



This is how Broadway between 62d and 63d Sts. looks now. If a variance is granted, a 43-story luxury apartment tower will be constructed on the block. In background is the two-tone ASCAP apartment building, built by the same developer.

Post Photo by Tenney McCorien

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Builder Asks Variance On Lincoln Sq. Zoning

By ROBERTA R. GRATZ

A West Side builder is seeking permission to build a 43-story luxury apartment tower—16 stories higher than zoning regulations permit.

The Board of Standards and Appeals will begin hearings tomorrow, on the request for a variance by Paul Milstein to build an apartment house on the east side of Broadway between 62d St. and 63d St. across from Lincoln Center.

Milstein was the developer of the ASCAP building, the two-tone brown apartment tower just north of the new site. Designed by architect Philip Birnbaum, the ASCAP building—named for the American Society of Composers, Authors and Musicians, which occupies three floors—has been a source of design and size controversy in the community since it was completed in 1971.

In Lincoln Square District

The new Milstein project is within the Lincoln Square zoning district created by the city to encourage good design, store arcades and other amenities. The district is bounded roughly by 60th St. and 68th St., Amsterdam Av. and Central Park West.

Four other new apartment buildings are currently under construction in the district, all meeting the zoning regulations and none requiring a zoning variance.

Opposition is already coming from civic groups such as the Municipal Art Society and the New York Chapter of the American Institute of Architects.

David Prager, until recently the president of the Municipal Art Society, said that "this case will be crucial because the Board of Standards and Appeals has been the main route developers use to circumvent the city zoning regulations. It is also a direct threat to all the special zoning districts in the city which were established to prevent just this kind of thing."

"The chief issue," says Rich-

ard Weinstein, former director of the Office of Lower Manhattan Development, "is that questions of this type were planned to be resolved by the Planning Commission. The danger in allowing this precedent is that it discredits the notion that zoning is the city's instrument for planning and controlling development."

According to Charles G. Moerdler, the former City Buildings Commissioner and the attorney representing Milstein before the Board of Standards and Appeals, Milstein is applying for this variance because of "hardships" produced in part from the economics of construction and land costs and in part because of the limitations imposed by the special district regulations.

Although requests like these are usually made first to the City Planning Commission, Milstein did not formally follow that course. A spokesman for Chairman John Zoccolotti indicated that discussions were held with Milstein and it was clearly indicated that the commission would not approve the zoning.

Thus the matter is being brought before the Board of Standards and Appeals, which has the power to grant zoning variances.

Although members of Community Planning Board No. 7

have had meetings with Moerdler, the board has not yet taken a position. A subcommittee is expected on Wednesday to recommend opposition to the variance to the board's housing committee. The full board will meet on July 9 after which there will be another hearing at the Board of Standards and Appeals.

Floor Area Ratios

Under the special restrictions, the new Milstein building would be allowed a floor area ratio of 14.4, including bonus space allowed for special amenities. The ratio is the amount of floor area allowed in relation to the size of the building lot.

The ASCAP building has a ratio of 16.9 because its construction was in the works before the establishment of the special zoning district.

"For the new building, however, Milstein is asking for a ratio of 21.6 that is "the maximum allowable bulk that can be granted for any residential building in the city," says a spokesman for the City Planning Commission.

The only one of the 20 special districts throughout the city that allows such bulk is the theater district, which is a commercial area, the spokesman added. Lincoln Square is a residential area.