



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007
TEL: 212 669-7700 FAX: 212 669-7780



September 15, 2017

ISSUED TO:

Jennifer Robertson
59 Middagh LLC
P.O. Box 4146
New York, NY 10163

Re: **MISCELLANEOUS/AMENDMENTS**

LPC-19-12455
MISC_C-19-12455
59 MIDDAGH STREET

Brooklyn Heights Historic District

Brooklyn

Block/Lot: 211 / 37

**NOT ORIGINAL
COMPUTER-GENERATED COPY**

Pursuant to Section 25-307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission issued Certificate of Appropriateness 17-8761 (LPC 17-8194) on November 10, 2015, approving a proposal for the comprehensive renovation and enlargement of the subject premises, including: at the front facade, constructing a new painted wood stoop, first-floor entry portico with pendant light fixture and paneled door flanked by sidelights, to be finished in a greyish taupe color ("Benjamin Moore HC-173 Edgecomb Gray"), and with the door finished in deep red ("Benjamin Moore Classic Burgundy") and the stair treads finished in grey ("Benjamin Moore HC-168 Chelsea Gray"); installing a new oval window at the first-floor facade to the east of the new entry; enlarging slightly the remaining first-floor window openings by lowering the sills; replacing the window enframements at the first through the third floors with new simplified painted wood enframements; replacing the non-historic six-over-six windows at the basement through the third floor with new six-over-six double-hung windows, all finished in "Edgecomb Gray"; and replacing the modern wood clapboard facing with new painted wood clapboard finished in grey ("Benjamin Moore Smoke"); removing the non-historic brackets at the historic roof-cornice and painting the cornice, as well as the historic basement-level alley entrance door and the new wood trim components in "Edgecomb Gray"; and installing a new aluminum leader, painted white; at the front areaway, removing, reconfiguring and resetting the existing historic iron railings and cast-iron newel posts to incorporate a relocated entry-gate, with related changes in the existing sandstone curbing, planting areas and paving; at the rear facade and rear yard, excavating a portion of the rear yard to accommodate an extended basement and rear areaway; constructing a full-width rear extension to incorporate the new extended basement story, a first story with a rear deck, a set-back

Page 1

Issued: 09/15/17

DOCKET #: LPC-19-12455

second story with a rear terrace above the extended first story and a third story with a simple fiber-cement rear parapet-cornice, all to feature punched and continuous door and window openings with simple enframements around multi-light windows and doors to be finished in "Edgecomb Gray," and with the rear and visible side facades of the new extension to be faced in painted fiber-cement siding finished in "Smoke"; and installing metal picket-style railings at the areaway, first-story deck, second-story terrace and third-story roof edge, all to be finished in black paint; and replacing an existing chain-link fence at the eastern property line with a new, six-foot-tall (6') stockade-style wood fence, to be painted white; at the visible side (east) facade, replacing the non-historic siding with new fiber-cement siding to match that at the new rear-extension facade and to be finished in "Smoke"; replacing the existing trim outlining the bulk of the original gabled two-story structure and edging the existing roof parapet of the existing altered structure with new trim in the same locations, and installing a new fiber-cement water-table at the base of the siding at the existing and extended facades and above the brick facing at the existing and new basement-story foundation wall, with all trim to be finished in "Edgecomb Gray"; and altering and adding fenestration by removing the two existing one-over-one double-hung lot-line windows from the portion of the facade corresponding to the building's original bulk; installing a new lot-line window-opening at the second story of this portion of the facade, near the building's front corner, to contain six-over-six double-hung aluminum sash; and installing two new lot-line window-openings at the existing enlarged portion of the facade, including one at the first floor and one at the third floor, and three lot-line window-openings at the new rear extension, including two at the first story and one at the third story, with each of these five window openings to contain two-over-one double-hung aluminum sash, and with all of the new lot-line windows to feature simple enframements and be finished in "Edgecomb Gray"; and at the roof, replacing the existing attic-story addition at the fourth floor with a new full-height fourth-story addition, to be set back from the existing front-facade and new rear-facade roof parapets and be clad in cement-fiber siding finished in "Smoke" to match the surrounding facades and to incorporate a center-peak gabled roof clad in vertical standing-seam aluminum roofing finished in charcoal gray and containing two skylights and an elevator exhaust-vent at the rear slope, as well as other pipe vents; and altering chimneys at the west party-wall by removing the existing front and rear brick chimneys and constructing a new front brick chimney, in a new slightly set-back location and with a slightly enlarged depth as well as interior alterations at the cellar through the attic (fourth) floor, including the demolition and construction of stairs, bearing and non-bearing partitions, fixtures and finishes, and foundation, structural, mechanical, plumbing and sprinkler systems work.

Additionally, the Commission issued Certificate of No Effect 18-5215 (LPC 18-2832) on April 28, 2016, approving interior alterations only, limited to excavation below the existing floor level at the south (front) east and west masonry and concrete perimeter walls and at the interior rubble and concrete walls at the existing cellar in order to accommodate sequenced underpinning to stabilize the existing structure, the construction of new footings and the construction of a new reinforced concrete floor slab at a level approximately two feet lower than the existing; and the Commission issued Miscellaneous/Amendment 19-2123 (LPC 18-7900), on August 18, 2016, amending Certificate of Appropriateness 17-8761 to modify the approved scope of work to include the reduction in volume of the building enlargement by eliminating the construction of a two-story rear extension with a roof deck, rear balcony and stairs at the rear facade of the previously approved full-height rear addition, and constructing instead a shallow rear-yard areaway adjacent to the basement-level facade of the approved addition, with stairs leading up to the rear yard, a full-width metal deck at the first story of the rear addition, and a full-width metal balcony at the second story of the rear addition; the construction of a cedar rear-yard perimeter fence to feature horizontal boards, instead of a wood stockade fence; changes at the previously approved rooftop addition, consisting of the construction of a simple projecting cornice at the eave at the rear facade only, and the installation of metal gutters at the eaves at both the front and rear facade, all to be painted to match the approved trim color, instead of the construction of plain wood trim at both of these roof edges, and the installation of two new flat-profiled skylights, a pipe vent and an elevator-shaft vent at the front slope of the roof of the rooftop addition, instead of installing these vents at the rear slope and limiting the installation of skylights to those approved previously at the rear roof slope;

the additional installation of three rooftop air conditioner units at the terrace roof of the approved rear addition, adjacent to the facade of the approved rooftop addition, including two stacked units at the west end and one unit at the east end of the terrace; changes at the front areaway, consisting of the installation of a T-plan walkway, to be paved in salvaged bluestone and bisecting the existing planting bed, as well as the construction of additional steps at the previously approved stair leading to the new understoop entry; the incorporation of drawings related to the previously approved new oval window at the front facade as well as revised drawings related to all other previously approved and modified windows and doors; the incorporation of related new zoning and sight-line diagrams; as well as revised interior alterations at the cellar through the fourth floor, including changes in the depth and footprint of the excavation of the cellar, to extend below the entire existing building as well as the previously approved full-height portion of the rear addition and to incorporate increased headroom at the front (south) portion of the cellar story and extended floor space at the rear (north) portion of this story, instead of the excavation being slightly inset from the planes of the front and full-height rear-extension facades; related changes to structural and foundation work and to the construction of floors, stairs, partitions, fixtures and finishes, and mechanical, plumbing and sprinkler systems work. Finally, the Commission issued Warning Letter 17-0760 on May 25, 2017, for "ongoing facade work in noncompliance with Certificate of Appropriateness 17-8761 (LPC 17-8194) issued November 10, 2015 and Miscellaneous/Amendment 19-2123 (LPC 18-7900) issued August 18, 2016."

Subsequently, on May 19, 2017, the Commission received a proposal for an amendment to the work approved under those permits. The proposed amendment consists of modifying the scope of work to include legalizing the demolition of walls, including wood-framed walls at the third floor and attic story at the front (south) facade, wood-framed walls at the rear portion of the first and second floors and at the third floor and attic at the visible side (east) facade, the interior rubble foundation wall at the front portion of the basement and the interior wood framed walls at the first floor through the attic at the west party-wall; corrective work consisting of reconstructing the missing portions of the south and east walls in new materials, including wood and metal framing and steel beams at the front facade and metal framing and a new interior concrete masonry-unit wall at the east side facade, with the new front-facade wall to be clad in painted wood clapboard and trim and the new side-facade wall to be clad in painted fiber-cement siding and trim, to match the exterior dimensions, planes, configurations and cladding of the walls as approved in the above-referenced permits; reconstructing the interior basement foundation wall at the front portion of the west party-wall in new concrete masonry units; reconstructing the interior west party-wall at the first through the third floor in concrete masonry units and at the attic in metal framing; replacing the deteriorated metal front-facade roof cornice, which was determined on further inspection after its removal to be a replacement component installed subsequent to the designation of the historic district, with a new painted metal cornice to match the design, configuration, dimensions, profiles and finish of the historic cornice extant c. 1940 and at the time of designation of the historic district, instead of repairing and reinstalling the existing cornice; additional changes to interior alterations, including the reinforcement of selected interior framing components at the first and second floors at the front facade with new timber and steel components, the construction of a concrete masonry unit pier at the centers of the east side wall and the west party wall, and the replacement of wood floor joists with new steel beams throughout the building; as well as the incorporation of new and updated annotations on revised structural drawings, reflecting existing and proposed conditions at foundation and perimeter walls; and the incorporation of additional drawings reflecting framing floor-plans, sections, and related details, as described and shown in photographs of previous and current conditions at the facades, roof and interiors, provided by Archtype LLC; a photograph of the dismantled cornice, provided by Brenda Walker; an engineer's report, describing structural and material conditions, dated May 7, 2017, and prepared by Oscar P. Walters, Jr., P.E.; (revised) drawings G-112.01, DM-001.01, DM-002.01, DM-003.01, A-100.01, A-101.01, A-102.01, A-401.01, A-402.01, A-404.01 and A-410.03, all dated (revised/issued) September 5, 2017, and prepared by Alan Berman, R.A.; and drawings S-400.00 and S-402.00, both dated (revised/issued) September 1, 2017, and S-401.00, dated (revised/issued) September 5, 2017, and S-200.00, S-201.00, S-202.00, S-300.00, S-301.00 and S-302.00, all dated (revised/issued) April 25, 2016, and received by the Commission on September 8,

2017, all prepared by Oscar P. Walters, P.E.

Accordingly, the Commission reviewed these materials and drawings, and finds that the removal of walls and structure appears to have been warranted by deteriorated conditions documented in submitted materials; that the configurations and materials of the historic framing components are documented in the submitted drawings and photographs; that the new walls at the front and visible side facades will match the previously approved walls in terms of their exterior planes, configurations, cladding, trim and finishes; that the installation of the new interior structural and framing components will aid in the long-term preservation of the building; that the removal of the replacement cornice at the front-facade parapet did not eliminate a significant protected architectural feature from the building or district; that the installation of the new cornice is restorative in nature; that the new cornice will match the historic cornice evidenced in a photograph dated c. 1940 in terms of configuration, profiles, dimensions and finish, and the finish color will match that previously approved; that the revised and additional drawings will reflect the previous and proposed construction, structure and framing at the premises; and that the revised scope of work is in keeping with the intent of the original approvals. Based on these findings, Certificate of Appropriateness 17-8761 and Certificate of No Effect 18-5215 are hereby amended.

This amendment is issued on the basis of the building and the site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if actual building or site conditions vary or if original of historic building fabric is discovered. The Commission reserves the right to amend or revoke this permit, upon written notice to the applicant, in the event that the actual building or site conditions are materially different from those described in the application or during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of the approval. The approved work is limited to what is contained in the perforated documents. Other work to this filing must be reviewed and approved separately. The applicant is hereby put on notice that performing or maintaining any work not explicitly authorized by this permit may make the applicant liable for criminal and/or civil penalties, including imprisonment and fines. This letter constitutes the permit amendment; a copy must be prominently displayed at the site while work is in progress. Any additional work or further amendments must be reviewed and approved separately. Please direct inquiries regarding this property to Katherine Redd, Landmarks Preservationist.

PLEASE NOTE: Warning Letter 17-0760 will remain in effect until the corrective work approved under this permit has been completed and inspected for compliance. Once the corrective work is completed in compliance with this permit, promptly submit a written request for a Notice of Compliance from the building owner, along with a photograph documenting the finished work, to the Commission.

Meenakshi Srinivasan
Chair

cc: Caroline Kane Levy, Deputy Director; Jimmy Gandhi, Nexus Expediting; John Weiss, Esq., Dep. Counsel/LPC; Brenda Walker/522 Capital; Jimmy Gandhi/Nexus Expediting