TECHNICAL MEMORANDUM

CEQR Number 07DCP094K: Domino Sugar Project – TM 005[1]

May 13, 2020

I. INTRODUCTION

The Applicant (Domino Site A and Domino Site B LLC) is seeking a minor modification of the CPC approved plans for the Domino Sugar Large-Scale General Development (C 140132 ZSK), to facilitate the construction of a fourteen-story glass barrel-vaulted building, with a mechanical penthouse, within, and set back from, the historic facades of the former Domino factory ("Modified Refinery Building"). On October 16, 2019, the NYC Landmarks Preservation Commission (LPC) approved the design of the Modified Refinery Building when it issued Certificate of Appropriateness COFA-20-02358.

The purpose of this Technical Memorandum is to determine whether the proposed change to the massing of the Refinery Building would result in any significant adverse environmental impacts that were not previously identified in the May 2010 *Domino Sugar Rezoning Final Environmental Impact Statement* (FEIS) and subsequent Technical Memoranda dated June 4th, 2010, July 10th, 2010, October 31, 2013, and March 5, 2014 (CEQR No. 07DCP094K). As discussed below, this technical memorandum concludes that there would be no additional significant adverse impacts in any of the analyzed CEQR technical areas as a result of the proposed modification.

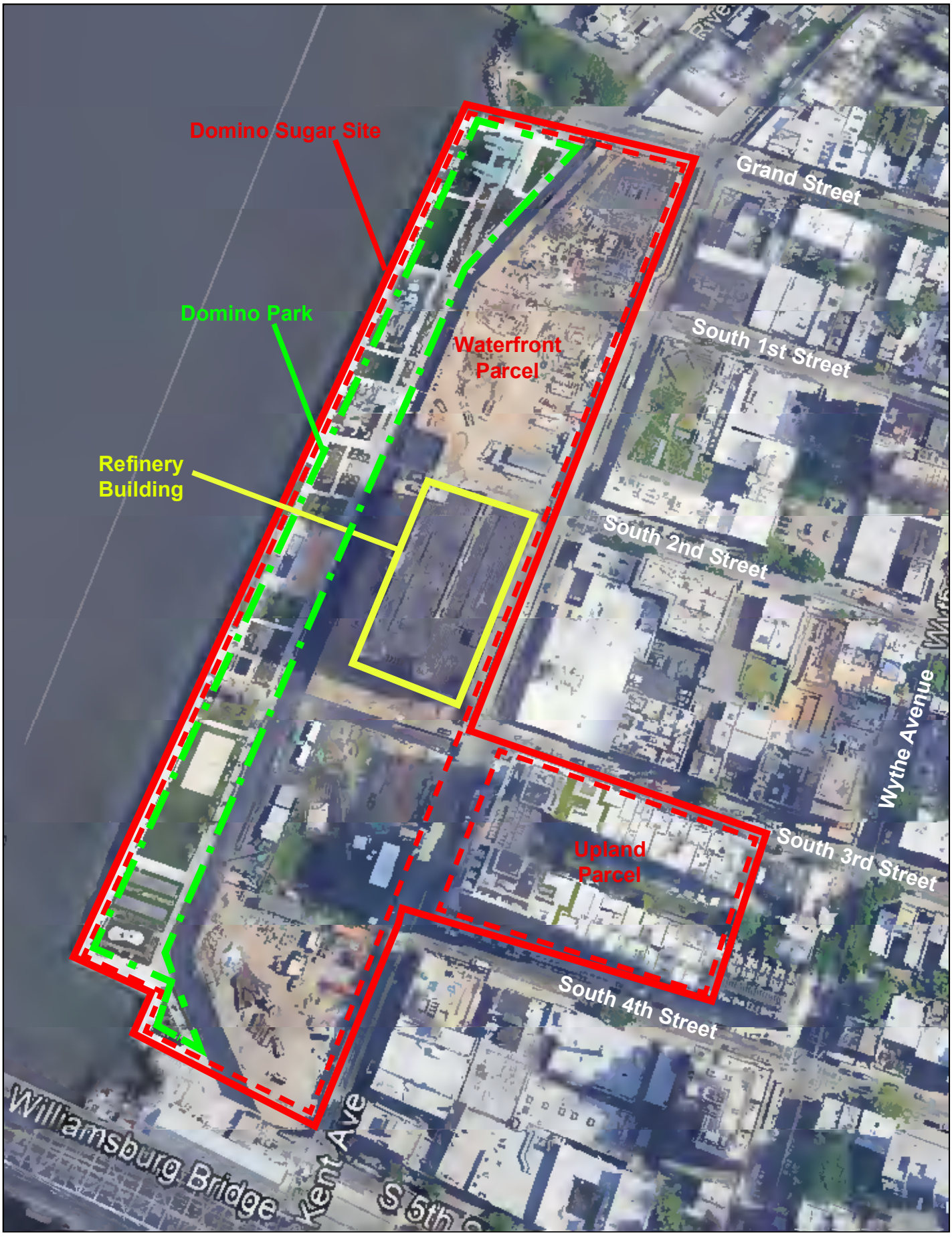
II. BACKGROUND

The Domino Sugar project originally proposed in 2010 (the "2010 Project") was intended to revitalize and reactivate a vacant waterfront industrial site (see Figure 1 for site location) with publicly accessible open space, a restored and adaptively reused historic building, and new residential buildings. As part of the 2010 Project, the landmarked building along the waterfront known as the Refinery Building was to be adaptively reused. A Final Environmental Impact Statement (FEIS) for the 2010 Project was completed and a Notice of Completion for the FEIS was issued on May 28th, 2010.

Subsequent to the Notice of Completion for the FEIS, two Technical Memoranda were carried out. The first memorandum (completed on June 4th, 2010) analyzed modifications to the height of Building A, and the second memorandum (completed on July 10th, 2010) analyzed bulk and setback modifications, a commitment to provide a shuttle service to the Broadway entrance of the Marcy Avenue J/M/Z subway station, and additional commitments related to the provision of community facility space. Both of these Technical Memoranda concluded that the proposed modifications would not result in any significant adverse environmental impacts not already identified in the 2010 FEIS.

[1] This Technical Memorandum was prepared by Philip Habib & Associates, for Two Trees Management Co. LLC.

Project Location



Following the issuance of May 2010 FEIS and subsequent Technical Memoranda, the project site was acquired by the Applicant, which developed a new program (the "2014 Approved Development") for the site.

A third Technical Memorandum to the FEIS was completed on October 31, 2013, which evaluated a number of discretionary actions intended to allow for program and building envelopes, as well as development schedule, different from the projected development analyzed for the site in the 2010 FEIS and subsequent Technical Memoranda. Primary differences included an increase in the amount of office space and community facility square footage, and reductions in the number of residential units and residential floor area, other commercial uses, and parking spaces planned on the site. In addition, the height and massing of the proposed buildings would be different from the 2010 approved massing, allowing for the development of an additional 1.98 acres of open space, including waterfront public access areas, additional public access areas, and public easement areas. TM 003 concluded that the proposed changes to the program and massing for development on the Domino Sugar site would not result in any significant adverse environmental impacts that had not been previously identified in the 2010 FEIS and subsequent Technical Memoranda (TM 001 and TM 002).

A fourth Technical Memorandum (TM 004) was completed on March 5, 2014, to determine whether the modifications being considered by the CPC in conjunction with the 2013 project, which would modify the proposed zoning text amendment related to the affordable housing provision, would result in any significant adverse environmental impacts not already identified in the 2010 FEIS and subsequent Technical Memoranda (TM 001, TM 002, and TM 003). TM 004 concluded that those modifications would not result in any significant adverse environmental impacts that had not been previously identified in the 2010 FEIS and subsequent Technical Memoranda (TM 001, TM 002, and TM 003).

When fully developed, the 2014 Approved Development will consist of: (i) four new buildings; (ii) the adaptive reuse of the landmark Refinery Building; (iii) a 0.74-acre publicly accessible open space (Domino Square); and (iv) a 6-acre public park along the East River (Domino Park). Of the four proposed buildings, the mixed-use buildings located at Block 2414, Lot 2 ("Building A") and Block 2428, Lot 1 ("Building E") have been completed. Building A is a 42-story mixed-use building with 332 dwelling units, approximately 161,240 gsf of office space, and approximately 20,900 gsf of ground floor local retail. Building E, located on the upland parcel, is a 16-story mixed-use building with 522 dwelling units and approximately 19,820 gsf of ground floor local retail. Domino Park (Block 2414, Lot 1) also opened to the public on June 10, 2019, providing a variety of unique recreational features (refer to Figure 1).

The Refinery Building

LPC designated the three buildings which comprise the Refinery Building (individually known as the Filter House, the Pan House, and the Finishing House) as New York City Landmarks on September 25, 2007. The Filter House, located along the riverfront, is 12 stories tall. The Pan and Finishing Houses, located along Kent Avenue, are each eight stories. The Refinery Building rises to a maximum height of 155 feet overall, and 110 feet at Kent Avenue.

Both the 2010 Project and the 2014 Approved Development planned to adaptively reuse the Refinery Building) and included a rooftop addition. As indicated in the 2010 FEIS, the adaptive reuse of the Refinery Building poses a number of challenges, as it was designed and constructed for the specialized processes

of sugar refining. Because the Refinery is a collection of three individual buildings, it does not have uniform and continuous floor levels. Furthermore, the complex of buildings includes large pieces of industrial equipment that extend in some places through several floors. The removal of this equipment would leave very few floors intact and the existing cast-iron columns do not have the load-bearing capacity to support multiple stories. The deep-set and relatively small windows, combined with the deep floor plate of the complex, render the Refinery Building unsuitable for habitable use without altering the building to allow sufficient light and air as required under the New York City Building Code. Additionally, to reuse the Refinery Building, the entire interior structure and all the machinery would need to be dismantled and removed, leaving only the massive brick bearing walls and smokestack intact. These masonry walls would need to be braced temporarily while an entirely new structural framework with new floor slabs is built within the existing brick shell.

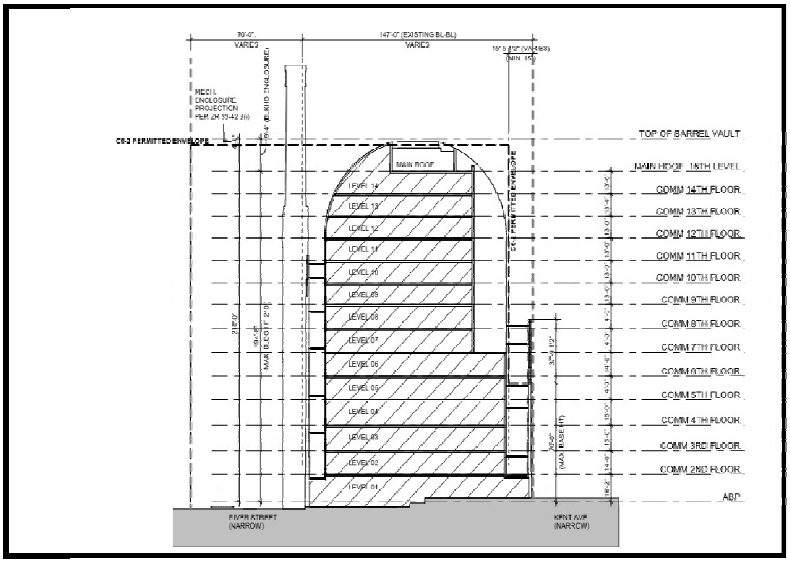
The 2010 Project proposed to add three and four floors to a portion of the roof of the Refinery Building, which would have raised its height to 208 feet. The 2010 FEIS stated that the reuse of the Refinery Building, including a new internal structural system, new historically appropriate windows, a glass and steel rooftop addition and restoration of the façade, was approved by the LPC. However, the LPC Certificate of Appropriateness had not been issued at the time of the 2010 FEIS. The 2014 Approved Development planned to include a similar glass and steel rooftop addition which would add four additional stories, resulting in a total building height of approximately 190 feet to the roofline (approved envelope), as well as two bay windows on the Refinery Building's southern façade. A Certificate of Appropriateness (15-4491) was issued by LPC on February 21, 2014 (refer to Appendix 1), approving the construction of three and four story rooftop additions, rooftop bulkheads, a one story addition to the west façade, balconies at the south façade, among other elements. Subsequently, in November 2017, LPC issued a Status Update Letter (refer to Appendix 1) indicating approval of the Applicant's proposal to construct an addition and modify masonry openings.

III. PROPOSED MODIFICATION TO REFINERY BUILDING BULK

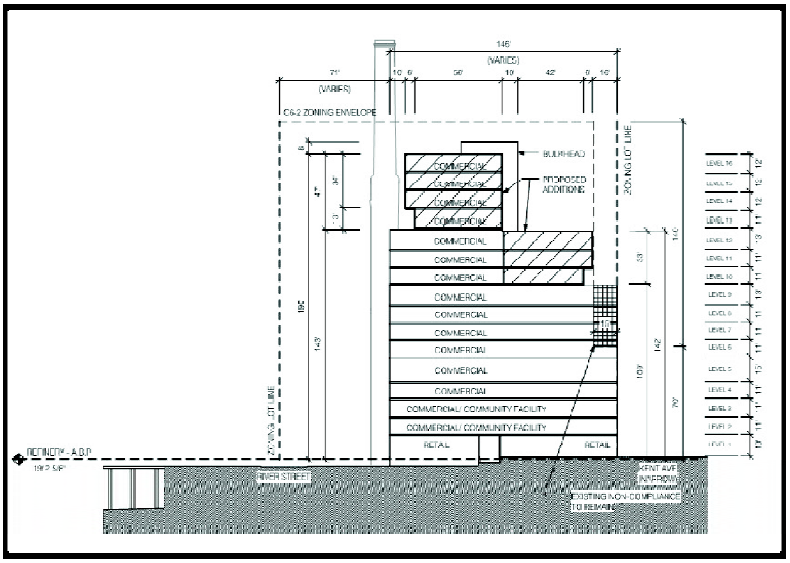
As noted above, both the 2010 Project and the 2014 Approved Development planned to adaptively reuse the Refinery Building, with a proposed glass and steel rooftop addition. Under the 2010 Project, the rooftop addition would have resulted in a building height of approximately 208 feet, and the Refinery Building was assumed to encompass approximately 394,800 gsf for analysis purposes in the 2010 FEIS. Under the 2014 Approved Development, the rooftop addition would have resulted in a building height of approximately 190 feet to the roofline (approved envelope), and 198 feet to the top of mechanical bulkhead, and the Refinery Building was assumed to accommodate a total of 464,821 gsf (442,686 zsf) for analysis purposes in TM 003. Figure 2 compares the building envelope for the Refinery Building under the 2010 Project, 2014 Approved Development, and currently proposed modifications.

As noted above, the Applicant is proposing modifications to the Refinery Building, which would differ from the 2014 Approved Development. While, under the proposed modification, the Modified Refinery Building will be re-purposed for office use, changes are proposed to the building envelope. Namely, the Applicant proposes to construct a 14-story glass barrel-vaulted building, with a mechanical penthouse, within and set back from the historic facades of the refinery (refer to Figures 3 and 4). The Modified Refinery Building would have approximately 402,070 gsf (332,350 zsf) of floor area. The proposed modification would increase the height of the main roof and previously approved envelope of the Refinery Building from 190

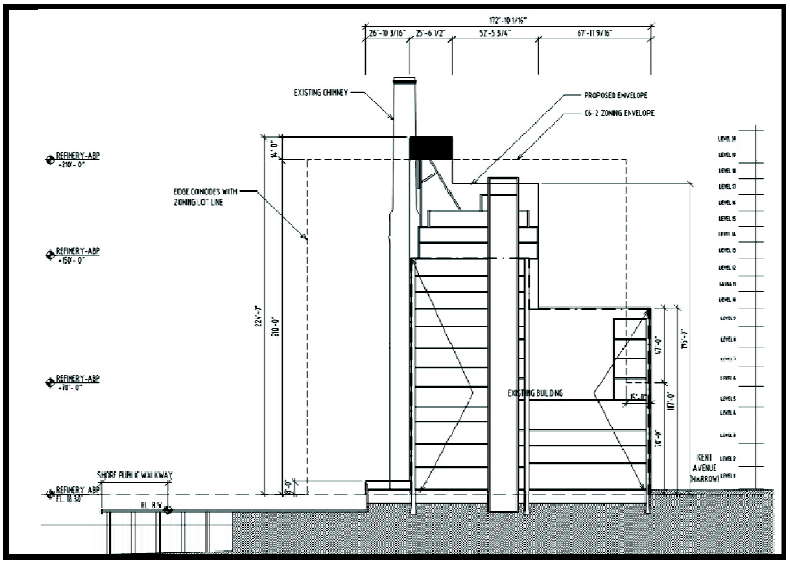
Refinery Building - Proposed vs. Previously Approved Envelopes



Proposed Modified Envelope

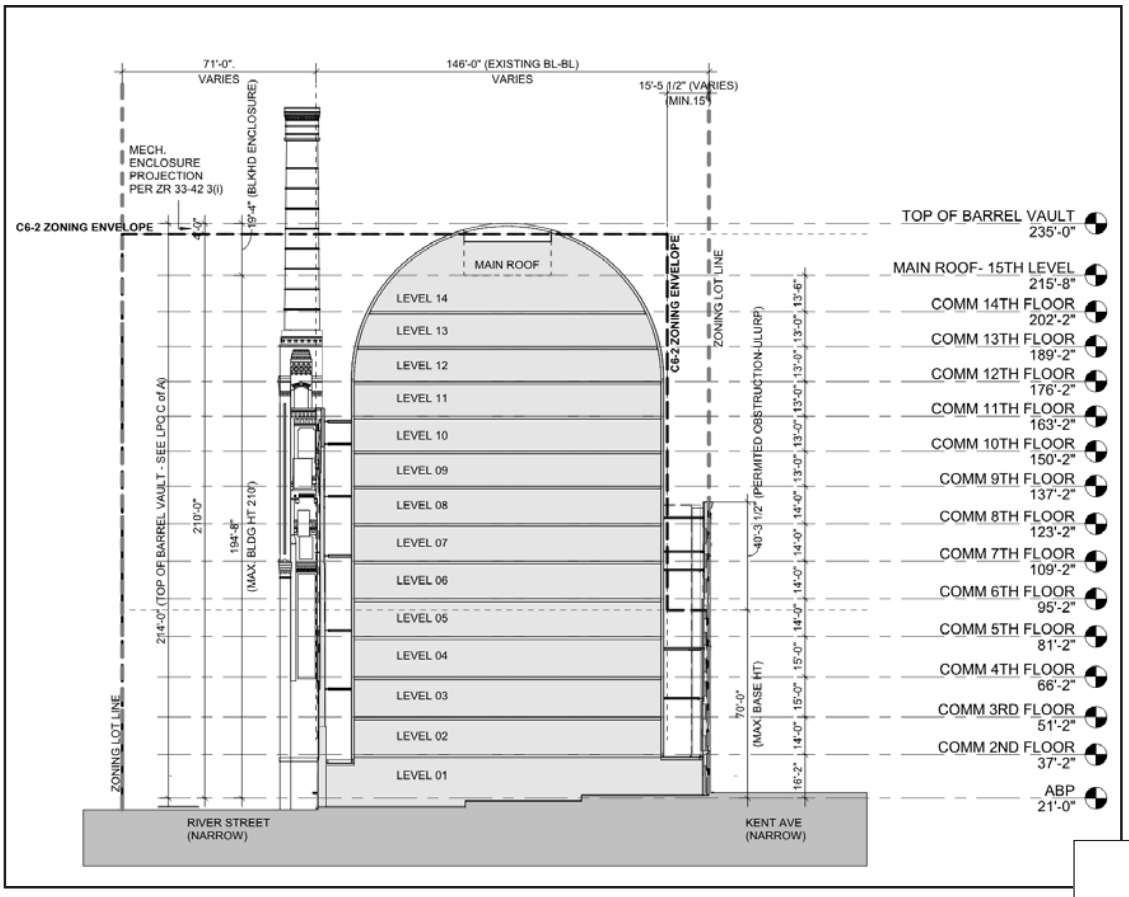


2014 Approved ULURP Envelope

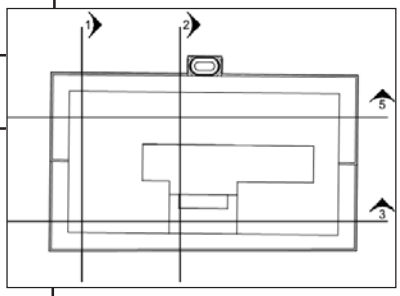


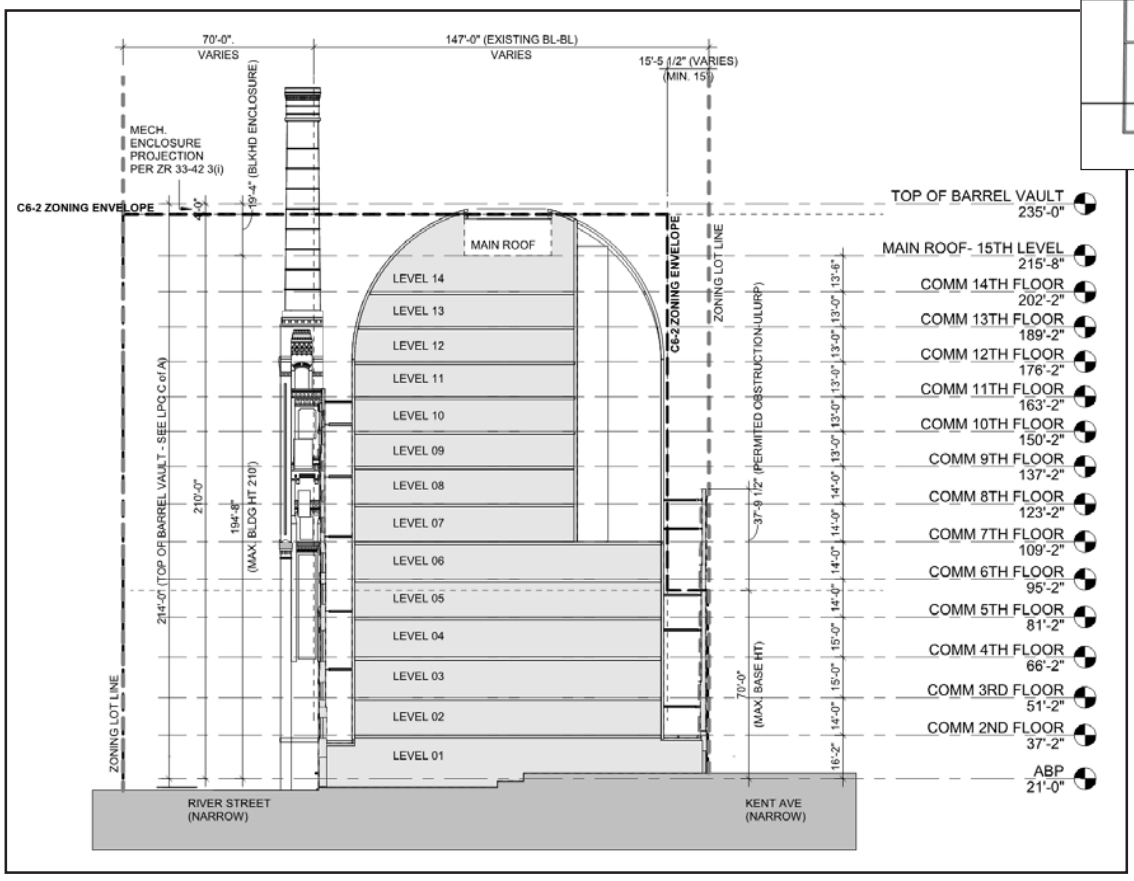
2010 Approved ULURP Envelope

Modified Refinery Building - North and South Exterior Elevations



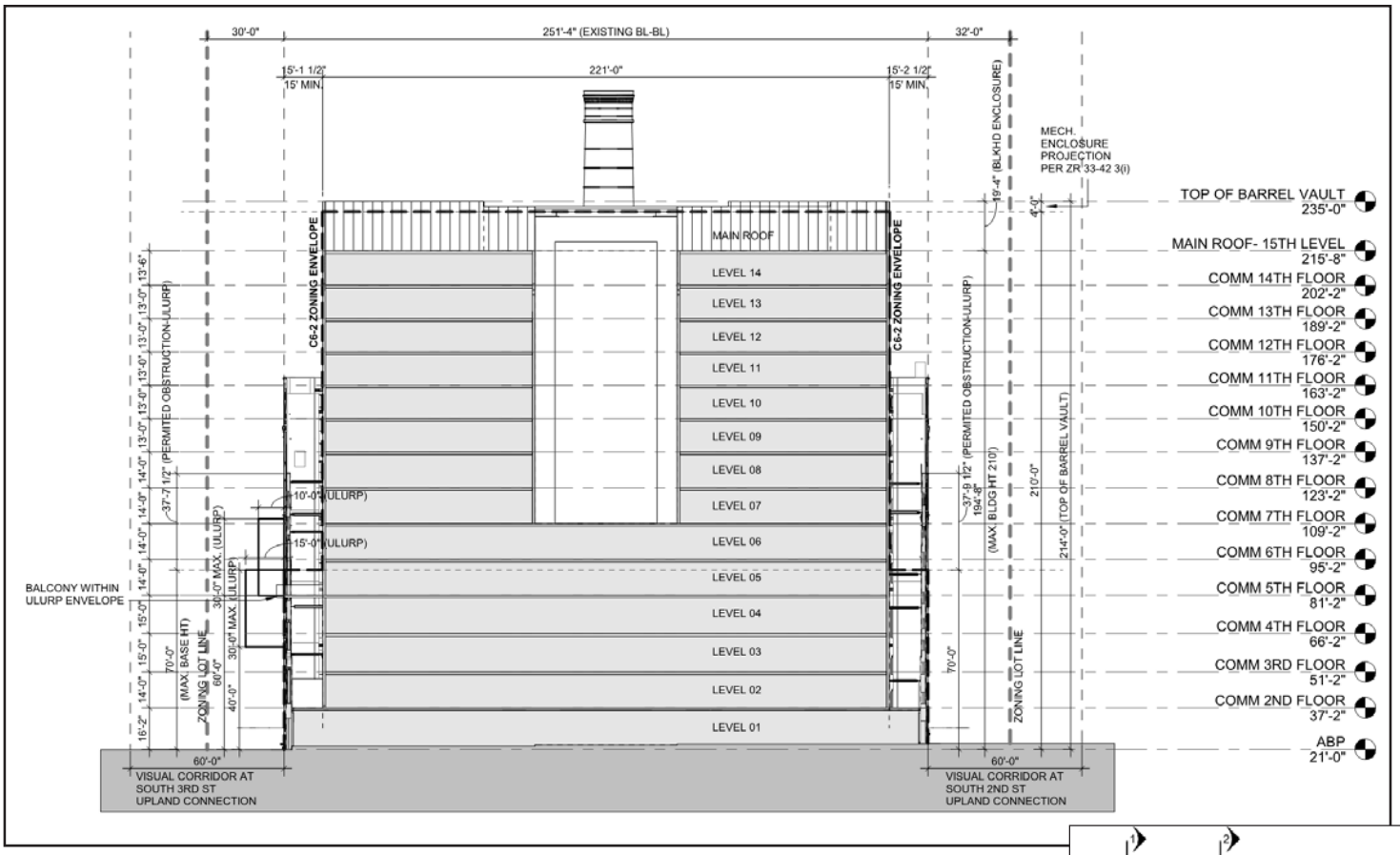
Zoning Section 1



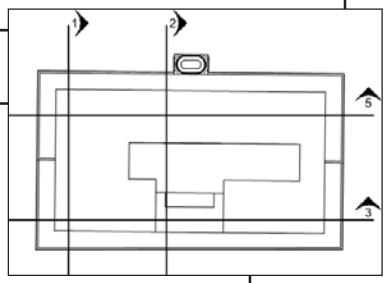


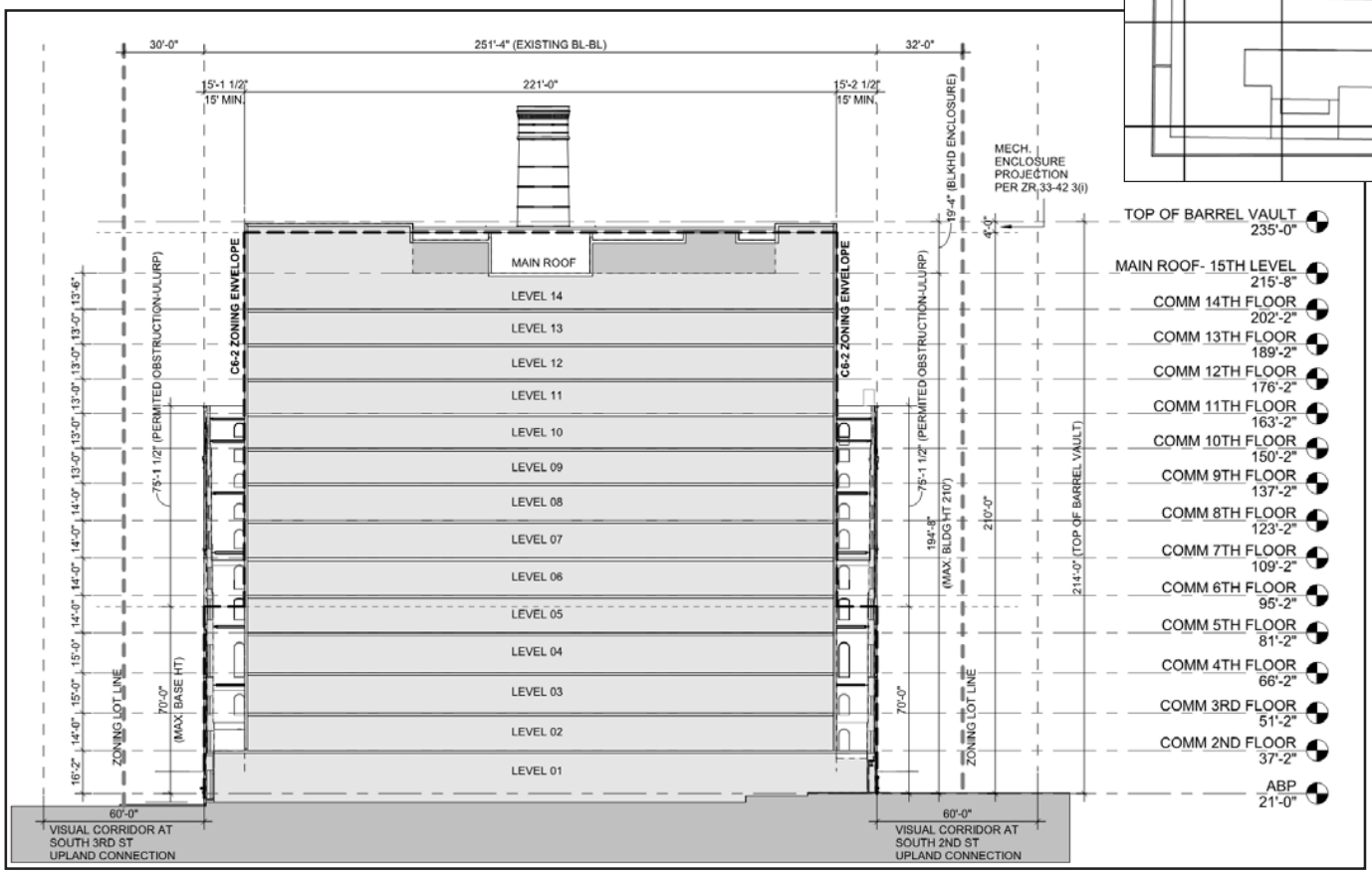
Zoning Section 2

Modified Refinery Building - Height and Setback Diagrams



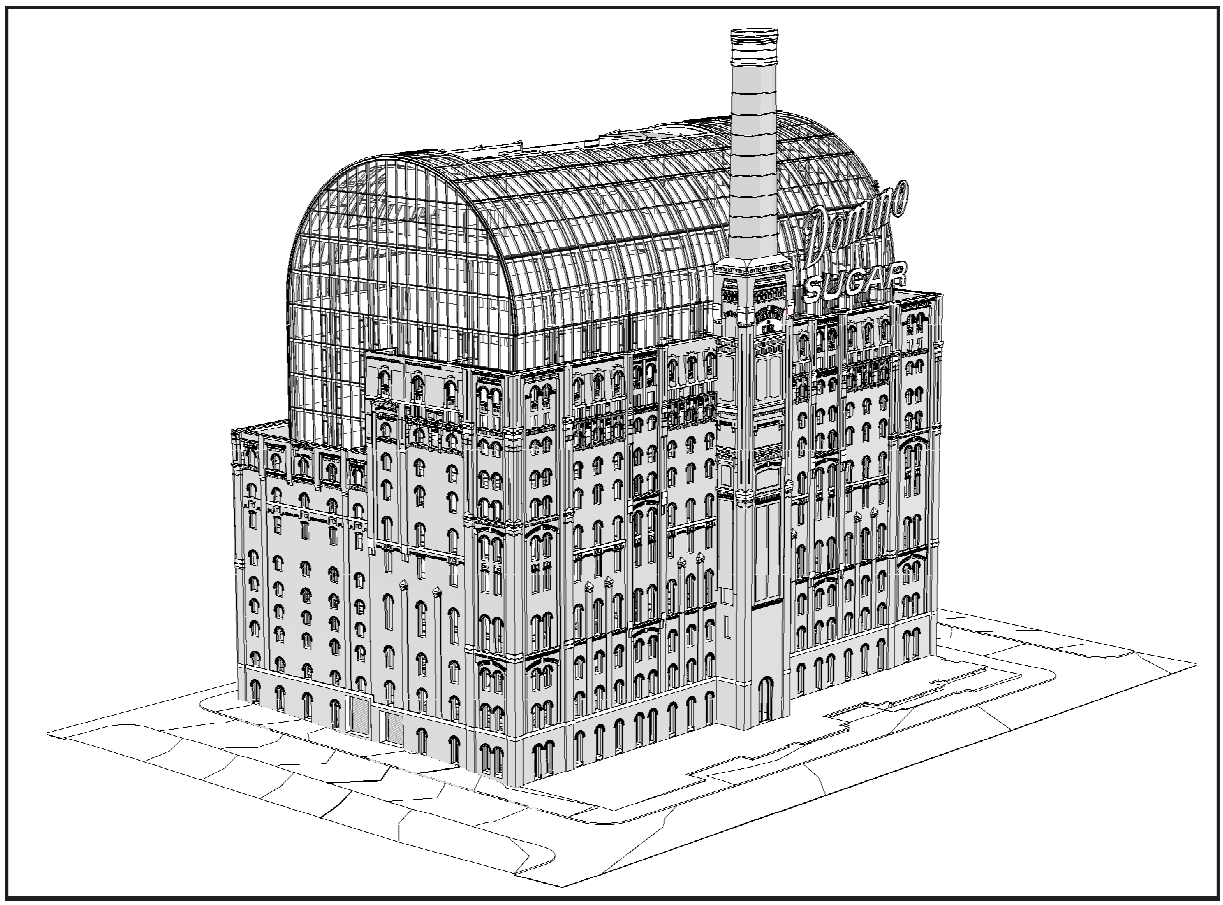
Zoning Section 3



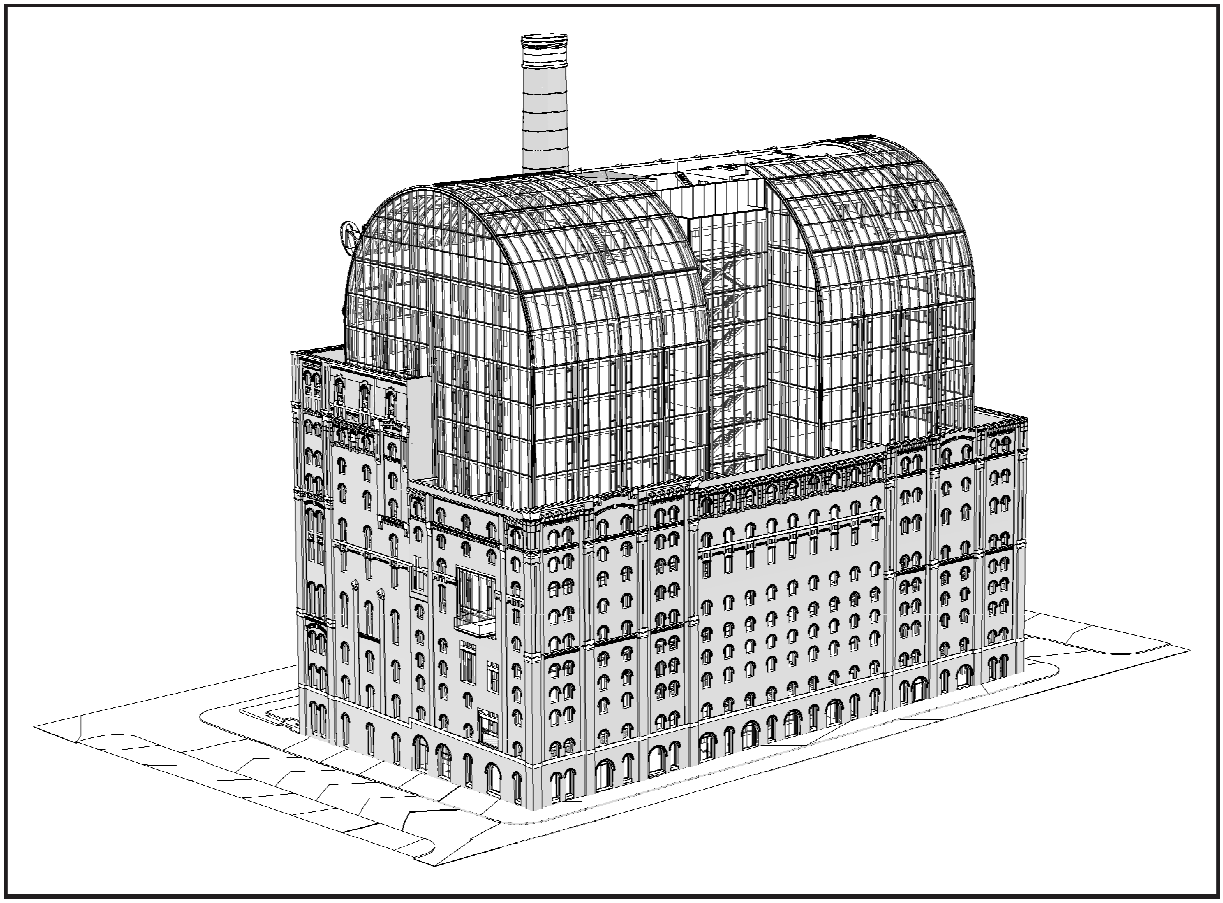


Zoning Section 5

Modified Refinery Building - Illustrative Massing



Northwest View



Southwest View

Source: dencityworks Architecture

feet to 194 feet, 8 inches. The Applicant is also proposing to increase the height of the mechanical bulkhead for the Refinery Building from 198 feet to 214 feet. No zoning waivers will be required for the Modified Refinery Building. On October 16, 2019, the Landmarks Preservation Commission approved the design of the Modified Refinery Building when it issued Certificate of Appropriateness COFA-20-02358 (see Appendix 1).

The configuration of the addition to the Refinery Building is being modified for three main reasons. First, as described by LPC in the Certificate of Appropriateness granted for the proposed modifications, the revised shape better supports the adaptive reuse of the former sugar refinery complex by recalling the historic function of the building's façade as a screen and organizing the massing into a single monumental structure. The barrel shaped roof is consistent with historic industrial buildings contemporaneous with the Refinery. Second, the revised massing greatly increases the amount of light and air within the building, making it much better suited for modern office tenants. Third, the revised massing allows all rooftop mechanical equipment and elevator overruns to be screened from view at the street level.

IV. ASSESSMENT OF POTENTIAL FOR SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS UNDER PROPOSED MODIFICATION

As shown in Table 1 below, the proposed modification to the Refinery Building would result in a negligible increase in gross square footage compared to the 2010 Project and an approximately 13.5 percent reduction in gross square footage compared to the 2014 Approved Project. As such, the proposed modification would not alter the findings and conclusions of the 2010 FEIS or subsequent Technical Memoranda with respect to any density-based analyses (i.e., socioeconomic conditions, community facilities, open space, water and sewer infrastructure, solid waste and sanitation services, energy, transportation, mobile source air quality, mobile source noise, or greenhouse gas emissions).

TABLE 1
Proposed Refinery Building Programs – 2010 FEIS Program vs. 2014 Approved Development vs. Proposed Modification

Land Use	2010 Building Program Analyzed in the FEIS (GSF)	2014 Approved Building Program Analyzed in TM 003 (GSF)	Modified Refinery Program (GSF)	Net Difference – Modified Program vs. 2010 FEIS Program (GSF)	Net Difference – Modified Program vs. 2013 TM 003 Program (GSF)
Residential	260,522 (241 DU)	0	0	-260,522 (-241 DU)	0
Commercial Office	0	403,343	357,857	357,857	-45,486
Retail	30,143	25,725	44,213	14,070	18,488
Community Facility	104,135	35,753	0	-104,135	-35,753
TOTAL GSF	**394,800**	**464,821**	**402,070**	**7,270**	**-62,751**
Parking	127 spaces	0	0	-127 spaces	0

NOTE: GSF numbers shown exclude mechanical spaces.

As the proposed modification would not alter the building footprint or proposed land uses of the Refinery Building, it would also not alter the findings and conclusions of the 2010 FEIS or subsequent Technical Memoranda with respect to several of the site-specific analyses, such as land use, zoning and public policy, natural resources, hazardous materials, or neighborhood character. As noted above, the proposed modification would facilitate construction of a fourteen-story glass barrel-vaulted building, with a mechanical penthouse, within, and set back from, the historic facades of the former Domino factory. The

construction methods/techniques and duration for the Modified Refinery Building would be substantially the same as for the 2010 Project and 2014 Approved Development, and as such, the proposed modification would not alter the findings and conclusions of the 2010 FEIS and subsequent Technical Memoranda with respect to construction impacts. For site specific impacts related to noise, and air quality, the same (E) designation requirements identified for the Refinery Building in TM 003 would be warranted under the proposed modification to eliminate potential impacts associated with those issues.

For CEQR technical areas that are dependent on building form, as the requested modification would slightly alter the massing of the Refinery Building, it may have the potential to affect the findings of analyses that are dependent on bulk, such as shadows, historic resources, urban design and visual resources, and stationary source air quality. Therefore, an assessment of those four technical areas is provided below.

Shadows

As shown in Figure 2 above, the proposed modification would result in a slightly taller maximum height for the Modified Refinery Building – a maximum building height of 194 feet, 8 inches to the roofline (214 feet to the top of the permitted mechanical enclosure), compared to approximately 190 feet to the roofline (198 feet to top of mechanical bulkhead) in TM 003 and 208 feet in the 2010 FEIS. This approximately six- to 16-foot increase in the maximum building height would not result in new shadows being cast on any additional sunlight sensitive resources that were not already analyzed in the 2010 FEIS and TM 003, and would not alter the findings and conclusions of those prior studies with respect to shadows.

It should be noted that since completion of the 2010 FEIS and TM 003, Domino Park has been developed to the west of the Refinery Building, and is currently open to the public. Domino Park is an approximately six-acre public open space generally bounded by Grand Ferry Park to the north, River Street the east, South 5th Street to the south, and the East River to the west, and features lawns, playgrounds, volleyball and bocce courts, recreational paths, a dog run, landscaped areas, tree planters, and various forms of bench- and moveable-seating. The area of the park located directly to the west of the Refinery Building is comprised mostly of pavers, hardscape and wooden seating steps, with minimal vegetation.

The six- to 16-foot increase in the maximum building height may result in a negligible increase in shadows being cast on this sunlight-sensitive resource, which is part of the overall Domino Sugar Project. However, any incremental shadow coverage on Domino Park due to the six- to 16-foot building height increase would be minimal in size and generally limited to the early morning hours, when utilization of the open space is low, and thus, would not be expected to affect the usability of this open space resource. Additionally, incremental shadows on any of the open space's active recreational features (e.g., playgrounds) during the warmer weather months are not expected to significantly affect the usability of the open space. Similarly, in colder weather months when the use of such active recreational features would not be as high (compared to warmer months), incremental shadow coverage is not expected to affect the utilization or enjoyment of these features. Furthermore, as shadows generated by the Modified Refinery Building would generally exit the park by late morning, and as there are no existing or planned developments directly west of the open space, Domino Park's sunlight-sensitive resources would continue to receive adequate, uninterrupted direct sunlight throughout the day (at least the four- to six-hour

minimum specified in the *CEQR Technical Manual*) and any vegetation in the open space would not be significantly threatened.

Therefore, as the extent of the incremental shadows generated by the Modified Refinery Building would be minimal, and would not significantly alter the public's use of Domino Park or threaten the viability of vegetation or other resources, incremental shadows as a result of the Modified Refinery Building would not alter the findings and conclusions of the Shadows chapter of the 2010 FEIS and subsequent Technical Memoranda.

Historic and Cultural Resources

Similar to the 2010 Project and the 2014 Approved Development, the proposed modification would adaptively reuse the Refinery Building. However, instead of the rooftop addition that was planned as part of the 2010 Project and 2014 Approved Development, the Applicant plans to construct a 14-story glass barrel-vaulted building, with a mechanical penthouse, within and set back from the historic facades of the refinery (see Figure 5).

The proposed modification to the Refinery Building massing was reviewed by LPC, which issued a Certificate of Appropriateness (COFA-20-02358) on October 16, 2019 (see Appendix 1). In issuing the Certificate of Appropriateness, LPC noted that the revised shape better supports the adaptive reuse of the former sugar refinery complex by recalling the historic function of the building's façade as a screen and organizing the massing into a single monumental structure. The barrel shaped roof was deemed to be consistent with historic industrial buildings contemporaneous with the Refinery, and would relate well with the American Round arch style of the facades and the functional nature of the arches used throughout the complex. Furthermore, LPC found that the increase in height (of 48 inches) will be negligible, having no significant effect on the perceived scale of the building when viewed from a public thoroughfare or right-of-way.

Overall, the Modified Refinery Building would not result in any new significant adverse impacts to historic resources on the project site or in the surrounding study area, and would therefore not alter the findings of the Historic Resources chapter of the 2010 FEIS and subsequent Technical Memoranda.

Urban Design and Visual Resources

Similar to the 2010 Project and the 2014 Approved Development, the proposed modification would adaptively reuse the Refinery Building. However, as noted above, instead of the rooftop addition that was planned as part of the 2010 Project and 2014 Approved Development, the Applicant plans to construct a 14-story glass barrel-vaulted building, with a mechanical penthouse, within and set back from the historic facades of the Refinery Building.

As described above and shown in Figure 5, the proposed modification to the Refinery Building massing would result in a minimal increase in the overall height – a maximum building height of 194 feet, 8 inches, to the roofline (214 feet to the top of the permitted mechanical enclosure), compared to approximately 190 feet to the roofline (198 feet to top of mechanical bulkhead) in TM 003 and 208 feet in the 2010 FEIS. This approximately six- to 16-foot increase in the maximum building height would be negligible, having no significant effect on the perceived scale of the building when viewed from a public thoroughfare or right-

Modified Refinery Building - Illustrative Rendering Compared to Prior Plans



Proposed Modified Massing - 2019



2014 Approved Development Massing



2010 Project Massing

FOR ILLUSTRATIVE PURPOSES ONLY

Modified Refinery Building - Illustrative Rendering Compared to Prior Plans



Proposed Modified Massing - 2019



2014 Approved Development Massing

FOR ILLUSTRATIVE PURPOSES ONLY

of-way, and would therefore not affect the pedestrian experience compared to the 2010 Project and 2014 Approved Development. Moreover, as the proposed modification would be limited to the Refinery Building's massing and would not alter the building footprint, it would not result in any changes to street patterns, street hierarchy, block shapes, building arrangements, topography, or natural features.

Moreover, the revised massing for the Refinery Building would greatly increase the amount of light and air within the building, making it much better suited for modern office tenants, and allows all rooftop mechanical equipment and elevator overruns to be screened from view at the street level. Additionally, as noted above, LPC noted that the barrel shaped roof to be consistent with historic industrial buildings contemporaneous with the Refinery, and would relate well with the American Round arch style of the facades and the functional nature of the arches used throughout the complex. As such, the proposed modification to the Refinery Building massing would improve the overall building design and hence the visual character of the surrounding area.

Therefore, the Modified Refinery Building would not result in any new significant adverse impacts to urban design or visual resources, and would therefore not alter the findings of the 2010 FEIS and subsequent Technical Memoranda with respect to this technical area.

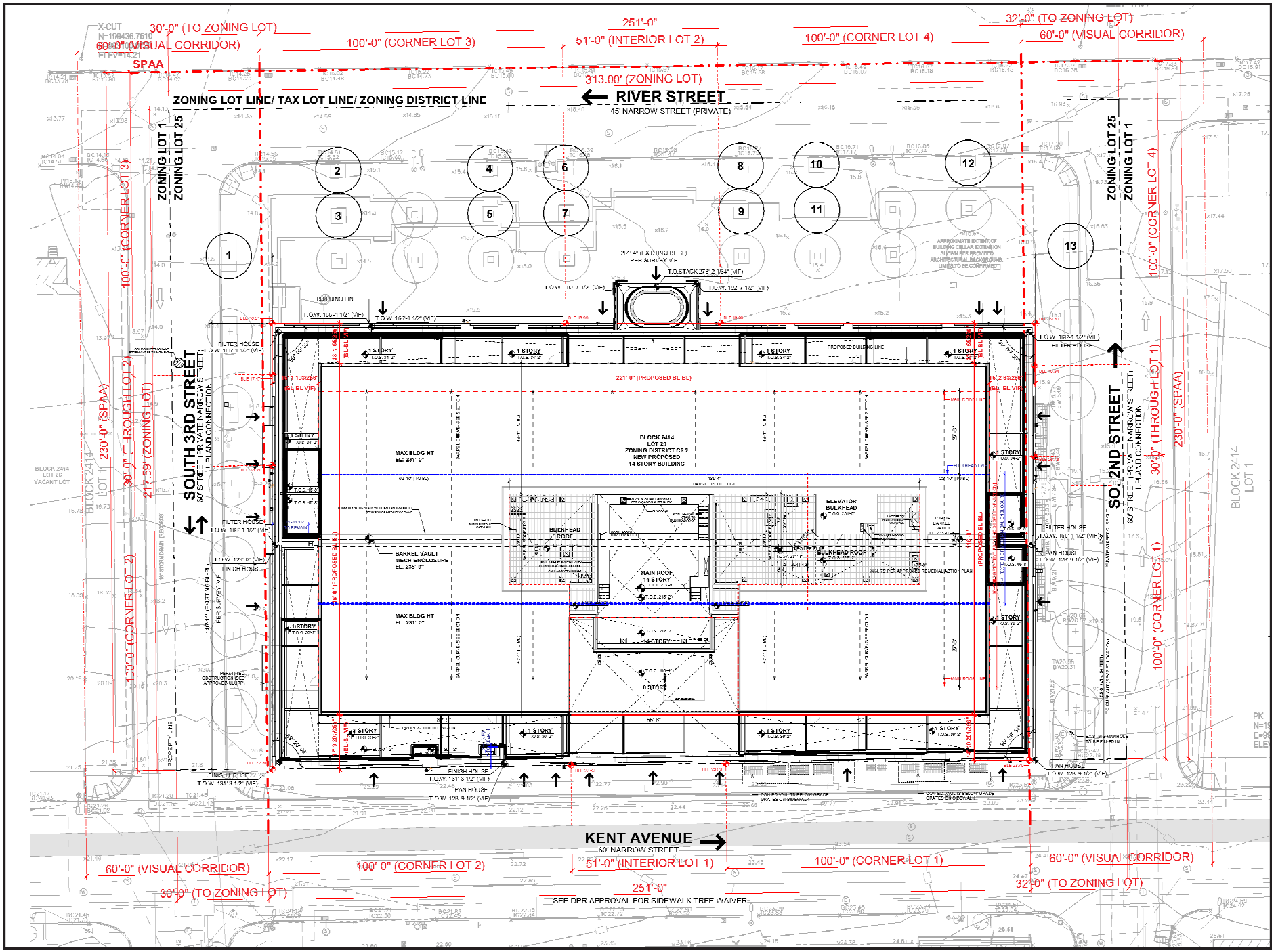
Air Quality

As part of the 2014 Approved Development, an (E) designation for stationary source air quality was placed on the Refinery Building. The (E) designation specified that "Any new development on the above-referenced property must ensure that the fossil fuel-fired heating and hot water equipment will utilize only natural gas, and must be fitted with low NOx burners with a maximum emission concentration of 30 ppm, and that heating and hot water equipment exhaust stack(s) are located at least 193 feet above grade, at least 70 feet from South 2nd Street, and at least 145 feet from a line facing Building B, to avoid any potential significant air quality impacts".

As shown in Figure 6, the location of the boiler flue for the Modified Refinery Building would be in compliance with the (E) designation for the site. As the zoning envelope would remain unchanged, and the Refinery Building would comply with the requirements of the air quality (E) designation placed on the site governing stack location and height, and as the building's gross square footage would be less than what was analyzed in TM 003, there would not be any additional or new stationary air quality impacts anticipated. As such, the Modified Refinery Building would not alter the findings of the stationary source air quality analyses of the 2010 FEIS and subsequent Technical Memoranda and no further analysis is warranted.

V. CONCLUSION

The purpose of this Technical Memorandum was to determine whether the proposed changes to the massing of the Refinery Building would result in any significant adverse environmental impacts that were not previously identified in the May 2010 *Domino Sugar Rezoning Final Environmental Impact Statement* (FEIS) and subsequent Technical Memoranda dated June 4th, 2010, July 10th, 2010, October 31, 2013, and March 5, 2014 (CEQR No. 07DCP094K). As discussed above, this technical memorandum concludes that there would be no additional significant adverse impacts in any of the analyzed CEQR technical areas as a



Domino Sugar TM 005

Figure 6

Modified Refinery Building - Site Plan Showing Location of Boiler Flue

result of the proposed modification to the Refinery Building. As such, the proposed changes to the massing of the Refinery Building would not result in any significant adverse environmental impacts that had not been previously identified in the 2010 FEIS and subsequent Technical Memoranda. Therefore, no additional analysis or supplemental environmental impact statement is warranted for the proposed change to the Refinery Building described herein.

APPENDIX 1

LPC Certificate of Appropriateness COFA-20-02358 COFA (2019)

LPC Status Update Letter (2017)

LPC Certificate of Appropriateness COFA 15-4491 (2014)

DESIGN APPROVAL ONLY:
No work may proceed until the final filing drawings are reviewed, approved and perforated by the Landmarks Preservation Commission staff.

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

PERMIT

CERTIFICATE OF APPROPRIATENESS

ISSUE DATE:	EXPIRATION DATE:	DOCKET #:	COFA
10/16/19	8/13/2025	LPC-20-02358	COFA-20-02358

ADDRESS:	BOROUGH:	BLOCK/LOT:
292-314 KENT AVENUE	BROOKLYN	2414 / 1

(Former) Havemeyers & Elder Filter, Pan and Finishing House, Later known as the American Sugar Refining Company and the Domino Sugar Corporation, Individual Landmark

Display This Permit While Work Is In Progress

ISSUED TO:

Mark Dwyer
Domino Site A and Domino Site B LLC
45 Main Street, Ste 1200
Brooklyn, NY 11201

Pursuant to Section 25-307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission, at the Public Meeting of November 28, 2017, following the Public Hearing and Meeting of October 31, 2017, voted to grant a Certificate of Appropriateness for the proposed work at the subject premises, as put forth in your application completed on October 5, 2017, and as you were notified in Status Update Letter 19-17545, issued on November 28, 2017. Subsequently, at a Public Meeting on August 13, 2019, the Commission voted to approve an amendment to the previously approval, as you were notified in Status Update Letter 19-28241, issued on August 21, 2019.

The work, as proposed at the Public Hearing of October 31, 2017, consisted of demolishing the roof, all

DESIGN APPROVAL ONLY:
No work may proceed until the final filing drawings are reviewed, approved and perforated by the Landmarks Preservation Commission staff.

interior floors, and sections of walls throughout the building; constructing a fourteen (14) story glass curtain wall barrel-vaulted building, with a mechanical penthouse and a cut-out notch at the east façade, within, and set back from, the historic facades of the factory; removing brickwork, including sections of the facade and brick infill, at the south façade, creating three (3) large openings, and installing projecting balconies with glass railings; removing all windows and doors at all facades; enlarging select ground floor masonry openings at all facades by removing adjacent brick masonry; and installing metal framed glass infill and gates at the ground floor openings, including arch-headed, fixed, single-light metal windows, single-light metal doors, and single-light transom window assemblies, and metal gates, all painted dark gray, as shown in a digital presentation, titled "Domino Sugar Refinery," dated October 31, 2017 and prepared by PAU, including 136 slides, consisting of photographs and drawings, all presented as components of the application and presented at the Public Hearing and Public Meeting.

The work, as proposed at the Public Meeting of November 28, 2017, consisted of the same scope of work as the previous public hearing and public meeting, but included additional information relating to the overall design and details of the new building, the protection of the masonry openings at the historic facades, and how the ground floor of the new building would be integrated into the design, as shown in a digital presentation, titled "Domino Sugar Refinery," dated November 28, 2017 and prepared by PAU, including 66 slides, consisting of photographs and drawings, all presented as components of the application and presented at the Public Meeting.

The work, as proposed at the Public Meeting of August 13, 2019, consisted of modifying the design of the cut-out notch at the east façade, to include zinc-plated aluminum cladding instead of a glass curtain wall; and adding a fourteen (14) story rectangular box-shaped glazed metal framed staircase extension to the east façade within the notch, as shown in a digital presentation, titled "Domino Sugar Refinery, East Elevations for LPC Review," dated August 13, 2019 and prepared by PAU, including 27 slides, consisting of photographs and drawings, all presented as components of the application and presented at the Public Meeting.

In reviewing the proposal, the Commission noted that the Havemeyers & Elder Filter, Pan and Finishing House (later known as the American Sugar Refining Company and the Domino Sugar Refinery) Designation Report describes 292-314 Kent Avenue (aka 2-28 South 2nd Street, 3-15 South 3rd Street) as three American Round Arch style factory buildings, designed by Theodore A. Havemeyer and built 1881-84, with later additions and alterations; and that the buildings were combined over time. The Commission also noted that Certificate of Appropriateness 15-4491 (LPC-16-6970) was issued on February 21, 2015 approving the construction of three and four story rooftop additions, rooftop bulkheads, a one-story addition at the west facade, balconies at the south façade, a central courtyard, modifying existing and creating new masonry openings, and installing of windows, storefront infill, canopies and signage; and that although windows and doors were removed and the interior alterations has commenced, the work was not completed as presented on October 31, 2017 and November 28, 2017.

With regard to the proposal presented on October 31, 2017 and November 28 2017, the Commission found that the proposed work will help support the adaptive reuse of the former sugar refinery complex; that the building was designed with little reference to the interior layout and was treated as an envelope for the extensive equipment inside, with no relationship between the exterior design and fenestration to the interior

DESIGN APPROVAL ONLY:
No work may proceed until the final filing drawings are reviewed, approved and perforated by the Landmarks Preservation Commission staff.

equipment, and the proposed approach to restore the masonry, without windows in the openings, and construct a new building within the walls, will recall the function of the building as a screen; that the reorganization of the complex to feature a new interior structure, set back from the historic facades, will maintain the historic lack of relationship between the exterior and interior of the complex and will reflect, in a contemporary way, the historic organization and bracing of the complex; that the new glass and metal structure will be simple in form and proportioned to the complex, thereby helping to maintain the sense of the complex as a single, monumental structure; that the parabolic form of the addition will recall the monumental arches found at industrial buildings built in the early 20th century and will relate well to the American Round arch style of the facades and the functional nature of the arches used throughout the complex; that the original windows and doors, which were recessed within the masonry openings and small in relation to the façade sizes, were not unique and were historically secondary to the masonry facades in terms of the design of the complex; that the majority of the historic windows and doors were replaced prior to the designation of the individual landmark and the remaining units are in deteriorated condition; that the proposed work will maintain the presence and prominence of the character-defining features of the building, including the thick masonry walls, long rows of relatively widely spaced masonry openings, round arched openings, and monumental chimney; that the presence of a void between the historic facades and new construction, the removal of sections of the roof, the elimination of the presence of infill at the masonry openings, and the contrast in materials, finishes and level of articulation between the historic and new components of the complex will all serve to help to clearly differentiate between the historic fabric and new construction; that the simplicity of detailing of the new construction, as well as its set back placement from the masonry facades, will help support the primacy of the historic facades; that the slight enlargement of some of the ground floor masonry openings will not significantly alter the ratio of solid to void or diminish the prominence of the large round-headed masonry openings, both significant features of the American round-arch style of the complex; and that the proposed metal and glass infill and gates will be simply designed and will recall the appearance of loading docks in keeping with the industrial character of the building. Based on these findings, the Commission determined the work to be appropriate to the Havemeyers & Elder Filter, Pan and Finishing House (later known as the American Sugar Refining Company and the Domino Sugar Refinery) Individual Landmark and voted to approve it with the stipulation that the applicant work with staff to ensure that the building's workability and integrity is maintained in several key areas, including design details for window openings; permeability of the brick; protection of the brick; dimensions of the vault; maintaining the building's patina; and patching.

With regard to the amended proposal, as presented on August 13, 2019, the Commission found that none of the proposed changes to the design will eliminate or damage any significant architectural features of the existing historic structure; that the notched portion of the building will maintain a relatively simple massing that will remain compatible with the overall form of the building and not significantly alter its perceived scale; that the cladding of select facades, within the notch, with zinc coated panels, and the delineated expression of the projecting stair enclosure will be compatible with the industrial character of the building and consistent with the ad hoc nature of modifications that historically have occurred at the refinery complex over time; that the zinc coated panels will recall the zinc coated machinery historically used within the complex and be compatible with the materials and finish palette of the building; and that the simple detailing of the zinc coated panels and painted aluminum framed glazed stair enclosure will be consistent with the design of the building. Based on these findings, the Commission determined the work to be appropriate to the Havemeyers & Elder Filter, Pan and Finishing House (later known as the American Sugar Refining

DESIGN APPROVAL ONLY:
No work may proceed until the final filing drawings are reviewed, approved and perforated by the Landmarks Preservation Commission staff.

Company and the Domino Sugar Refinery) Individual Landmark and voted to approve the application.

The Commission authorized the issuance of a Certificate of Appropriateness upon receipt, review and approval of two or more sets of signed and sealed Department of Building filing drawings showing the approved design and incorporating the required stipulations.

Subsequently, the Commission received a report on the treatment of the window openings, dated July 2, 2018, and submitted by PAU; a report of the brick durability testing, dated April 19, 2018, and submitted by Robert Silman Associates; existing conditions photographs; preliminary filing drawings labeled A000.00 through A596.00, dated (revised) September 5, 2019, and prepared by Bhaskar Srivastava, RA; and written confirmation, dated September 27, 2019, that the dimensions of the vault will be submitted for review and approval prior to the commencement of work, submitted by Ruchika Modi, RA, as components of the application. Additionally, Certificate of No Effect 19-34671 was issued on January 16, 2019 approving restorative work, which included repointing brickwork, replacing deteriorated brickwork using salvaged bricks, masonry patching, and removing and replacing bricks in-kind, in conjunction with repairing concealed structural steel elements; and that this restorative work will retain many existing early modifications to masonry openings and other historic modifications, thereby maintaining the building's patina.

Accordingly, staff reviewed these submitted materials and Certificate of No Effect 19-34621 and found that the design approved by the Commission has been maintained and that the applicants have worked with Commission staff in compliance with the Commission's stipulations. Furthermore, staff found that these materials include modifying the scope of work, including increasing the height of the glass curtain-wall building by forty-eight (48) inches; and omitting two (2) of the three (3) previously proposed large openings with balconies at the south façade, in conjunction with restoring and modifying five (5) existing smaller openings by removing brick infill and limited areas of adjacent brick masonry; and expanding the scope of work, including removing brick infill and installing four (4) brown-finished arched-head through-window louvers at the second floor at the north and south facades; as well as incorporating minor refinements to the design and configuration of the ground floor infill and clearly identifying the specific locations of the different types of infill, including two (2) roll-down vehicular gates, thirty-two (32) arched-head fixed single-light metal windows and sixteen (16) single-light metal door and fixed single-light transom window assemblies, and eight (8) simply-designed metal gates, all painted dark gray;

With regard to the modifications, the Commission finds that certain aspects of the work are in accordance with the provisions set forth in Title 63 of the Rules of the City of New York, Section 2-21 for Installation of Heating, Ventilation, Air Conditioning and other Mechanical Equipment, including Section 2-21(c)(2)(ii) for HVAC equipment within window openings on secondary facades. Furthermore, with regard to these or other aspects of the work, the Commission finds that the increase in height will be negligible, having no significant effect on the perceived scale of the building when viewed from a public thoroughfare or right-of-way; that the changes to the masonry openings will be in keeping with the historic ad hoc modifications to some of the masonry openings at the building facades and harmonious with the historic character of the complex. Based on these findings, the drawings have been marked approved with a perforated seal, and Certificate of Appropriateness 20-2358 is being issued.

DESIGN APPROVAL ONLY:
No work may proceed until the final filing drawings are reviewed, approved and perforated by the Landmarks Preservation Commission staff.

The Commission notes that the applicant is applying to the Board of Standards and Appeals for certain variances. Any changes to the design required by the Board of Standards and Appeals approval and, subsequently, the final Department of Buildings filing drawings, must be submitted to the Landmarks Preservation Commission for review and approval prior to the issuance of the final approval letter. No work may begin until the final drawings have been marked approved by the Landmarks Preservation Commission with a perforated seal. Once the final drawings have been received and approved, they will be marked as approved with a perforated seal.

Please see Title 63 of the Rules of the City of New York for complete text of any Rule section(s) cited in this permit:
http://www1.nyc.gov/site/lpc/applications/rules-guides.page

This permit is issued on the basis of the building and site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if the actual building or site conditions vary or if original or 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 disclosed during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of the approval. The work is limited to what is contained in the perforated document. Other work or amendments 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 fine. This letter constitutes the permit; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to Richard Lowry.



Sarah Carroll
Chair

PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:
Ruchika Modi, PAU

cc: Bernadette Artus, Deputy Director; Ruchika Modi, PAU

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

November 29, 2017

ISSUED TO:

Jed Walentas
Two Trees Management
45 Main Street, 12th floor
Brooklyn, NY 11204

Re: **STATUS UPDATE LETTER**
LPC-19-17545
SUL-19-17545
292-314 KENT AVENUE

(Former) Havemeyers & Elder Filter, Pan and Finishing House, Later known as the American Sugar Refining Company and the Domino Sugar Corporation, Individual Landmark

Brooklyn

Block/Lot: 2414 / 1

This letter is to inform you that at the Public Meeting of November 28, 2017, following the Public Hearing and Meeting of October 31, 2017, the Landmarks Preservation Commission voted to approve a proposal to construct an addition and modify masonry openings at the subject premises, as put forward in your application completed on October 5, 2017. The approval will expire on November 28, 2023.

However, in voting to approve this proposal, the Commission stipulated that the applicant work with staff to ensure that the buildings workability and integrity is maintained in several key areas, including design details for window openings; permeability of the brick; protection of the brick; dimensions of the vault; maintaining the building's patina; and patching. No work may begin until a Certificate of Appropriateness has been issued. Upon receipt, review and approval of two signed and sealed sets of the final Department of Buildings filing drawings for the approved work, a Certificate of Appropriateness will be issued.

Please note that all drawings, including amendments which are to be filed at the Department of Buildings, must be approved by the Landmarks Preservation Commission.

Thank you for your cooperation.



Anne Jennings

Please Note: THIS IS NOT A PERMIT

cc: Bernadette Artus, Deputy Director; Vishaan Chakrabarti,

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

PERMIT

CERTIFICATE OF APPROPRIATENESS

ISSUE DATE:	EXPIRATION DATE:	DOCKET #:	COFA #:
02/21/2014	01/14/2020	14-6970	COFA 15-4491

ADDRESS	BOROUGH:	BLOCK/LOT:
292-314 KENT AVENUE INDIVIDUAL LANDMARK HAVEMEYERS & ELDER FILTER, PAN & FINISHING	BROOKLYN	2414/1

Display This Permit While Work Is In Progress

ISSUED TO:

Jed Walentas
Two Trewes Management Co., LLC
45 Main Street, Suite 602
Brooklyn, NY 11201

Pursuant to Section 25-307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission, at the Public Meeting of January 14, 2014, following the Public Hearing and Public Meeting of December 17, 2013, voted to grant a Certificate of Appropriateness for the proposed work at the subject premises, as put forward in your application completed on November 21, 2013. The proposed work modified the scope of work, previously approved at a Public Meeting on June 24, 2008, as specified in Status Update Letter 09-1233 (LPC 08-4774), issued on June 26, 2008.

The proposed work, as currently approved, consists of removing existing rooftop bulkheads and mechanical equipment; constructing clear glass clad rooftop additions, with light gray painted, profiled, metal framing, including a four story addition at the Filter House at the western portion of the complex and a three story addition at the Pan and Finishing Houses at the eastern portion of the complex, with a shared connector portion of the additions, including the elevator core and mechanicals, enclosed with a mix of solid, zinc coated, undulating panels and perforated screens; installing an illuminated sign ("Domino"), salvaged from a neighboring building located outside of the designated site, and an open metal frame support structure at the roof of the addition on the Filter House; removing two existing conveyor bridge structures at the south facade of the Finishing House and replacing them with cantilevered bay windows, featuring clear glazing and light gray painted, profiled, metal framing; removing existing infill, including windows, doors, HVAC equipment and miscellaneous modern installations, throughout the facades; creating new window openings at selective locations at the western, southern, and eastern facades and at the sides of the smoke stack; creating new masonry openings and enlarging existing openings at the first floor of all of the facades and at the base of the smoke stack; installing green painted metal multi-light casement and fixed windows at the majority of the existing and proposed window openings above the first floor at all of the facades and at the smoke stack, and incorporating a green painted metal spandrel panel at selective rows of tall window openings throughout the facades; installing light gray painted, profiled metal window infill at six large modern masonry openings at the southern facades of the buildings; installing

DESIGN APPROVAL ONLY
No work may proceed until the final drawings are approved and released by the Landmarks Preservation Commission staff.

glazed infill, including doors, display windows, and transoms at the existing and proposed masonry openings throughout the ground floor, with medium gray painted metal framing at all of the bays and a tripartite divisions at wider bays at the eastern and southern facades; installing two steel canopies, with metal tie backs, laminated glass roofs, and down lights, including one at the center entrance at the eastern side of the complex and one canopy at the western side of the smoke stack; installing 4' high, metal framed, internally illuminated signage letters ("Domino") on open metal frames at the roofs of the canopies, non-illuminated painted metal brackets signs and back painted signage at the shopfront infill, and a bronze address plaque at plain brickwork, near the main complex entrance at the eastern facade; creating two new vehicular entrance masonry openings at the northern facade of the Filter House; installing metal roll-down doors within the new vehicular entries; and slightly raising the grade level of the land adjacent to the western side of the complex.

The proposed work, as previously proposed and presented on December 17, 2013, included a more regularized and uniform addition at the roof of the Filter House, with a larger footprint at the upper three floors; a different configuration of mechanical screening, which obscured more of the smoke stack from certain views; uniform solid enclosures at the elevator core and mechanicals, instead of the mix of solid and perforated enclosures; and glass railings at the roof of the Filter House.

The proposed work, as previously approved in 2008, included constructing a rooftop addition at the roof of the Filter House only, featuring a four story portion at the northern side and a three story portion at the southern side; installing rooftop mechanical screening and enclosures, featuring a different design and placement than those currently proposed; installing spandrel panels, within the masonry openings, at different levels than those currently proposed; constructing open balconies, instead of cantilevered bay windows at the southern facade of the Finishing House; and work which has been omitted from the current proposal, including constructing a one story addition at the western side of the Filter House; creating a central courtyard within the Filter and Pan Houses; replacing limited sections of decorative brickwork at the twelfth floor level of the Filter House with new masonry openings and windows; replacing the windows at the eastern facade of the Filter House; installing canopies at the northern and southern facades of the buildings, instead of at the eastern and western sides of the buildings; and applying painted signage at masonry above select ground floor entrances.

The proposed work, as it was initially proposed in 2008, included constructing a five story addition at the roof of the Filter House, with a more uniform height and design and less prominent framing than the later approved designs for the addition; constructing cantilevered bays at the southern facade of the Finishing House, with different framing designs and details than the balconies and cantilevered bays which were later approved; a different window configuration for the proposed windows at the eastern side of the Filter House; and infill at the ground floor, without a tripartite division at the wider bays of the eastern and southern facades. Additionally, this initial proposal did not include the installation of the Domino sign at the roof of the Filter House.

The proposed work, as currently approved, was shown in a computer slide presentation, titled Domino Sugar Refinery Redevelopment and dated January 14, 2014, consisting of twenty-three slides, labeled Revised LPC-1, LPC-2, LPC-6, LPC-3, Revised LPC-21, LPC-21, Revised LPC-21, LPC-19, Revised LPC-19, LPC-30, Revised LPC-30, LPC-31, Revised LPC-31, LPC-54-A, New LPC-54-A, LPC-054, Revised LPC-54, LPC-27, Revised LPC-27, LPC-25, Revised LPC-25, LPC-B, and Revised LPC-B. The proposal as proposed and presented on December 17, 2013, was shown in a computer slide presentation, titled Domino Sugar Refinery Redevelopment and dated October 1, 2013, consisting of seventy-nine slides, labeled LPC-1 through LPC-56 and LPC-A through LPC-W. The proposed work, as revised and initially approved in 2008, was shown in a presentation, titled Domino Sugar Refinery Redevelopment and dated June 24, 2008, consisting of fifty presentation boards, labeled LPC.1.0 through LPC.1.12, LPC.2.1 through LPC.2.6, LPC.3.1 through LPC.3.7, LPC.4.1 through LPC.4.15, LPC.4.13.a, LPC.5.1 through LPC.5.3, LPC.5.2a, LPC.5.3a, and LPC.6.1 through LPC.6.4. The proposed work, as initially proposed in 2008, was shown in a computer slide presentation, titled Domino Sugar Refinery Redevelopment and dated June 24, 2008, consisting of fifty-two slides, labeled LPC.1.0, LPC.1.1, LPC.1.2A, LPC1.2B, LPC1.2C, LPC.1.3 through LPC.1.12, LPC.2.1 through LPC.2.6, LPC.3.1 through LPC.3.7, LPC.4.1 through LPC.4.15, LPC.5.1 through LPC.5.4, LPC.5.3a, and LPC.6.1 through LPC.6.4, as well as on supplemental boards, matching selective slides. All of the presentations included drawings, photographs, and photo montages, which were prepared by Beyer, Blinder, Belle and presented at the Public Hearings and Public

Do not remove this notice.
Property of New York City Landmarks Preservation Commission
Any work not approved by the Landmarks Preservation Commission may result in civil and criminal penalties.

Meetings.

In reviewing the current proposal, the Commission noted that the Havemeyers & Elder Filter, Pan & Finishing House, later known as the American Sugar Refining Company and the Domino Sugar Refinery Designation Report describes 292-314 Kent Avenue (aka 2-28 South 2nd Street, 3-15 South 3rd Street) as three American round-arch style industrial buildings, designed by Theodore A. Havemeyer and others and built in 1881-1884.

With regard to this proposal, the Commission found that the removal of the existing rooftop accretions and construction of the additions will not eliminate any significant historic elements; that the existing buildings were constructed as part of a complex of industrial buildings, that historically featured prominent rooftop accretions, including smoke stacks, bulkheads and mechanical equipment, therefore the presence of rooftop structures will be in keeping with the character of the buildings; that the portions of the eastern secondary façade of the Filter House to be removed and concealed by the addition only features plain masonry and modern infill; that the design of the additions, featuring glazing set in metal framing, undulating metal cladding, and open metal screens as well as their variations in heights and facade planes, will be in keeping with the industrial character of the buildings; that the metal and glass materials of the additions, contrasting with the masonry facades of the buildings, and their placement, set back from the parapets of primary facades of the buildings, will help to differentiate the additions and bulkheads from the original buildings and support their identity as secondary elements; that the stepped profile and limited height of portions of the additions will help maintain significant views of the historic smoke stack, an iconic feature of the building; that the "Domino" sign at the roof of the Filter House will be well integrated into the overall design of the additions and will reflect the developmental history of the buildings and site; that the asymmetrical, regularized pattern of the simply-detailed, substantial metal framing at the cantilevered bay windows will evoke the presence of the conveyor bridges to be removed and the outward representation of structure, a character-defining feature of industrial buildings; that the proposed new and enlarged masonry openings at the upper floors will not eliminate any decorative brickwork; that the proportions and spacing of the proposed new and enlarged upper floor window openings, matching the historic window openings, in conjunction with the selective use of straight-headed lintels at new vertical rows of windows, will help support a harmonious fenestration pattern and the primacy of the original masonry openings; that although the proposed multi-light metal windows, within original masonry openings, will not match the historic wood windows in terms of materials and exact framing dimensions, the proposed windows will match the historic windows in terms of operation, configuration and finish and will closely replicate the overall appearance of the historic windows; that the proportions, configuration, details and finish of the proposed multi-light windows, within the proposed new and enlarged masonry openings, as well as historic masonry openings without a known historic window type, will replicate these aspects of the historic windows, thereby helping to integrate the proposed windows into the buildings' overall fenestration patterns; that the presence and placement of multi-light casement and fixed windows, separated by metal spandrels, at selective rows of tall window openings will be well related to the proportions of these masonry openings and harmonious with the fenestration pattern of the buildings, which historically featured groupings and rows of selective window types; that the historic infill at the ground floor of the buildings has already been largely replaced, therefore the removal of the remaining historic windows and doors at the ground floor and modification of these masonry openings to create entrance and shopfront infill will not disrupt an intact ground floor composition; that the limited enlargement of the ground floor masonry openings will not significantly alter the ratio of masonry to infill or diminish the prominence of the large round-headed masonry openings, both significant features of the American round-arch style of the buildings; that the design of the ground floor infill, featuring simple detailed vertical mullions and entrance framing will reference the tripartite divisions of the building historic ground floor infill and recall, in a contemporary manner, loading docks in keeping with the industrial character of the buildings; that the proposed bracket signs and back-painted signage on display windows will be in keeping with style and placement of traditional signage found at buildings of this type, style and age; that the presence of illuminated signage will be consistent with signage historically found at this complex and the limited number and size of the proposed modern illuminated signs at the base of the building will help them remain secondary elements; that the cumulative amount of signage will not overwhelm the buildings; that the presence, placement, scale, material, and details of the metal canopies will be harmonious with the industrial character of the buildings, without overwhelming them or drawing undue attention to themselves; that the vehicular entrances will be in keeping with the placement, size, and utilitarian character of secondary service entrances at buildings of this age, type,

and style; and that slight adjustments to the grade level at the western side of the building will not conceal any significant architectural features or noticeably alter the perceived scale of the building. Based on these findings, the Commission determined the work to be appropriate to the buildings and voted to approve the application.

The Commission notes that the applicant is applying to the City Planning Commission for certain approvals. Any changes to the design required by the City Planning Commission approval must be submitted to the Landmarks Preservation Commission for review and approval prior to the issuance of the final approval letter.

PLEASE NOTE: This permit is issued contingent upon the Commission's review and approval of the final Department of Building filing set of drawings. No work can begin until the final drawings have been marked approved by the Landmarks Preservation Commission with a perforated seal. Please submit these drawings to the Landmarks Preservation Commission staff when they become available.

Also, as the approved work consists of subsurface work, the applicant is required to strictly adhere to the Department of Buildings TPPN 10/88 governing in-ground construction adjacent to historic buildings. It is the applicant's obligation at the time of applying for their permit to inform the Department of Buildings that the TPPN applies.

This permit is issued on the basis of the building and site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if the actual building or site conditions vary or if original or 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 disclosed during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of approval. The work is limited to what is contained in the perforated documents. Other work or amendments 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; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to Bernadette Artus.

Robert B. Tierney
Chair

PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:

John H. Beyer, Beyer Blinder Belle Architects & Planners, LLP

cc: Caroline Kane Levy, Deputy Director of Preservation/LPC; John Weiss, Deputy Counsel/LPC; Mark Levine, Esq./Herrick Feinsten LLP

No work may proceed until the final filing drawings are approved and perforated by the Landmarks Preservation Commission.
DEPARTMENT OF BUILDINGS COPY ONLY