

RESCINDED BY
BUILDINGS BULLETIN 2023-002

Stroock & Stroock & Lavan
Seven Hanover Square
New York, New York 10004

S. H. BACH
L. BAER*³
JOSEPH M. BEAL
BERNARD E. BRANDES
MARTIN I. BRESLER
MELVIN A. BROSTERMAN
MARVIN S. CONEN*
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WALLACE E. COMAN
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ALVIN R. HELLERSTEIN*
SHELDON I. HIRSHON
CHARLES B. HOCHMAN
SAMUEL HOFFMAN
MERRILL E. JENKINS*³
ROBERT R. JORDAN*³
CARL I. KANTER*
ALAN KOLOD
JONATHAN S. KUSKO
RONALD L. LEIBOW*²
MARK A. LEVY
GEORGE G. LORINCZI*

DAVID LUBART
JEROME A. MANNING*³
JAY P. MAYESH
CURTIS C. NECHLING
ERWIN MILUMET
CHARLES G. MOERDLER
MARGARET A. NADLER*²
VIVIANNE W. NEARING*
MARTIN H. NEIDELL
RANDY E. NONBERG*^{1,2}
WILLIAM A. PERLMUTH
DAVID C. POLLACK*^{2,3}
WALTER POZEN*¹
THOMAS P. PUCCIO*
BRUCE RABB
DAVID A. RANN
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NORMAN K. SAMNICK
RICHARD S. SAVITT*³
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HENRY J. SILBERBERG*²
BRIAN W. SMITH*^{1,3}
RONALD J. STEIN*³
EVA COHEN TALEL
JAMES R. TANENBAUM
JEFFREY D. UFFNER
MICHAEL M. UMANSKY*²
LOIS L. WEINROTH
MARK S. WINTNER
ARTHUR WITTENSTEIN

TELEPHONE (212) 806-5400
TRY TELEXES 177693 AND 177077
(INTERNATIONAL)
CABLE: PLASTROOCK NYK
TELECOPIERS (212) 806-6006
(212) 806-5819

WASHINGTON, D.C. 20036
1150 SEVENTEENTH ST., N.W.
TELEPHONE (202) 452-9250
TELECOMPER (202) 293-2293

LOS ANGELES, CALIFORNIA 90067
2028 CENTURY PARK EAST
TELEPHONE (213) 556-5800
TELECOMPER (213) 556-1366

MIAMI, FLORIDA 33131-2388
SOUTHEAST FINANCIAL CENTER
SUITE 3300
200 SOUTH BISCAYNE BOULEVARD
TELEPHONE (305) 359-8900
TELECOMPER (305) 371-7488

PETER I. B. LAVAN LEWIS KRUGER
MORTON L. BEITCH GILBERT LAZERUS
MARTIN D. EILE WILLIAM H. LEVIT*
EDWARD R. KORMAN CHARLES R. TAINE
WILLIAM J. VANDEN HEUVEL
ALAN S. WEILER
COUNSEL

WRITER'S DIRECT DIAL NUMBER:

212-806-5763

*NOT ADMITTED IN NEW YORK
ADMITTED IN D.C. (1) CALIF. (2) FLA. (3)

September 11, 1986

BY HAND

Honorable Charles M. Smith, Jr.
Commissioner
The City of New York
Department of Buildings
120 Wall Street
New York, New York 10005

Re: Tower Regulations in R8 Districts

Dear Commissioner Smith:

Our client is contemplating the purchase of "air rights" of several lots contiguous to a site he now owns. The entire zoning lot of the merger, if consummated, will be located in an R8 district.

Because of the lot size and configuration, optimum development is feasible only if tower regulations are utilized.

Our client intends to construct a building with several of the lower floors devoted to community facility uses, and the remainder of the building, including the tower portion, devoted to residential uses.

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Brook & Brook & Lavan

Hon. Charles M. Smith, Jr.
September 10, 1986
Page 2

Section 24-54 of the Zoning Resolution permits towers to penetrate sky exposure plans in R8 districts. Section 24-01 of the Zoning Resolution stipulates that Chapter 4 of Article 2 of the Zoning Resolution (within which section 24-54 is included) applies to any community facility building or any building used partly for a community facility use on any zoning lot located in any residence district in which such building is permitted. (Emphasis added.)

Section 23-65 of the Zoning Resolution sets forth tower regulations for residential buildings applicable only in R9 or R10 districts. However, section 23-01 of the Zoning Resolution stipulates that Chapter 3 of Article 2 of the Zoning Resolution, within which section 23-65 is included, is not applicable to a building used partly for community facility use.

In view of the foregoing, may the above-described building, used partly for residences, and partly for community facility uses, be constructed utilizing the tower regulations of section 24-54 of the Zoning Resolution?

Cordially,

David A. Rahm

cc: Irving E. Minkin, Esq.