

Builder Wins Round in Bid for a Lincoln Tower

By ROBERTA GRATZ

The City Planning Commission today approved by 5-2 an application to construct a 30-story building for mixed commercial and residential use in the Lincoln Center area, presaging a move to put up a 43-story building on the same site.

Paul Milstein, the developer who wants to build the tower at Broadway and 62d Street, had applied to the Board of Standards and Appeals last May for permission to construct the larger building.

But the board, without approving or disapproving the application, told him first to seek permission of the Planning Commission. Today's action by the Planning Commission—approving the smaller building—frees Milstein to go back to the Standards and Appeals Board to seek permission for the 43-story tower.

In a sharp dissent from the Planning Commission's decision, members Gordon J. Davis and Alex Cooper wrote

that Milstein's application was a "fiction" because his real intention was to build a 43-story building.

The tower Milstein wants to build in the Lincoln Square Special Zoning District would have the greatest density of any building in Manhattan.

The fact that it is planned for one of 21 special zoning districts throughout the city means that the developer ordinarily would have the right to have 14.4 square feet of floor space for every square foot of the lot, on the condition that he provides such amenities as landscaped plazas, arcades, setbacks and parking facilities.

What Milstein wants is permission to build 21.5 square feet of floor space for every square foot of lot. Normal zoning requirements demand no more than 10 square feet of floor space for every square foot of building lot.

In the Planning Commission dissent, read by Davis, Milstein's application was said to be "intended ulti-

mately not to comply with, but rather to destroy the fundamental concept and rationale of particularized planning and zoning within the city."

Noting that Milstein had said last August that "the special district is a farce," the dissenters added: "The nature of this application is consistent with that claim."

Davis and Cooper also noted that four buildings already had been constructed, or are in construction now, in the Lincoln district which comply with the ratio of 14.4, negating Milstein's claim that he would have to build a more dense tower in order to be sure of making a profit.

The dissenters also said that to bend zoning requirements to suit "temporary economic conditions would completely unsettle real estate values and commit entire communities as well as individual investors to a speculative limbo."

It was not clear how the Standards and Appeals Board would rule on the almost inevitable appeal from Milstein, but in the past, the board has been receptive to appeals based on economic hardship.