



CITY PLANNING COMMISSION

September 29, 2010 / Calendar No. 9

N 110036 HKM

IN THE MATTER OF a communication dated August 4, 2010, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of the Middleton S. and Emilie Neilson Burrill House, 36 East 38th Street (Block 867, Lot 45), by the Landmarks Preservation Commission on July 27, 2010 (List No. 431/LP-2326), Borough of Manhattan, Community District 6.

Pursuant to Section 3020.8(b) of the New York City Charter, the City Planning Commission shall submit to the City Council a report with respect to the relation of any designation by the Landmarks Preservation Commission, whether a historic district or a landmark, to the Zoning Resolution, projected public improvements, and any plans for the development, growth, improvement or renewal of the area involved.

The Middleton S. and Emilie Neilson Burrill House is located in Midtown Manhattan on the south side of East 38th Street between Park and Madison avenues in Community District 6. The building was constructed in circa 1862 and the façade was extensively renovated in 1902-3 as a Beaux-Arts style mansion for Middleton S. Burrill and his wife, Emilie. Mr. Burrill was a socially prominent attorney and businessman who was the first mentor to the Wall Street financier Bernard Baruch when Baruch worked at the firm of A.A. Houseman. The firm of Hoppin & Koen performed the renovation and this firm was responsible for the design of three designated New York City landmarks as well as numerous townhouses and several country estates.

The noteworthy modifications to the brownstone include a two-story limestone base with arched openings with balustrade resting on massive console brackets. The upper stories include three window bays displaying ornate molded window enframements. The second story windows are topped with pediments and the third story windows feature prominent keystones and projecting sills. Above the third story the building has limestone moldings and frieze panels with elaborate

console brackets and a copper balustrade. The mansard roof features elaborate copper dormers capped by round-arched pediments. The style includes elements derived from French and English 17th and 18th Century sources

The landmark site is located in an R8B district. With an allowable floor area ratio (FAR) of 4.0 the zoning lot could be developed with approximately 9,876 square feet of floor area. The Burrill House contains approximately 6,786 square feet of floor area. Therefore there are approximately 3,090 square feet theoretically available for transfer.

Pursuant to Section 74-79 of the Zoning Resolution, a landmark building may transfer its unused development rights to a lot contiguous to the zoning lot occupied by the landmark building or one which is across the street and opposite to the lot occupied by the landmark building, or in the case of a corner lot, one which fronts on the same street intersection as the lot occupied by the landmark building.

There are five potential receiving sites available for the transfer of the landmark's unused floor area.

All landmark buildings or buildings within Historic Districts are eligible to apply for use and bulk waivers pursuant to Section 74-711 of the Zoning Resolution.

The subject landmark does not conflict with the Zoning Resolution. In addition, the Commission is not aware of any conflicts between the subject landmark designation and projected public improvements or any plans for development growth, improvement or renewal in the vicinity of the landmark.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
NATHAN LEVENTHAL, ANNA HAYES LEVIN, KAREN A. PHILLIPS, Commissioners