to give DOB notice of all designations. (Section 1).

In amending Landmarks Law section 25-321, the proposed bill attempts to address a problem with the existing law: because of the grandfathering provision in section 25-321, a few building owners have obtained DOB permits for substantial facade work or even demolition as a way to fend off potential landmark designation. In some cases, the permit has been pulled in connection with pending development plans that have been under active consideration for substantial periods of times, even years; in others it is obtained solely to preserve the owner's ability to develop the site in the future. The existence of such a demolition or facade permit can be a practical impediment to landmark designation; in deciding whether to designate the LPC must carefully weigh the scope of the approved work, the reasons for wanting to designate the property, and the significant features of the property.

LPC and DOB staff have discussed the Int. 542. In these discussions DOB identified numerous practical difficulties in implementing the new review procedure and will be commenting on these issues. Leaving these issues aside, the LPC respectfully submits the following observations and comments on Int. 542.

First, the proposed bill attempts to address a serious, but limited, problem. The LPC has a long and extensive history and policy of outreach to owners of potential landmarks, in an effort to avoid unnecessary conflict and to address misconceptions about what landmark designation means. The vast majority of these owners do not attempt to undermine the Landmarks Law by trying to pull permits prior to designation. Section 25-321 represents a delicate balance between agency authority and private property rights that has functioned remarkably well for more than 40 years. Changing how this provision works is extremely complicated and may have serious unintended

consequences.

Second, there is no definition for what constitutes “substantial construction and substantial expenditures.” How those terms are interpreted will go a long way in defining the scope and effectiveness of the proposed bill.

Third, the new DOB review procedure will likely have its most significant impact on owners who attempt to grandfather permits in the months immediately prior to designation. Because the proposed bill requires that “substantial construction” be undertaken, it will be difficult for owners to obtain DOB permits, line up contractors and perform substantial work in a short period of time.

Fourth, because the critical issue is the amount of work done before designation, the review procedure will probably have a more limited effect on owners who are intent on trying to avoid designation. These owners, those with specific development plans and those with no desire to develop the property in the foreseeable future, will know that they must do substantial construction and expend substantial sums in connection with their permits. These owners may decide to do the work now to avoid any risk that the permit could be invalidated in the future for lack of work.

Fifth, because of this dynamic, amending section 25-321 may, ironically, result in inappropriate work that could have been mitigated or even avoided. As discussed above, in an attempt to preserve the right to demolish property, owners may strip architectural detail even though they have no particular development plans. If there was no imperative to do that now, it is possible that a building is sold to a more sympathetic or creative owner who is willing and able to work with the LPC to develop the building in an appropriate manner. In addition, grandfathered permits often arise in connection with

additions, as people want to preserve their ability to add a rooftop or rear yard addition in the future. There have been cases where permits for additions have not been acted on for years after designation, with owners simply renewing them. Eventually the owner (usually a new owner) decides to do the work but want to change the design. Under section 25-321, only the work approved by the permit is grandfathered. Any change to the scope of work invalidates the grandfathered status. Because of this, a new owner often will approach the Commission and seek to modify the grandfathered work in exchange for making it more appropriate, either by making it less visible or changing the material or fenestration to make the addition fit more appropriately with the historic building. Int. 542 would eliminate this possibility.

Sixth, the new review procedure will be most effective against efforts to deface or demolish individual landmarks, as opposed to efforts to damage buildings in potential historic districts. With an individual landmark, the LPC may be able to expedite its research in response to a permit and designate before substantial construction work is done. Because historic districts involve many buildings, and the research and outreach to owners is more involved, it is more difficult to significantly expedite the designation process and it is more likely that a permit can be pulled and substantial work performed before designation. Although the significance of a historic district lies in the cumulative "sense of place" created by the buildings and spaces, so the loss of a single or a few buildings will not undermine the district as a whole, significant buildings may be lost or significantly altered even if the new DOB review procedure is put in place.

Seventh, the new review procedure may be potentially burdensome and time-consuming when applied to large, newly designated historic districts. The proposed bill

requires the DOB to suspend and review all outstanding DOB permits existing at the time of designation. The LPC routinely designates historic districts containing several hundred buildings, such as the 624 building Sunnyside Gardens Historic District in Queens and the 473 building Crown Heights North Historic District in Brooklyn. In districts this large, there are bound to be many DOB permits extant at the time of designation, and DOB review could be lengthy and time-consuming. An unreasonable delay in making the required determination under the proposed bill will be burdensome and exasperating to homeowners in the middle of renovations and could be used by opponents of designation.

Eighth, there is an ambiguity with respect to the application of Int. 542 to scenic landmarks. The DOB is required to suspend a permit and perform its substantial work and substantial expenditure analysis for permits to work on “any landscape feature of a scenic landmark.” (Section 2). However, elsewhere in the same section city landmarks are made exempted from the new review process, and scenic landmarks are by definition city-owned.

With respect to the proposed notice requirements, these may be unnecessary as the LPC and DOB already engage in this type of notification. At the time the LPC votes to formally consider a building or district for designation and “calendars” the property or properties for a public hearing, LPC staff go into the DOB’s Building Information System (“BIS”) and input a “C” (for “calendared”) into the Landmark field. Each week the DOB sends a report to the LPC of all permit applications received for calendared buildings. Finally, once a property is designated, LPC staff change the “C” to “L” (for “landmarked”).





## West 54 - 55 Street Block Association

### Landmark Designation for 10 West 56 Street & 30 West 56 Street Testimony by Veronika Conant for the Oct 23, 2007 Hearing by the NYC Council's Landmarks Committee

Dear Chair Lappin and Members of the City Council's Landmarks Committee.

My name is Veronika Conant, I am President of the West 54 - 55 Street Block Association located in the Preservation Subdistrict of the Special Midtown District, North of the Museum of Modern Art on the North side of West 54<sup>th</sup>, and both sides of West 55<sup>th</sup> and 56<sup>th</sup> Street between Fifth and Sixth Avenues. I would like thank you on behalf of the Association for holding this hearing about landmark designation for two townhouses at 10 and 30 West 56 Street, located in the Preservation Subdistrict. I am here in support of the designation.

We are delighted that these two magnificent Beaux Art townhouses are considered for a long deserved landmark designation. They were built in the early 1900's by major architects. 30 West 56 Street is the grandest limestone mansion on the block, built in 1899-1901 by C. P. H. Gilbert for the Seligman family. 10 West 56 Street was built in 1901 by Warren and Wetmore for the Edey family, with an imposing Palladian window.

In 1979 they were among thirty three buildings identified as architecturally significant and worthy of landmark designation by the Landmarks Preservation Commission's internal Midtown West Survey on three mid-block area on West 54, 55 and 56 Street between Fifth and Sixth Avenues. These mid-blocks are still remarkably intact today. They are low scale, filled with unique townhouses and apartment buildings, lots of small businesses, restaurants, hotels, and were recommended by the Department of City Planning in 1982 to LPC for Historic District designation. Unfortunately this did not happen. These blocks are the last remnant of what Midtown used to look like and are very alive, a real mixed residential/commercial neighborhood, worthy of preservation.

In 2005 we applied to the LPC for Historic District designation, and also requested landmark designation for a number of individual, architecturally significant buildings from the old list, with full documentation and photos provided about each by two graduate students from Columbia University's School of Architecture under the guidance of Prof. Andrew Dolkart of Columbia University. They researched and documented every building in the Preservation Subdistrict, with eleven designated landmarks.

LPC selected and designated 10 and 30 W 56 Street. We thank CB5's Landmarks Committee and Full Board for their Resolution, our members and public officials and other preservationists for their support. Special thanks to Council Member Garodnick and Joyce Matz at CB5.

We urge you to please vote for landmark designation for both buildings, protecting and preserving them. Unfortunately, across the street from them on West 56 Street last year we lost to a real estate developer four special townhouses by well known architects. One of them was by CPH Gilbert, another by John Duncan. We still mourn their loss and are trying to prevent the loss of other worthy buildings. We intend to come to the LPC and hopefully to you with landmark designation requests for these.

*Thank you!*



THE COMMITTEE TO PRESERVE THE UPPER WEST SIDE

**Testimony of LANDMARK WEST!  
Before the City Council Subcommittee on Landmarks,  
Public Siting and Maritime Uses  
Regarding Intro. 542  
October 23, 2007**

LANDMARK WEST! is a non-profit community organization committed to the preservation of the architectural heritage of the Upper West Side.

The Upper West Side has lost its fair share of landmark-worthy buildings—the former Dakota Stable (Amsterdam Avenue & 77<sup>th</sup> Street) and the former Colonial Club (Broadway & 72<sup>nd</sup> Street) are just two examples, from the past year alone, of 19<sup>th</sup>-century buildings, designed by important architects, anchoring prominent corners in our community, demolished in haste to pre-empt landmark designation.

In both cases, the culprit was a Department of Buildings alteration permit, which stymied action by the Landmarks Preservation Commission.

Council Members Lappin, Mendez and their many colleagues signed on in support of Intro. 542 are to be highly commended for responding to this critical issue, a lack of coordination between the Landmarks Commission and the Department of Buildings that affects communities across all five boroughs and has long thwarted grassroots efforts to protect the places that matter most to the people of this city.

New York thrives because of its vibrant, livable, historically and culturally layered neighborhoods. The Landmarks Commission plays an enormous role in sustaining the texture and vitality of our city. Passing this bill would reinforce the legitimacy of the Commission's seat at the table when it comes to balancing development with the equally important goal of preserving community character.

The City Planning Commission already has similar authority when it comes to zoning—indeed, without the ability to have DOB review and suspend permits for work that would be noncompliant in areas to be rezoned, the Planning Commission would be unable to do its job. Landmarking is another way of planning rationally for the future of New York. It is time to get rid of the red tape and give the Landmarks Commission the power it needs to do *its* job.

Please pass Intro. 542.

# AIA New York Chapter

The Founding Chapter of The American Institute of Architects



Hon. Jessica Lappin, Chair  
Subcommittee on Landmarks, Public Siting and Maritime Uses  
250 Broadway  
New York, NY 10007

October 23, 2007

Dear Chair Lappin,


We are testifying today on behalf of the New York Chapter of the American Institute of Architects and its more than 4,000 architect and public members. We applaud the aim of Int. 542 to improve communication between the Landmarks Preservation Commission (LPC) and the Department of Buildings (DOB). This improvement is sorely needed and long awaited by those of us who deal with both bodies on a professional basis. To this end, the AIA is in full support of the portions of the bill that require the LPC to issue notice to the DOB when a property is under consideration for designation as a landmark, and those that require the DOB to issue notice to the LPC when permit applications for buildings under consideration for designation as a landmark are received. These provisions will help to protect historic buildings from being modified or damaged in error or ignorance, and simplify interactions between building owners and the City.

We have already met with Council Member Mendez to discuss our serious reservations with the portion of the bill that calls for the revoking of permits previously issued by the department of buildings when a property is designated as a landmark. As design professionals, we know that by the time a building permit is issued, a large amount of work and resources have already been put into the project in order to prepare it for the construction phase. Land and materials have been bought, legal fees paid, designs drawn up, and loans taken out. In our estimation, a building permit is a contract, and must always be honored by the City, the authority that grants it, as long as its bearer has complied with his or her responsibilities. Int. 542, as it now stands, would allow hardship, in many cases severe, to be brought on the owner of a recently landmarked building through no fault of his or her own. In fact, as it is written, the City has exempted itself from this provision, which speaks to the provision's undesirability. The AIA cannot support any bill that includes this section.

That said, we do recognize that there is a serious problem with the "pulling of permits" for buildings on the cusp of landmarking. This unsavory practice is common in all five boroughs, and has been personally witnessed by some of our members on the blocks where they live. We believe that this bill should and can address this problem without the wholesale permit revocation that is currently allowed by its language, and are in the process of compiling policy recommendations for Council Member Mendez and your Subcommittee.

We look forward to continuing the dialogue about these issues with the Council, and hope that this bill, for which there is a great need, can be modified to do the greatest good for the building industry and the historic buildings (present and future) of New York.

Sincerely,

  
Joan Blumenthal, FAIA, IIDA  
2007 President, AIA New York Chapter

  
Fredric Bell, FAIA  
Executive Director

536 LaGuardia Place  
New York, New York 10012  
212.683.0023  
212.696.5022 fax  
e-mail: [info@aiany.org](mailto:info@aiany.org)  
web site: [www.aiany.org](http://www.aiany.org)



NYC Department of Buildings  
280 Broadway, New York, NY 10007

Patricia J. Lancaster, FAIA, Commissioner

Stephen Kramer  
Senior Counsel

280 Broadway, 7<sup>th</sup> Floor  
New York, NY 10007  
Phone: (212) 566-3540  
Fax: (212) 566-3858  
E-mail: [stephenp@buildings.nyc.gov]

October 23, 2007

Melinda Katz  
Chairperson, Land Use Committee  
City Hall  
New York, NY, 10007

Dear Ms. Katz:

The Department of Buildings (Department) and the Landmarks Preservation Commission (Landmarks) have an excellent working relationship and cooperate on a daily basis. An example of our working relationship is the Department's policy of providing Landmarks with access to our Buildings Information System (BIS) so that the Commission may directly enter into BIS properties that are calendared to be considered for designation. This access is significant as it allows for transparency and notification to the public of a calendared site, which can also enable the public to alert the Department if work is being performed without a permit. This process also serves as instant notice to the Department of the calendaring of a site, a goal which the proposed legislation seeks to accomplish.

We oppose proposed Intro. 542 for several reasons. The most important reason is the possible safety implications for stopping a permit that may be linked with important maintenance work or a mandate required by Local Law 11 of 1998, which requires that all buildings greater than six stories maintain exterior walls and appurtenances in a safe condition. These buildings must have an inspection conducted by a licensed professional of all applicable walls and file with the Department a report declaring the applicable walls *as either safe, unsafe or safe with a repair and maintenance program*. Unsafe conditions must be reported to the Department immediately and work must commence without delay. The bill would require that the owners stop performing that kind of work. While work performed under Section 25-312 of the Administrative Code is not covered by the bill, nevertheless there is a great deal of important maintenance work that protects the public and needs to be done in a timely fashion. Indeed an unintended and unwanted consequence of this proposed legislation would be an extension of the need for scaffolds and sidewalk sheds at these properties.

Additionally, there are operational issues that the Department would need to address regarding the issuance of a Stop Work Order. The Department would need to have inspectors routed to these sites to issue the Stop Work Orders, taking them away from their inspection routes. The Department's Stop Work Order Patrol will also have an increase in the number of properties it will have to routinely patrol, cutting down on the oversight conducted of potentially unsafe properties.

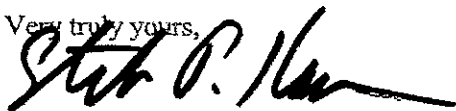
The proposed bill also requires the Department to determine whether the permit holder has performed substantial construction and made substantial expenditures in furtherance of a permit prior to the

designation as a landmark. The bill further requires that if the Department determines that substantial construction and substantial expenditures had been made, it must revoke the suspension of the permit and rescind the stop work order. If the Department determines that substantial construction and substantial expenditures had not been made, it must revoke the permit.

Review of substantial construction and substantial expenditures is analogous to determinations that under current law are performed not by the Department but by the Board of Standards and Appeals (BSA) for vesting purposes under the Zoning Resolution (ZR). Specifically, ZR 11-331 provides that if foundations have not been completed before the effective date of an applicable amendment to the ZR, the permit automatically lapses and an application to renew the permit must be made to the BSA. The BSA may renew the permit after finding, among other things, whether there has been substantial progress made on the foundations. ZR 11-332 provides that where construction allowed under 11-331 has not been completed and a certificate of occupancy, including a temporary certificate of occupancy, has not been issued within two years of the date of the applicable amendment, the permit lapses and an application to renew must be made to the BSA. In such instances, BSA may renew the permit after finding that substantial construction and substantial expenditures have been made prior to the granting of the permit. The Department of Buildings does not have employees with the expertise to make these types of determinations based on substantial expenditures.

While we appreciate the Council's intention, we do not believe that Introduction 542 in its current form is feasible.

Very truly yours,



Stephen P. Kramer

## **THE LANDMARKS PROTECTION ACT: BUILDINGS THAT COULD HAVE BEEN SAVED**

**Compiled by Historic Districts Council, 232 East 11<sup>th</sup> Street, New York, NY 10003  
Contact: Simeon Bankoff, Executive Director, 212-614-9107**

### **Former Public School 64, 605 East 9<sup>th</sup> Street, East Village, Manhattan. Altered.**

This C.B.J. Snyder designed community landmark has extraordinary architectural, historical and cultural significance. In June 2006 the Landmarks Preservation Commission voted to designate P.S. 64. The owner opposed designation and in an attempt to stop landmarking, successfully filed for alteration permits to demolish architectural detailing on the building. Still the LPC moved forward with designation despite the owners continued destruction of the property.



**Before**



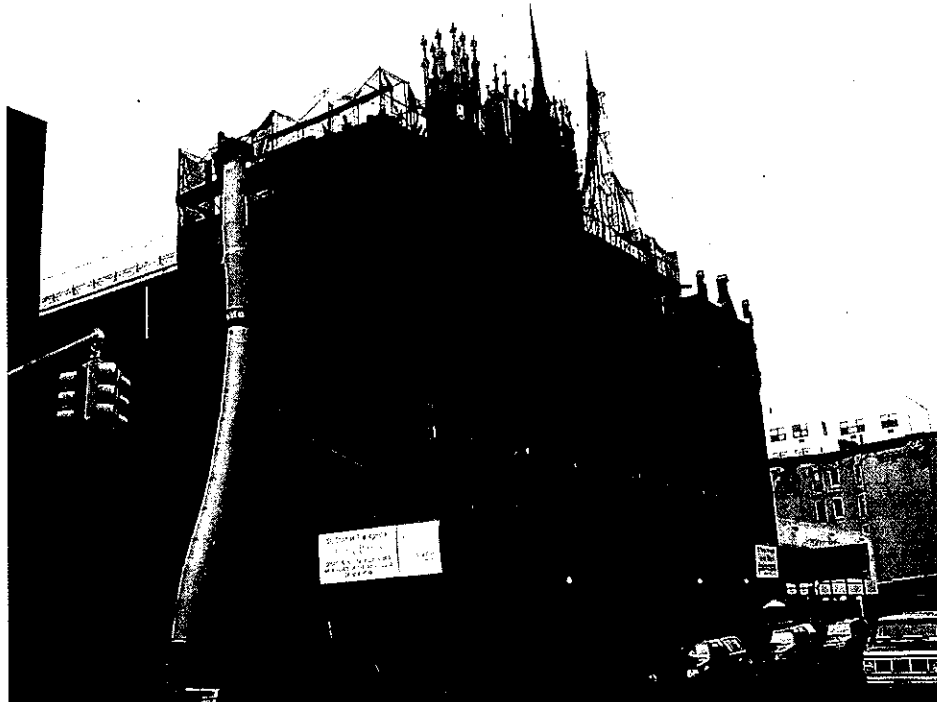
**After: Removal of Architectural Features**

**St. Thomas the Apostle, 262 West 118<sup>th</sup> Street, Harlem, Heavily Altered.**

This 1907 Thomas H. Poole designed church possessed unique and eye-catching terra cotta façade details before the Roman Catholic Church decided to close it in 2003. Despite intense community and political pressure, the LPC declined to consider it for landmark status due to existing building permits. The work has ceased on the building and it remains shrouded.



**Before**



**After**

**Odd Job Building, East 14<sup>th</sup> Street and University Place, Manhattan, Demolished.**  
This commercial building by renowned architect Morris Lapidus was fully restored in 1999, only 6 years before its demolition. The demolition was ongoing during the LPC's consideration of the site, and the building was actually calendared, but to no avail.



**Before**



**After**

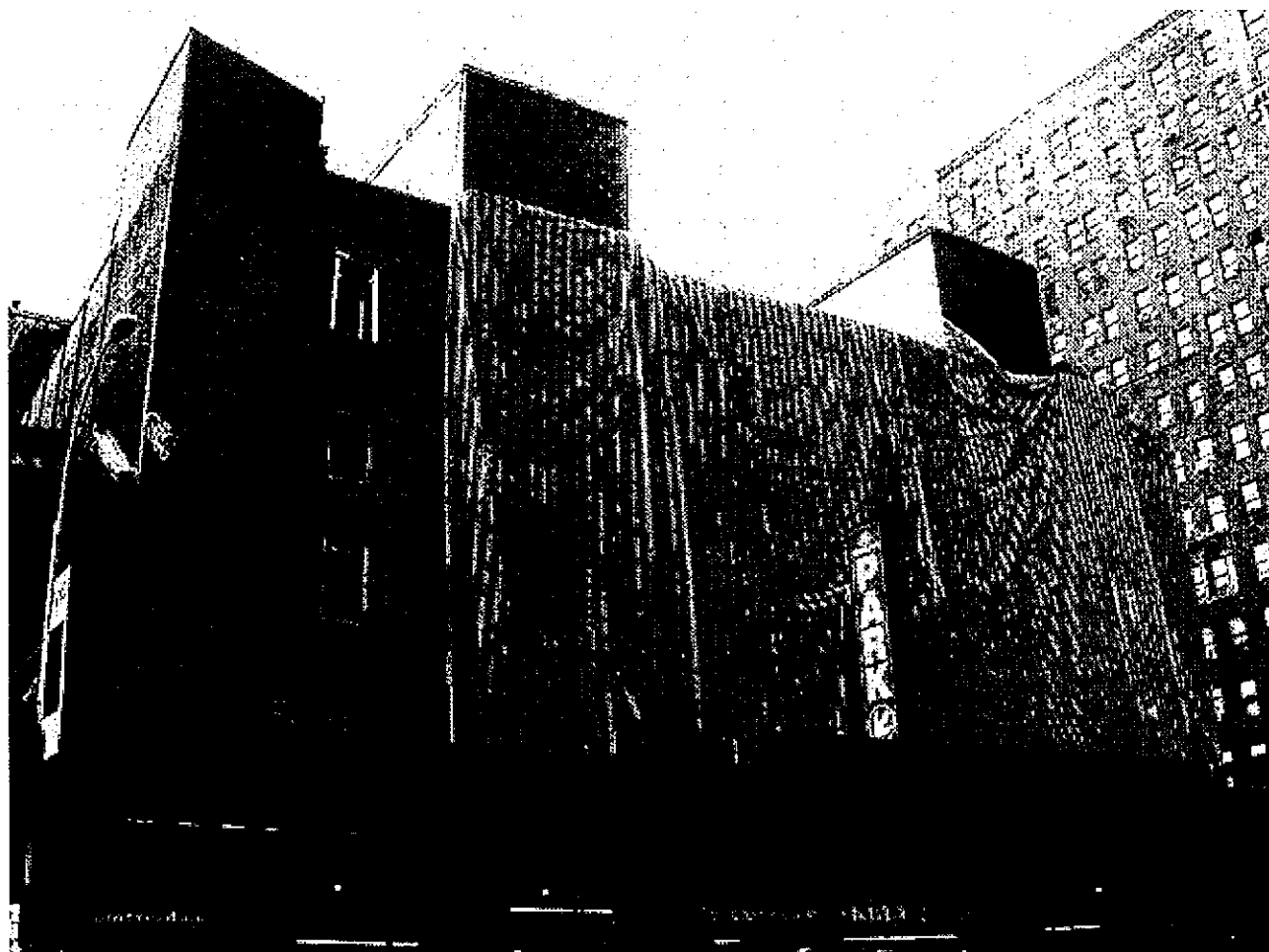


**31, 33, 35, 37, 39 West 56<sup>th</sup> Street, Manhattan, Demolished.**

Although these Beaux-Arts rowhouses had been surveyed by the LPC in the mid-1980's and determined to be candidates for designation consideration, nothing was done to protect them. Twenty years later, the LPC was unable to act to defend these building due to issued alteration permits.

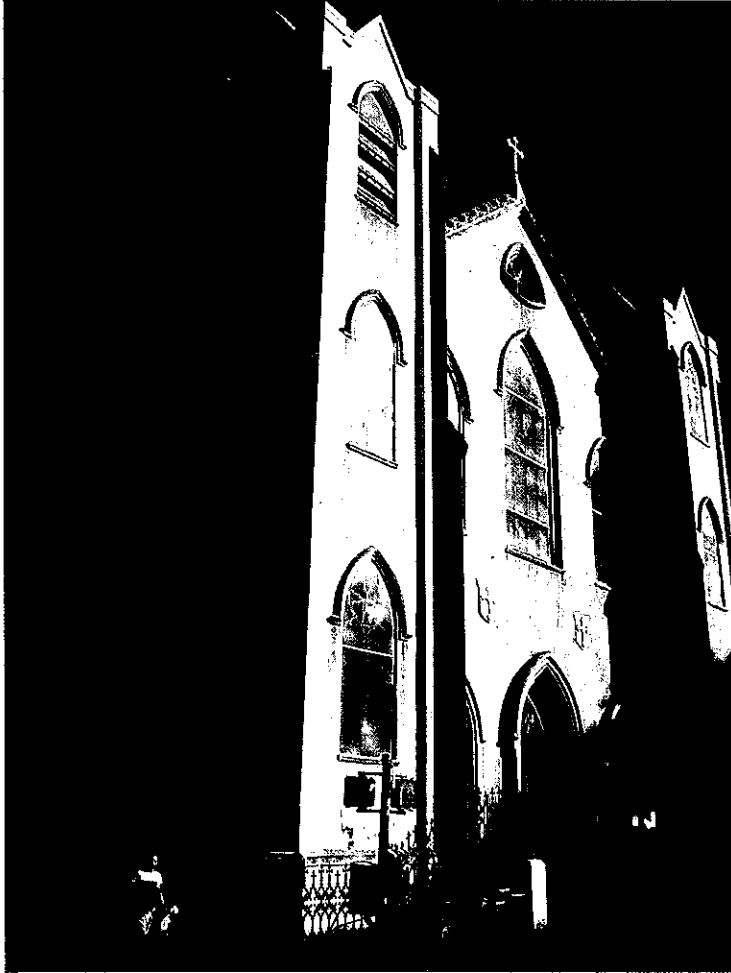


**Dakota Stables, 348 Amsterdam Ave, Upper West Side, Manhattan, Heavily Altered.** This imposing 1891-1984 stable building was originally part of the Upper West Side Historic District when it was proposed in the 1980's but was cut out of that designation because of owner opposition. Work begun while the LPC was deliberating on the building and the designation was declined because of both damage done and the extent of the allowable work.

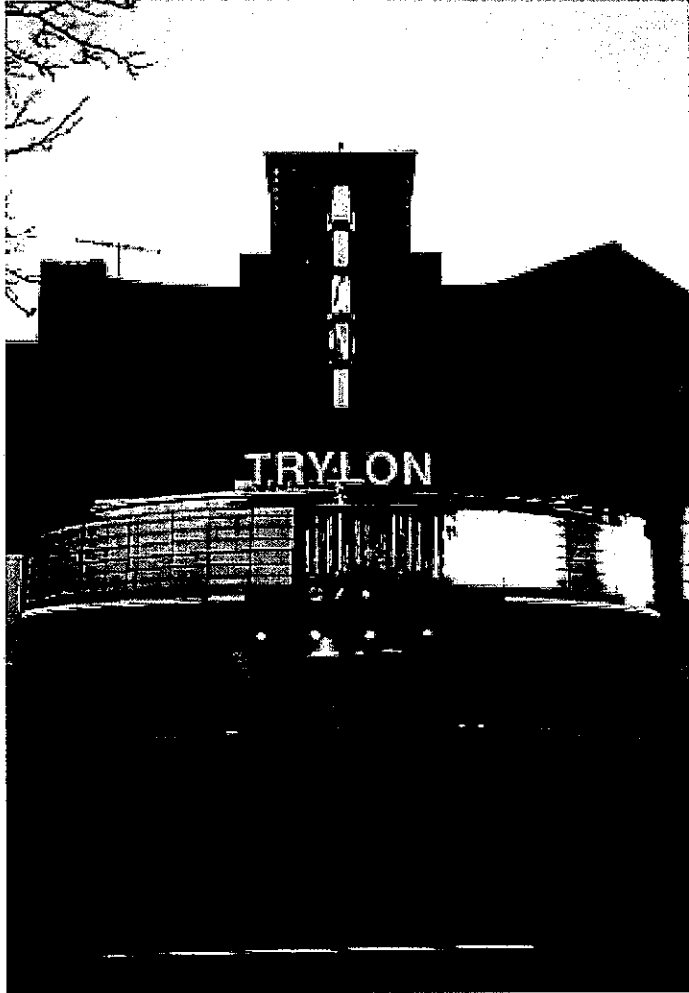


**St. Brigid's, Thompkins Square Park, East Village, Manhattan, Altered.**

The Archdiocese has been granted permits to greatly this Patrick Keeley designed building from 1848, which has again prevented any real discussion of its preservation, despite the permits still being inactive.



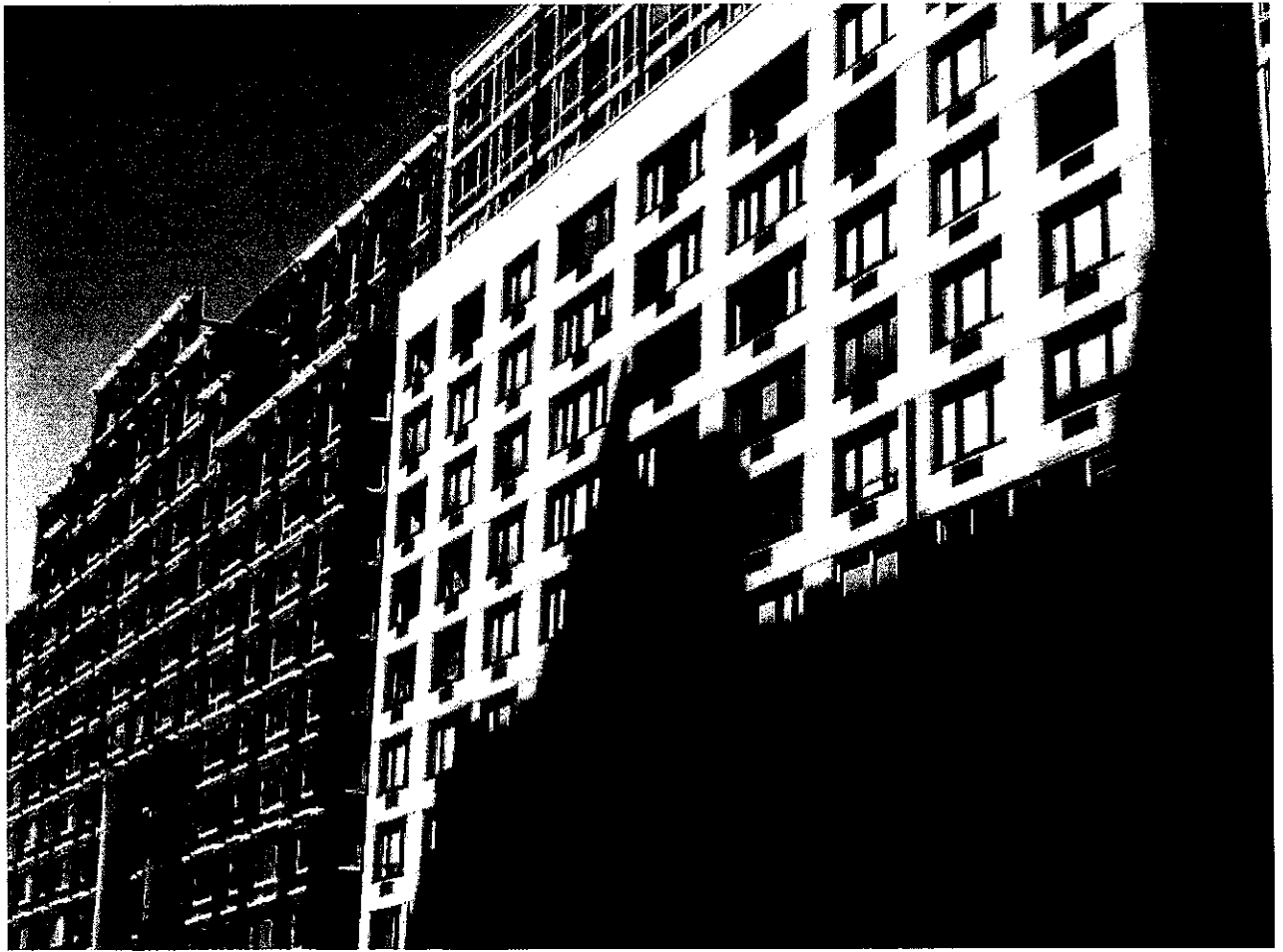
**Trylon Theater, 98-81 Queens Boulevard, Rego Park, Queens, Heavily Altered.** Permits were granted to strip this 1939 Art Moderne theater of its ornamentation and destroy its mosaic lobby. The work did not begin for months, but served as a bulwark against serious preservation efforts.



### **23rd Street Warehouses, Chelsea, Manhattan, Demolished.**

These National Register-eligible turn-of-the-century warehouses were demolished to build luxury apartment buildings. Originally, public funding was sought for this project but when the State Historic Preservation Office balked, the project went ahead with private funding. During the months of negotiations with the owner, the LPC was rendered powerless due to existing alteration permits.





After

**ASPCA building, 50 Madison Avenue, Manhattan, Heavily Altered.**

This significant building on Madison Square Park was originally intended to be part of the Madison Square North Historic District and even appeared on the initial map. When the building owners heard that the LPC was going to calendar the district, they got a self-certified permit for a massive rooftop addition. Then-LPC Chair, Sherida Paulsen explained to the New York Times: "If it's within the historic district, it looks like something we approved. It's confusing to applicants to see new work and assume that's the kind of work they can do."



**Before**



**After**

Testimony in Support of Int. 0542-2007

Elizabeth W. McCracken

Friends of First Avenue Estate

Public Hearing

**Landmarks, Public Siting & Maritime Uses**

**Time: 11:00 AM, October 23, 2007**

**Location: Committee Room - City Hall**

Chairperson(s): Jessica S. Lappin



I am Elizabeth McCracken, speaking on behalf of the Friends of First Avenue Estate. I thank the Council for the opportunity to speak on this important legislation.

The First Avenue Estate is a complex of 15 model tenements built by the City and Suburban Homes Company between E64/65 Streets and First/York Avenues, 1898-1915. The entire complex was designated by the Landmarks Commission in 1990, but the Board of Estimate modified the LPC's designation by removing <sup>designation</sup> from two eastern most buildings of the block, 429 E. 64 and 430 E. 65<sup>th</sup>.

There was no change in status of the two buildings until 2003-2004 when there were requests to the LPC that they be re-evaluated. Community Board 8 scheduled a hearing on the matter for September 7, 2004. On August 30 the owner filed applications with the Department of Buildings to, as it was phrased, "to restore the facades and enlarge the windows" of the buildings. The permits were approved on the day of the hearing, the day after the Labor Day weekend. The drawings filed with the DOB suggested a purpose beyond maintenance – architectural details cited in the 1990 LPC designation report were targeted for removal. Because of the permits, the LPC did not go forward with active consideration of the buildings.

Two years passed with no action other than the owners repeated renewal of the permits at the DOB. In the fall of 2006 with the strong support of Council Member Lappin the question of re-designation of 429/430 was revived. The LPC calendared the buildings for a hearing ~~on the buildings~~ on November 14. A <sup>community</sup> public hearing on the matter was held on November 9 sponsored by Council Member Lappin, State Senator Krueger, Assemblyman Grannis, and Borough President Stringer. The hearing included presentations by a well-known architectural historian, community groups and comments from the community which were strongly in support of the designation. Earlier that same day the <sup>side walks</sup> sheds began to go up around 429/430.

On November 13 the first portions of the parapet were removed and first windows were enlarged on 430. The owner distributed a letter to the tenants of the entire block (1051

apartments) on the evening of the 13<sup>th</sup>, characterizing these actions as a response to the LPC consideration of the buildings. Again there was strong support for the restoration of designation to 429/430 from residents of the First Avenue Estate, the broader community, and elected officials at the LPC Hearing on the 14th. The owner's lawyer and a representative of the real estate board were the only voices in opposition. Mr. Tierney, Chair of the LPC, announced that the decision of the Commission would be made on November 21<sup>st</sup>.

The work on 430 continued and expanded to 429 during the week. The entire parapet was removed by the day on which the buildings were <sup>imposed</sup> <sup>again</sup> designated. On November 22 a stop work order was issued because asbestos had been exposed by the work in both buildings. The asbestos violations led to fines levied by the City on both the contractor and the owner.

It is now nearly a year after the designation by the LPC and the alterations to the buildings began. The work has progressed slowly. The windows of vacant apartments have been enlarged while the original double-hung windows remain in the occupied apartments. The two central light courts are filled with scaffolding. Red stucco covers the facades. The owner is suing the City, LPC, CC under Article 78 seeking reversal of the designation on grounds that the buildings no longer look like the other 13 buildings in the Estate.

Had the legislation proposed in 542 been in effect back in 2004, there would have been better communications between the DOB and the LPC allowing for a fuller review of the merits of the permits and the landmark designation of the buildings. The pre-existing permit alone would not have controlled the outcome to such an extent.

While the proposed legislation will not return 429/430 to their original appearance, the basis on which they were designated as important contributions to the social and cultural history of the City remains. I urge the strengthening and passage of 542 so that other buildings of merit will be protected from the kind of thing that happened to ~~them~~. *These City & Suburban Buildings*

I include some illustrations of the York Avenue joined facades of 429 E. 64<sup>th</sup> and 430 E. 65<sup>th</sup> from the 1920's to the present.



**TESTIMONY OF THE GREENWICH VILLAGE SOCIETY**  
**FOR HISTORIC PRESERVATION**  
**IN SUPPORT OF INTRO. 542**

**October 23, 2007**

Greenwich  
Village  
Society for  
Historic  
Preservation

232 East 11th Street  
New York, New York 10003

(212) 475-9585  
fax: (212) 475-9582  
www.gvshp.org

*Executive Director*  
Andrew Berman

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Good morning and thank you for the opportunity to testify today in support of Intro.542. I wish to thank Councilmember Mendez for introducing this bill, Councilmember Lappin for co-sponsoring it and holding today's hearing, and all the bill's sponsors for their support of this measure. If enacted, this bill would take important steps towards addressing a vexing problem and loophole in the landmarks law.

As you know, currently property owners can with as little as an open but unused work permit prevent the Landmarks Preservation Commission from moving forward with designation of a structure, or deface or destroy a structure which has been landmarked. It is a trick all too well known by unscrupulous landlords, and all too commonly used. With an outstanding permit – which can be renewed and renewed for years without any use – an owner can prevent the LPC from acting because they can threaten to demolish or radically alter the building with their outstanding permits in spite of landmark designation, thus making the designation potentially pointless. Alternately, if the permits are for more minor work which the Commission feels does not necessarily prevent them from designating, the owner may choose to go ahead and deface the property with the outstanding permits, out of spite, or out of a desire to follow through on a threat intended to prevent designation. We have seen this happen in just the past year or two on the Upper East Side and in the East Village, and it is a shameful circumvention of the intention of the landmarks law.

Intro. 542 will help address this problem. Much as owners lose existing building permits when new zoning is enacted unless they can show a substantial expenditure or completion of work, owners of landmarked properties should also lose their outstanding permits unless they can show work has been substantially completed. We of course understand the need to be fair to property owners, and those who in good faith sought building permits for work they needed or wished to do and have already undertaken substantially would, as we understand it, be allowed to complete that work under this bill. However, it would seem that this would help prevent cases of bad faith players who simply got permits in order to thwart landmark designation from doing so.

The need for this bill is much more than theoretical. In addition to the high-profile cases we all know about, this loophole is exploited by some property owners in smaller but nevertheless equally pernicious ways. In recent years, we have fought hard for the modest historic district designations or extensions which have gone into effect in the Meatpacking District, the Far West Village, and NoHo. I could not even count the number of owners who months or even years after designation took effect undertook radical alterations to their properties – shearing off all ornament, stuccoing over facades, adding enormous

billboards – based upon permits they had before designation but never acted upon. This not only degrades the very qualities which historic district designation is intended to preserve, but it also sends a terrible message to adjacent property owners, that if they had been similarly clever they could have circumvented the restrictions of landmark designation placed upon them. In some cases, other property owners simply mistake take these post-designation radical alterations by their neighbors as an indication that landmark designation does not have any teeth, and can be ignored, thus creating an entirely new set of problems.

Because of these very real and ongoing problems which Intro. 542 can help address, I urge the City Council to pass this piece of legislation. Thank you.

**TESTIMONY OF THE LANDMARKS PRESERVATION COMMISSION BEFORE THE CITY  
COUNCIL SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES ON  
THE DESIGNATION OF THE HIGHBRIDGE PLAY CENTER, MANHATTAN  
October 23, 2007**

Good morning Councilmembers. My name is Diane Jackier, Director of External Affairs at the Landmarks Preservation Commission. I am here today to testify on the Commission's designation of the Highbridge Play Center in Manhattan.

On January 30, 2007, the Landmarks Commission held a public hearing on the proposed designation. Twelve people spoke in favor of designation, including Parks Commissioner Adrian Benepe, and representatives from the offices of Manhattan Borough President Scott M. Stringer, the Municipal Art Society, the Historic Districts Council, the Society for the Architecture of the City, and the New York Landmarks Conservancy. Several of the speakers also expressed support for the larger designation effort of all the WPA-era pools. The site was previously heard on April 3, 1990 and September 11, 1990. On August 14, 2007, the Commission designated the Highbridge Play Center a New York City landmark.

The Play Center is one of a group of eleven immense outdoor swimming pools opened in the summer of 1936 in a series of grand ceremonies presided over by Mayor Fiorello LaGuardia and Parks Commissioner Robert Moses. All of the pools were constructed largely with funding provided by the Works Progress Administration (WPA), one of the many New Deal agencies created in the 1930s to address the Great Depression. Designed to accommodate a total of 49,000 users simultaneously at locations scattered throughout New York City's five boroughs, the new pool complexes quickly gained recognition as being among the most remarkable public facilities constructed in the country. The pools were completed just two and a half years after the LaGuardia administration took office, and all but one survives relatively intact today.

The Highbridge Play Center incorporates a portion of the elevated site in Highbridge Park. This area was formerly occupied by a reservoir constructed in 1870 as part of New York City's Croton water supply system. A short distance west of the bleacher section of the pool complex stands a related component, the tall ashlar water tower built in 1872. Designated a New York City Landmark in 1967, the water tower dominates both the distant and immediate landscape and, by virtue of its relationship to the play center's pools, evokes the historic configuration of the tower with the reservoir. The unique arrangement of the Highbridge pools – an exceptionally large wading pool and an adjacent single combined swimming and diving pool – may well have been determined in part by the earlier history of the site. The distant views

of the Harlem River valley area from the pool complex and adjacent areas are among the most striking vistas in New York City. Together with the other WPA-era park improvements, the Highbridge Play Center complex was clearly a major achievement of the New Deal in New York City.

The Commission urges you to affirm the designation.

Chronology of Recent Efforts to Preserve  
429 E. 64<sup>th</sup> Street and 430 E. 65<sup>th</sup> Street, Two Buildings within  
the City and Suburban Homes Co. "First Avenue Estate"

**1998-99**

Parapets on 429/430 are repaired and restored by the owner, **Stahl York Ave., Inc** under permits filed with the Department of Buildings (DOB) in 1998. Original sculptural details are removed, stored on roof and returned to their original positions after the wall is rebuilt with brick matching original façade. The permit drawings/instruction clearly state the original architectural features of the buildings are to be preserved.

**2003-2004**

**Friends of the Upper East Side Historic Districts** files request for evaluation at the NYC Landmarks Commission in 2003. Other requests are made in 2004.

**Landmarks Committee of Community Board 8** announces a public hearing on the restoration of landmark status of 429/430 to be held September 7, 2004

**Stahl York Ave., Inc. files permits with the Department of Buildings August 31, 2004.** for work on 429 E. 64<sup>th</sup> St (#103915676) and 430 E. 65<sup>th</sup> St. (#103915667). Both permits are approved by Department of Buildings on September 7, 2004.

At the **Community Board 8 Landmarks Committee Hearing** on evening of September 7, 2004 a presentation in support of the restoration is made by Elizabeth McCracken on behalf of the **Friends of First Avenue Estate.**

**Paul Selver, Esq.**, representing Stahl York Ave., Inc., speaks in opposition to the landmarking. He also says there are no plans to demolish the buildings, but there are plans for restoration of façade surfaces, replacement and enlargement of windows, installation of security gates at entrances to courtyards. He notes the appearance of the buildings will be changed.

Mr. Selver does not mention that permits have been approved by the DOB earlier that day or that the drawings included instructions for the:

removal of the entire parapet wall and its sculptural details

removal of the architectural details above all four courtyard entrances to apartments in each building

removal of windows on the street facades including original marble sills, replacement with windows of different sizes and removal of windows in the courtyard

application of stucco surface on the street facades and courtyard facades covering the existing brick and original sculptural details

installation of metal gates at the sidewalk entrances to the courtyards



**Community Board 8** at its Full-Board Meeting on September 8, 2004 adopts the recommendation of the Landmarks Committee to support the restoration of landmark designation to 429 and 430 and forwards its decision to the Landmarks Preservation Commission.

**Fire in 429 E 64 occurs on Thanksgiving Weekend 2004 in an apartment in the MNOP line.** There are no serious injuries. Some residents are relocated from affected apartments. Damaged windows on the street and courtyard façades are boarded up until early 2006 when they are replaced with same-sized metal windows. The affected apartments remain empty as of the end of 2006.

## **2006**

**Council Member Jessica Lappin** revives interest in the restoration of landmark designation to 429 E 64<sup>th</sup> and 430 E 65<sup>th</sup>.

**Landmarks Preservation Commission** calendars evaluation of 429 E. 64<sup>th</sup> and 430 E. 65<sup>th</sup> Streets and announces a public hearing for November 14, 2006.

**Town Hall Forum is held on November 9, 2006** sponsored by Council Member Lappin, Assembly Member Alexander “Pete” Grannis, State Senator Liz Krueger, Manhattan Borough President Scott Stringer, Congresswoman Carolyn Maloney, Friends of Upper East Side Historic Districts, E. 79<sup>th</sup> Street Block Association, and the East Sixties Neighborhood Association. The forum is well attended (over 250 people) and includes presentations by elected officials, Professor Andrew Dolkart, architectural historian, and Seri Worden, of the Friends of the Upper East Side Historic Districts, as well as discussion from the floor.

**November 8-9, 2006**-Stahl York Ave., Inc, obtains a permit and begins to erect a shed at 430 E 65<sup>th</sup>.

**November 13, 2006** – Stahl York Ave Inc begins to exercise the 2004 permit for 430 E. 65<sup>th</sup> by removing a portion of the parapet wall and removing/enlarging several windows on the E 65<sup>th</sup> façade. A letter from the owner to tenants in 429 E 64<sup>th</sup> and 430 E 65<sup>th</sup> and in the entire First Avenue Estate is distributed to residents’ doors about 5:00pm on November 13<sup>th</sup>. The letter gives reasons for exercising the permits and outlines plans for work on 430 only. There had been no work done under the 2004 permits for either 429 E 64<sup>th</sup> or 430 E. 65<sup>th</sup> in the two years since the permits were issued.

### **November 14, 2006 - Public Hearing before the Landmarks Commission**

The hearing is well-attended. There is strong support for the amendment to restore landmark designation to the two buildings as evidenced by the testimony from residents of the buildings, residents of the landmarked portion of the First Avenue Estate, the community, representatives of preservationist and community groups and elected officials. There are only two persons who speak in opposition, Paul Selver, Esq., on behalf of the owner and a representative of a real estate association. Robert Tierney, the Chair of the LPC, announces the Commission will make its decision on November 21, 2006.

**November 21, 2006 – Landmarks Preservation Commission designates 429 E 64<sup>th</sup> and 430 E 65<sup>th</sup> as landmarks under LP-1692a.** Below is a portion of the LPC's press release of November 21<sup>st</sup> .:

The New York City Landmarks Preservation Commission today voted unanimously to amend the designation of the City and Suburban Homes Company's First Avenue Estate to include 429 East 64th St. and 430 East 65th St. Both six-story buildings, completed in 1915, were the last two light-court tenements to be constructed for the full-block development, which includes 13 other buildings of similar style and scale. The former Board of Estimate reversed the tenements' landmark status in 1990, four months after the rest of the complex had been designated as an official New York City landmark.

"I believe that these buildings are as worthy today as when they were first designated 16 years ago," said Commission Chairman Robert B. Tierney. "The entire complex was a visionary model for decent, affordable housing in this City, and deserves to remain intact."



**November 13-21, 2006 work on 429 E 64<sup>th</sup> and 430 E 65<sup>th</sup> Streets continues**

During this period the rest of the parapet is removed from 430 E. 65<sup>th</sup> and 24 windows are cut out of its E 65th and York Ave. facades. The windows are boarded up.

A shed is put up around 429 E 64<sup>th</sup> and similar work is done on that building. The entire parapet is removed and 16 windows are cut out and boarded up on the E 64<sup>th</sup> and York Ave facades.

**November 22-27, 2006 – Asbestos Removal**

On **November 22, 2006** work turns to the interiors of 429 and 430 as testing for asbestos and asbestos abatement activities begin in the 21 empty apartments (11 in 429 and 10 in 430) where the windows have been removed. Asbestos is found in the window caulking. The owner files DEP Department Asbestos Project forms for the two buildings (copies of which are included in the DOB files for the permits from 2004).

**November 24, 2006** the Stahl York Ave., Inc. distributes a letter to residents of 429 and 430 (and the landmarked portion of the First Avenue Estate) again by delivery to apartment doors in the late afternoon, notifying them of the discontinuation of the façade and window work because of the discovery of asbestos.

**December 4, 2006, the Stahl York Ave. renews the 2004 permits** for 429 and 430 for another year. The expiration dates for both permits are December 15, 2007.

The **Friends of First Avenue Estate** files a **request under FOIA to review the results of the asbestos removal** at 429 E 64 and 430 E 65 in the NYC Department of Environmental Protection files on December 13, 2006.

**December 29, 2006,** work is resumed on 430 E 65<sup>th</sup> including windows on E 65<sup>th</sup> side where the temporary windows are removed and the application of stucco to the York Avenue façade is begun.