



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: 06/07/18	EXPIRATION DATE: 4/10/2024	DOCKET #: LPC-19-25413	COFA COFA-19-25413
ADDRESS: 104 EAST 10TH STREET		BOROUGH: MANHATTAN	BLOCK/LOT: 465 / 109
St. Mark's Historic District Extension			

Display This Permit While Work Is In Progress

ISSUED TO:

Kevin McAvey
Penrith URF LLC
140 Broadway, 28th Floor
New York, NY 10005

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Pursuant to Section 25-307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission, at the Public Meeting of April 10, 2018, following the Public Hearing and Public Meeting of August 8, 2017, voted to grant a Certificate of Appropriateness for certain work at the subject premises, as put forth in your application completed on July 13, 2017, and as you were notified in Status Update Letter 18-03643 (LPC 18-3643), issued on April 10, 2018.

The proposal, as approved, consists of exterior alterations at the roof and the rear facade, including the construction of a one-story rooftop addition at a new lowered main roof, set back from the building's front facade 10'-1" at the base of the sloped front facade and an additional 10'-2" at the top of the sloped facade, and set back 1'0" from the building's rear facade, clad in vertical standing-seam zinc panels, and featuring an operable, tilt-up glass door-assembly and multi-light windows at the sloped front facade, rooftop mechanical additions including two (2) heat-pump units at the southwest corner, multiple vents, and a picket-style steel perimeter railing and steel stair with handrails leading downward from the western front corner of the roof to the front portion of the lowered main-building roof, all finished in black; the related removal of three brick chimneys from the western lot-line parapet; as well as the installation of a glass door and window assembly in a combined opening at the basement at the rear facade. The proposal, as initially presented, included the construction of a two-story rooftop addition, the installation of operable glass-door and window infill in combined window openings at the basement and first floor at the rear facade, and the excavation of the cellar

floor and front areaway. The proposal, as approved, was shown in a digital presentation, titled "104 E. 10th Street/New York, NY 10003," dated March 7, 2018, including thirty-one (31) slides, prepared by Michael Almon, R.A. The proposal, as initially presented, was shown in an undated digital-presentation titled "104 East 10th Street," including thirty-one (31) slides, prepared by Fernando Papale, R.A. Both presentations consisted of photographs, drawings, photomontages, and information on materials and finishes.

In reviewing this proposal, the Commission noted that the St. Mark's Historic District Extension Designation Report describes 104 East 10th Street as a neo-Grec style rowhouse, built in 1879, and that the building's style, scale, materials, and details, are among the features that contribute to the special architectural and historic character of the historic district. The Commission also that the building is only one of two buildings in the St. Mark's Historic District Extension. The Commission further noted that Notice of Violation 86-0007 was issued for "the ongoing facade work (incl. paint stripping, etc.) without permits"; that Notice of Violation 10-0610 was issued for "lintels shaved at parlor floor and second floor without permit(s)"; that Notice of Violation 10-0611 was issued for "newel posts altered/removed without permit(s)"; and that Notice of Violation 10-0612 was issued for "garden floor window guards replaced without permit(s).

With regard to this proposal, the Commission found that the proposed set-back, sloped, one-story addition will not be visible directly over the building's front façade or from points to the east; that the rooftop addition, including railings and stairs, will be only minimally visible from limited vantage points to the west; that the rear façade of the proposed addition will be set-back slightly from the plane of the building's rear façade, and therefore will maintain the existing brick corbeling and the building's rowhouse scale and character; that the metal materials and neutral palette of the addition will cause it to blend unobtrusively with the surrounding buildings in the roofscape; that the creation of a new one-story masonry opening at the basement and first floor at the rear façade by combining existing window openings and removing portions of the masonry wall will not eliminate or destroy any significant protected features; that this new opening and related new operable glass-door infill will be at a secondary façade that is not visible from a public thoroughfare and will maintain the scale and character of the building as an individual rowhouse; and that therefore the proposed rooftop addition and rear-façade changes will not diminish or detract from the special architectural character of the building, streetscape and district. Based on these findings, the Commission determined the work to be appropriate to the building and the historic district 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.

Subsequently, on May 1, 2018, the Commission received filing drawings labeled GN-001.0, GN-002.00, Z-001.00, DM-101.00 through DM-105.00, A-101.00, A-102.00, A-103.00, A-201.00, A-301.00, A-401.00, and A-600.00 through A-604.00, incorporating specifications and photographs, all dated May 1, 2018, and prepared by Michael Almon, R.A.

Accordingly, staff reviewed these materials and noted that they include additional exterior work consisting of corrective and restorative repair and refurbishment at masonry, metal, and wood components, including the removal of existing coatings from face-brick and brownstone components at the front facades; the restoration of four (4) shaved brownstone window lintels at the first and second floors at the front facade, matching the surrounding lintels, and the repair and resurfacing, as necessary, of remaining brownstone components, including the stoop, with cementitious repair mortar; the in-kind replacement of damaged brick at the front facade, as needed; the removal of deteriorated brick-joint mortar at the front and rear facades, and repointing the cut and new replacement-brick joints with new mortar, with the existing corbeling at the rear-facade roof parapet to remain; the partial restoration of the missing cast-iron newel-post at the eastern

plinth at the end of the convex bottom step of the brownstone stoop by installing a new fluted cast-iron column, decorative finial and octagonal base matching the remaining opposite newel at the western plinth, both of which were altered prior to the designation of the historic district; the replacement of non-historic and deteriorated metal handrail caps at the historic cast-iron stoop and areaway railings with new contoured cast-iron caps matching the historic components in terms of material, design and finish; the replacement of non-historic iron security grilles at front-facade basement window openings with new metal grilles matching the historic understoop metal security gate in terms of material, design, detail and finish; the repair and painting of the historic bracketed galvanized iron roof-cornice at the front facade; the replacement of the ten (10) one-over-one double-hung window sash at the front facade and the six (6) two-over-two double-hung window sash at the rear facade with new double-hung sash in matching configurations, with the existing wood framing and brickmolds at windows at both facades to remain and be repaired, or replaced as necessary; and painting all of the new and existing window components; the repair and painting of the historic wood entry doors; and the installation of two wall-mounted light fixtures at the basement at the rear facade, flanking the new door and window assembly; as well as interior alterations at the cellar through the third floor, including the comprehensive demolition and construction of load-bearing and non-bearing partitions, stairs and finishes, and the installation of an elevator with the related equipment contained within the existing cellar and the new rooftop addition; as well as structural, framing, mechanical, electrical, and plumbing work.

With regard to this additional work, 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 2-14 for sandstone restoration; Section 2-17(c)(1) for restoration of facade features and storefronts; Section 3-04(c)(2) for replacement of windows at primary facades of buildings in a historic district; and Section 3-04(d)(2) for replacement of windows at secondary facades that are not visible from public thoroughfares. Furthermore, with regard to these or other aspects of the work, the Commission finds that that the removal of the paint will utilize the gentlest effective methods available and will reveal the texture and finish of the underlying historic masonry; that the pinning work will help to secure restored masonry components; that the pinning work will utilize stainless steel and be concealed from view; that the replacement brick will match the historic masonry in terms of placement, material, dimensions, texture, finish, profiles and details; that the existing joints will be raked by hand only; that the pointing mortar will be compatible with the masonry in terms of composition and will match the historic mortar in terms of profiles, texture, and finish; that only unsympathetic metalwork elements will be removed and/or replaced; that the replacement of the missing metal components will help return the stoop and areaway railings, and the basement-window security grilles, closer to their historic appearance and condition; that the replacement metalwork will match the historic metalwork in terms of placement, material, dimensions, texture, finish, profiles, and details; that the proposed methods and materials have been provided in the form of specifications in the drawings; that the work will not result in damage to or loss of any significant historic fabric; and that the work will support the long term preservation of the building and the special architectural and historic character of the building and historic district. Additionally, staff found that the design approved by the Commission has been maintained. Based on these and the above findings, the drawings have been marked approved with a perforated seal, and Certificate of Appropriateness 19-25413 is being issued.

Please be advised that Notices of Violation 86-0007, 10-0610, 10-0611 and 10-0612 remain in effect against the property. This permit has been issued in reliance upon the owner's demonstrated intention to perform work to correct the violation, as evidenced by the escrow agreement dated August 3, 2017, between Penrith URF LLC, as owner and Law Office of Marvin B. Mitzner LLC, as escrow agent. Failure to resolve this matter may result in the issuance of a Notice of Violation (NOV) originating from the Environmental Control Board in accordance with Title 63 of the Rules of the City of New York, Section 7-02 (c). Second NOV's require a court appearance and a civil fine may be imposed.

PLEASE NOTE: This permit is contingent upon the use of only low-pressure water rinses, not to exceed 500 psi, with a fan spray-tip, and also upon the Commission's review and approval of installed sample mockups of paint removal, joint cutting, cementitious finish coatings, bricks, and mortar; photographs of cut-back brownstone documenting historic joint patterns; front-facade window shop drawings; and paint-finish chips, prior to the commencement of work. Samples should be installed adjacent to clean, original surface(s) being repaired; allowed to cure; and cleaned of residue. Submit clear, color digital photographs of conditions and samples to kredd@lpc.nyc.gov for review, or to schedule a site visit. This permit is also contingent on the understanding that the masonry work will be performed by hand and when the temperature remains a constant 45 degrees Fahrenheit or above for a 72 hour period from the commencement of the work.

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 Katherine Redd.

Sarah Carroll
Executive Director

PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:
Marvin B. Mitzner, Law Offices of Marvin B. Mitzner

cc: Caroline Kane Levy, Deputy Director; Marvin B. Mitzner, Law Offices of Marvin B. Mitzner