

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the Matter of the Application of

Index No. _____

COMMITTEE TO PROTECT OUR LENOX HILL
NEIGHBORHOOD, INC., CIVITAS CITIZENS INC., 145
EAST 76TH STREET CORPORATION, EAST 76TH
REALTY CO., INC., 829 PARK AVENUE
CORPORATION, PARK AND 76TH ST. INC., 885 PARK
AVENUE CORPORATION, 863 PARK AVENUE, INC.,
PARK AVENUE AND SEVENTY-SEVENTH STREET
CORPORATION, 875 PARK AVENUE CORPORATION,
1065 LEXINGTON AVENUE CORPORATION, ANDREW
PEARCE, BARBARA MINTZ, ELIZABETH
HERKELRATH, WILLIAM HERKELRATH, HILARY
CECIL-JORDAN, LENORE PASSAVANTI, PIERRE VAN
BOCKSTAELE, and WENDY LEHMAN LASH,

**AFFIRMATION OF
GEORGE M. JANES**

Petitioners/ Plaintiffs,

For a Judgment Pursuant to Article 78 and Sections 3001
and 6301 of the New York Civil Practice Law and Rules,

-against-

THE CITY OF NEW YORK, NEW YORK CITY
COUNCIL, NEW YORK CITY PLANNING
COMMISSION, LENOX HILL HOSPITAL and
NORTHWELL HEALTH, INC.,

Respondents/Defendants.

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I, GEORGE M. JANES, AICP, affirm as follows:

1. I am an urban planner with 30 years of experience and President of George M. Janes & Associates, Inc., a planning firm with expertise in zoning, simulation and visualization. The firm serves public, private and non-profit clients, mostly in and around New York City. Our clients have been as large as the City of New York and as small as individuals concerned about the impact of new zoning or new development. In New York City, I most often work with

Community Boards and community groups, trying to help them understand how new plans or regulations will affect their community and how they can affect those plans and regulations. I have been a member of the American Institute of Certified Planners since 1998. I submit this affidavit in support of the petition to vacate and annul the City's zoning approvals granted in connection with the proposed redevelopment and expansion of Lenox Hill Hospital.

2. Lenox Hill Hospital proposes building a new facility in the footprint of its existing hospital at a scale that is not found anywhere else on the Upper East Side. As a factual matter, Petitioners are correct when they contend that the building is wildly out of scale relative to the size and bulk of other buildings in the neighborhood. The Upper East Side has many tall buildings, many of which are taller than the building proposed. But since 1916, New York City zoning has required that tall buildings, or towers, have smaller floor plates so that they still allow light from the sky to reach the street. The proposed combination of an enormous floor plate on a tall building is exceptional and typically only found in Manhattan's Central Business Districts.

3. The uncommon building design is the result of an aggressive program on a site that is simply too small to fit the program. As a result, the corporate owner, Northwell Health, Inc. ("Northwell"), sought and obtained zoning approvals from the City to permit a building that could accommodate its program based upon a zoning framework that is out-of-sync with the City's land use plan for the area in which the Lenox Hill Hospital site is located. The City's approvals included a special permit to increase the floor area and a bulk waiver to increase the project's envelope, as well as changes to the Zoning Map and zoning text. The special permit granted enormous modifications and waivers of the underlying zoning's bulk controls, allowing the City to craft zoning parameters to specifically allow Northwell's building design without regard to the district's longstanding zoning framework. Through the use of the special permit created specifically for Northwell's Lenox Hill

Hospital expansion, the City has accommodated the desire of this individual applicant at the immediate detriment of the Lenox Hill neighborhood and more broadly the City itself.

4. I believe that the Lenox Hill Hospital expansion project as conceived by Northwell and approved by the City is contrary to the sound planning principles that define the framework of the New York City Zoning Resolution (“the Zoning Resolution”), the City’s principal tool for the regulation of land use and development. Simply, those sound and longstanding planning principles dictate that the Lenox Hill Hospital project needs to have a less ambitious, smaller program or Lenox Hill Hospital needs a bigger site to accommodate the proposed program. Attached hereto as Exhibit A is a copy of a document entitled “Lenox Hill Hospital Project As Approved By The City Council 8/14/2025,” which my office prepared to depict the consequences of the zoning approvals granted by the City Planning Commission and City Council.

5. As shown in Exhibit A, the expansion proposed by Lenox Hill Hospital and approved by the City Council is unlike any other building in the neighborhood. It has a 12.5 zoning floor area ratio (“FAR”) and a 16.5 gross FAR.¹ As Exhibit A shows, not a single block outside the City’s Central Business Districts has such high gross FAR (*id.* at 3). Although the Upper East Side is home to towers exceeding 400 feet, zoning has required those buildings to be slender, typically occupying between 25% and 50% of their zoning lot. Even in our highest density residential districts, zoning has required a trade-off: developers could build either high coverage low buildings or low coverage tall buildings, but zoning has not permitted high coverage tall buildings. The result is that the towers

¹ The New York City Zoning Resolution regulates the size of all buildings using a concept known as Floor Area Ratio or FAR, which is the ratio of the size of the building versus the size of the lot. So, for example, a 100,000 SF building on a 10,000 SF lot would have a FAR of 10 (100,000 SF/10,000 SF). There is some floor area that zoning instructs not to count in the calculation of FAR, like cellars, mechanical spaces and accessory parking. This space is called non-zoning floor area or NZFA. Some buildings, like the proposed Lenox Hill Hospital, have a great deal of NZFA, while others have little or even none. As a result, to compare the size of different buildings, we are using the gross floor area ratio. Gross floor area includes all floor area in the building, as measured from exterior wall face to exterior wall face. Gross floor area is defined in the New York City Building Code and is reported in the City’s property records. Gross FAR allows an apples-to-apples comparison of building size and is an easy and transparent way of comparing the size of buildings to each other.

found on the Upper East Side are slender, which allows light and air to reach the streets below. These buildings consume a mere fraction of the bulk that Northwell's proposed project entails. Instead, the proposed hospital floor plate is more comparable to enormous commercial buildings we see in the City's Central Business Districts, like 10 Hudson Yards, One Vanderbilt, One Bryant Park, Freedom Tower and the Empire State Building (*id.* at 5-6).

6. The following is a simulation taken from Google Earth looking west from Third Avenue at the bottom of the image towards Madison Avenue at the top. Central Park is just out of view at the top of the image. The model showing the proposed hospital in the center of the image was created by my office using the zoning approvals as a source; it is shown at the same scale as the buildings surrounding it. The colors are traditional land use colors: the blue shows the portion of the building used for community facility use and gray shows floor area used for accessory mechanical use.



7. As is evident from the image above, the building form is discordant with the surrounding neighborhood. Again, it is not an accident that buildings of this scale are not found on the Upper East Side: they simply have never been permitted by zoning. The resulting building is massive. It will darken the surrounding streets and fundamentally change the neighborhood's character.

8. Further, the City's approval is a notable departure from the City's longstanding policy and practice to direct higher density and bulk to wide streets and require less bulk on narrow streets, especially on the midblocks. Alternating high and low density on the same block defines the New York City building form, originating with the 1916 Zoning Resolution, which determined the height of the first required setback based upon the width of the street a building face. The wider the street, the higher the building could rise from the streetline. The 1961 Zoning Resolution, and especially the Zoning Map, carried forward this pattern by mapping higher densities on wider streets and lower densities on narrower streets. This form was reinforced on the Upper East Side in the 1980s with the introduction of contextual zoning and the R8B district, which was mapped on most of the district's narrow street midblocks.

9. Concluding the planning study in 1985 that led to the R8B zoning map change that included the midblock of Lenox Hill Hospital, which has remained true for the last forty years, the Department of City Planning wrote: "The midblocks on the Upper East Side have a strong and identifiable sense of enclosure, scale and coherence. They form enclaves within the larger community and offer quiet refuge from the busier avenues. . . . The balancing of high-density zoning on the avenues by low-scale development in the midblocks has been a policy upheld consistently by the City Planning Commission."²

² Upper East Side Midblock Study, February 1985, page 10.

10. To facilitate the construction of Northwell's program, the City agreed to approve unprecedented zoning actions that break from this longstanding policy and practice. Most critically, the City approved a zoning map change on the Lenox Hill Hospital block which confers upon Lenox Hill Hospital zoning entitlements available to no other property owners.

11. More significantly, however, zoning districts found outside the Central Business Districts do not permit high coverage community facility buildings like the proposed Lenox Hill Hospital expansion approved by the City to achieve a FAR over 10.³ But Northwell's program required 12.5 FAR. Consequently, to achieve the density required by the applicant's program, the City amended its Zoning Resolution to include an entirely new section (74-904), which *only applies to this site and no other*. This section allows the CPC to provide a 20% bonus to the community facility use so that Northwell could achieve 12.0 FAR. The new zoning text is written so that it applies to exactly one zoning lot, the one owned by Northwell. Here's the text:

"For a *zoning lot* occupying an entire *block* located in an R9 or an R10 District, or in *commercial districts* mapped within, or with a *residential equivalent* of an R9 or an R10 District, partially within the *Special Park Improvement District*, and containing a non-profit or voluntary hospital and related facilities, as listed in Use Group III(B)"

12. Only one zoning lot in all of New York City meets the qualifications for the bonus described in the new zoning text and that is the lot that contains Lenox Hill Hospital.

13. But even though the zoning text was amended to include an entirely new section to provide only this project a 20% bonus, that still did not generate the floor area demanded by Northwell to satisfy a program requiring extraordinary density, which required 12.5 FAR. Thus, the City also amended *another* section of the zoning text to give Northwell even more floor area. The other section was 66-513(a)(2). Prior to amending the zoning to benefit Northwell, the Zoning Resolution limited

³ It is possible to achieve 12 FAR using a plaza bonus, but that would work against the large floorplate.

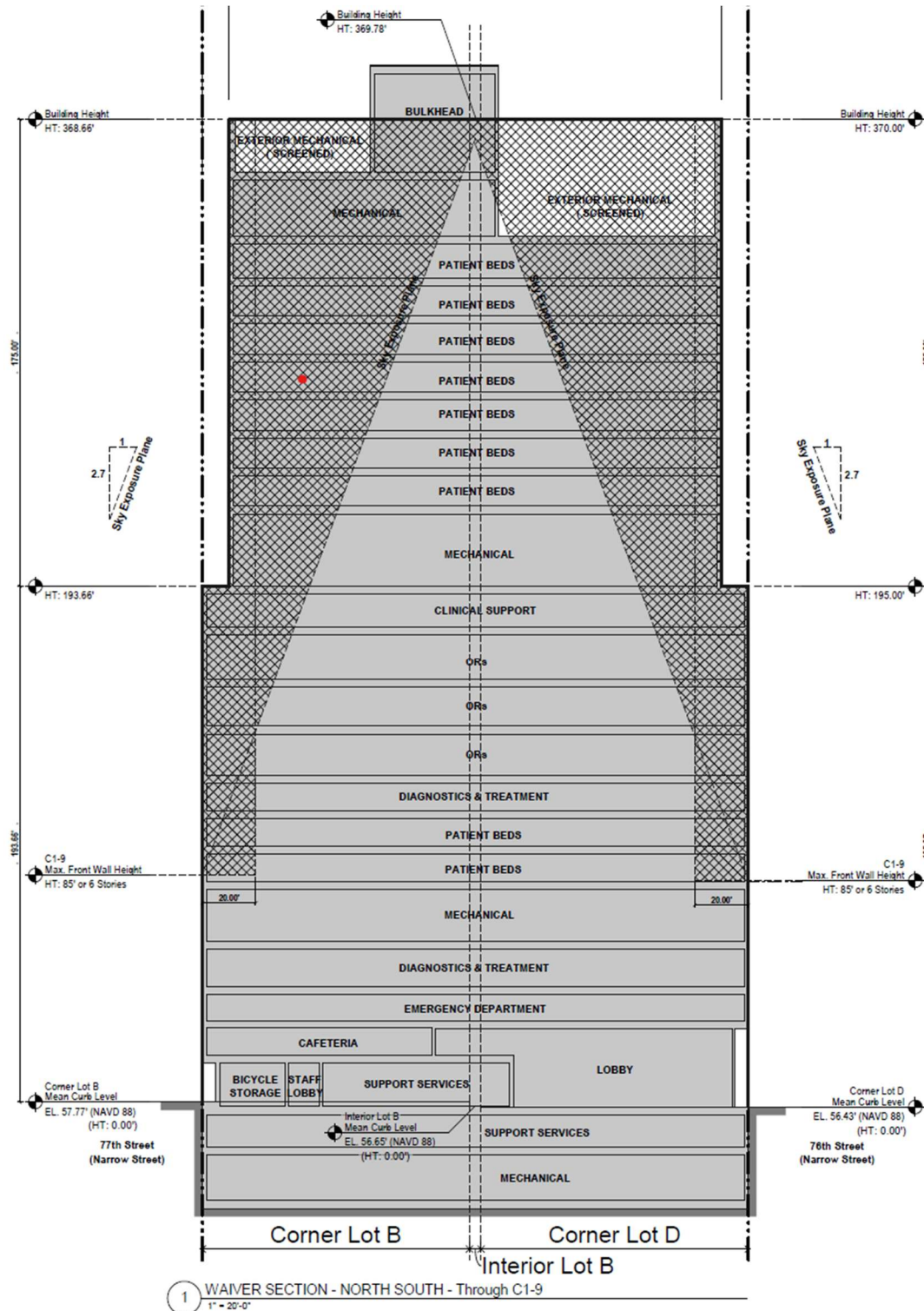
using transit improvement bonuses in combination with other bonuses to no more than 20% of the underlying zoning, unless a special purpose district permitted a larger bonus. Section 66-513(a)(2) was a problem because without a change the building could not exceed 12.0 FAR. Consequently, the City as one of the land use actions at issue in this proceeding created the special permit that added an exception to the 20% limitation and added text that would permit the City Planning Commission to permit a bonus of more than 20%, if it was explicitly stated in a special permit granted by the CPC, which at the time of approval only applied and continues only to apply to this site.

14. But that still was not enough to allow Northwell's exceptional program. The City acceded to Northwell's demand to make yet another zoning text amendment to waive another protection provided by the Zoning Resolution. Since 1973, the Special Park Avenue Improvement District, which covers the western part of the zoning lot, limited bonuses that were allowable within the district. The special district regulations only permit transit improvement floor area bonuses and explicitly state that "[n]o other floor area bonuses shall be permitted." In order to facilitate Lenox Hill Hospital getting its extraordinary floor area bonus from the new section 74-904, an exception was written into this zoning text, which was added to section 92-21.

15. In total, Northwell's singular building form required two zoning map amendments, four zoning text amendments, a CPC special permit, a CPC authorization, and a CPC certification. This is an exceptional number of actions for a single development, on a single zoning lot, benefiting a single owner.

16. Despite the many map and text changes, Northwell still needed exceptionally large bulk waivers in a special permit. As discussed earlier, zoning generally does not allow buildings to be both large and tall. Such a building form requires zoning bulk waivers that permit breaking the rules. The exceptional size of the bulk waivers granted in the special permit can be seen in the permit itself, which must identify the portions of the building that need waivers. The following image is

taken from the approved special permit drawings and shows the portion of the building that needs waivers marked with cross-hatches. Over half the building over the base height (85 feet) needs bulk waivers in this section:



17. With the exceptional number and scale of zoning map and text changes, along with the bulk waivers, it is easy to see why this building is so different than every other building surrounding it. Simply, such unprecedented zoning actions to facilitate a single development, on a single zoning lot, to benefit a single developer are contrary to the comprehensive zoning plan that underlies the City's Zoning Resolution. While there are similar large buildings with massive floor plates, they are not found in this area but rather where zoning more easily permits such buildings, like Midtown Manhattan, Hudson Yards and Lower Manhattan.

18. The City's approval of a project so out of step and scale with its surroundings is based, in part, on the Final Environmental Impact Statement, prepared by Northwell's environmental consultant, which mischaracterizes the character of the Lenox Hill neighborhood that surrounds the project. *See* Lenox Hill Hospital Redevelopment Final Impact Statement ("FEIS") dated June 20, 2025⁴. The FEIS itself includes a map showing Existing Land Use by use type, with the area surrounding Lenox Hill Hospital as predominantly "Residential" and "Residential with Commercial Below" (*id.* at Figure 2-2). The FEIS, however, seems to have purposefully downplayed this residential character and instead emphasized what Northwell portrayed as a supposedly commercial character by describing the area as "a mix of institutional, residential and retail uses," while citing to "mixed-use commercial/community facility buildings" along with "residential uses." There is no valid reason for such vague and misleading language.

19. According to data provided by the City of New York,⁵ there are 237 tax lots in the 15 blocks from East 74th to 79th Streets, between Third Avenue and Madison Avenue, which entirely includes the land use study area examined in the FEIS shown in Figure ES-1 (the "Study Area"). Fully 152 of those tax lots or 64% are categorized as residential buildings. Another 61 tax lots (26%)

⁴ <https://zap.planning.nyc.gov/projects/P2017M0299> (Tab P2017M0299_FEIS_23DCP079M_1)

⁵ Mapluto 2025.V3. Zoning Districts GIS Shapefile (2024).

are residential buildings with ground floor commercial uses. Altogether, 90% of the tax lots within the 15 blocks that include the Study Area are used primarily for residential purposes. The remaining 10% are a mix of commercial, institutional, public facilities and parking. Indeed, there are 4,192 housing units in those 15 blocks, which comes to 146 housing units per acre, a level of residential density that would make the surrounding neighborhood one of the densest residential areas in the United States of America. The data clearly show the area is overwhelmingly residential in character.

20. Similarly, although about half of the Study Area is zoned R8B, a 4.0 FAR⁶ medium-density district subject to contextual bulk controls, the FEIS's characterization of the existing zoning implies that high-density zoning dominates. This completely misses the nuance of alternating high-density avenues and low density midblocks, which characterizes the Upper East Side's urban form as shaped by the City's Zoning Resolution since 1916. I am concerned that the vague and misleading characterizations of Lenox Hill Hospital's surroundings in the FEIS may have misled decision makers into accepting the erroneous conclusion that the massive Lenox Hill Hospital tower anticipated by the project would be contextual and harmonious with the existing zoning fabric of the neighborhood. It is clearly not.

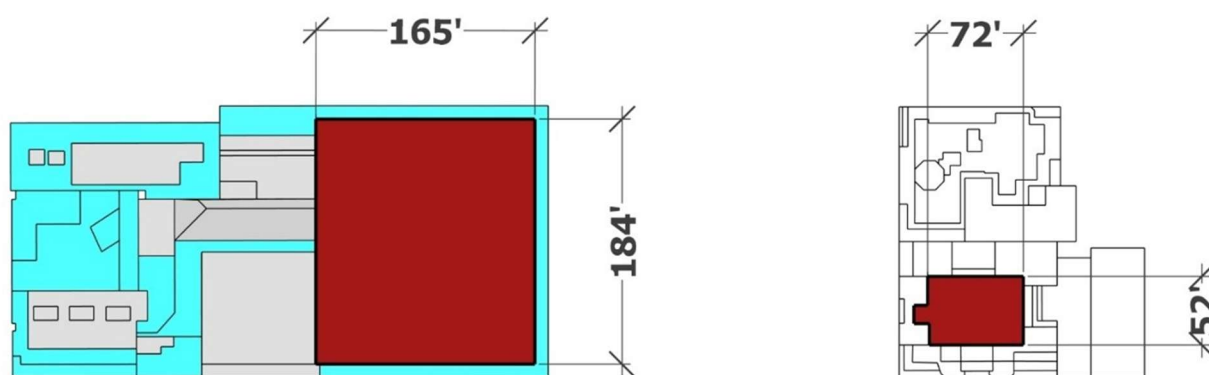
21. For example, the FEIS includes the following description of the area in comparison to the proposed project:

“the new hospital building's overall height would be taller than other study area buildings; however, it would be compatible with the variety of building heights in the study area, which includes the approximately 427-foot-tall Carlyle Hotel to the west at 981 Madison Avenue. The Proposed Project would be viewed in the context of existing buildings with different massings, heights, and forms that characterize the varied urban design of the study area, including the range of building scales, forms, and styles along Lexington Avenue.”⁷

⁶ Exclusively community facility buildings up to 5.1 FAR are permitted in this district in Manhattan Community District 8.

⁷ FEIS, page 7-2.

22. While it is true that the height of the hospital is comparable to the Carlyle Hotel, the comparison is a half-truth. The Carlyle is a tower that was permitted by the 1916 Zoning Resolution, which allowed unlimited height towers if they covered no more than 25% of the zoning lot. As this zoning restriction required towers to be slender, the Carlyle is vastly *smaller* in size than the proposed tower at Lenox Hill Hospital. The following compares the size of the floor plate of Lenox Hill Hospital (left) and the Carlyle Hotel (right) at a height of 325 feet:



23. The image shows that the buildings are not similar. The floorplate of the Carlyle is just 3,843 SF at 325 feet in height. By comparison, Lenox Hill Hospital is 30,360 SF at the same height. Lenox Hill Hospital is nearly *eight times* the size of Carlyle at this height. Height is only one part of the equation when assessing a building's bulk: the other is size. When height and size are considered together, the Carlyle is nowhere near comparable to Lenox Hill Hospital. Yet, the FEIS says that they are, simply because they are of similar height. The combination of height and size is what makes Lenox Hill exceptional, not just its height, and to say otherwise is misleading.

24. In fact, in the blocks that include the Study Area there are three buildings over 300 feet tall. The Carlyle is one. The other two are 188 East 78th Street, which has a floorplate of 4,684 SF at 300 feet in height, and 188 East 76th Street, which has a floorplate that is 3,805 SF at 300 feet in height, reflecting the fact that the towers around Lenox Hill Hospital have floorplates that are all no more than 16% the size of the tower proposed at Lenox Hill Hospital. The following graphic is

called a figure ground, showing the portions of the Study Area covered by buildings. All portions of buildings over 300 feet are colored below.



25. If we are looking for a comparable, we must look much further. The Annenberg building is located on the campus of Mount Sinai 1.2 miles to the north of Lenox Hill Hospital. While outside of the FEIS' Study Area, it is one of the only buildings not in a Central Business District that could be compared to the Lenox Hill Hospital proposal, as it is similar in both height and size. However, the Annenberg building is dissimilar from Lenox Hill Hospital in a significant way: the Annenberg building achieves this height and size in large part because it is located on an extremely large zoning lot (292,095 SF) on a "superblock." The Annenberg's zoning lot is 3.5 times the size of

Lenox Hill Hospital's zoning lot (82,758 SF), and from a zoning perspective, that matters. The ratio of the size of the lot to the size of the building, as well as the size towers can achieve, are all fundamental parts of the Zoning Resolution.

26. Further, even compared to other large hospitals in Manhattan, the 16.5 gross FAR Lenox Hill Hospital plans to build is excessive and out of step with the Zoning Resolution's regulatory framework for land use and development. The larger, less-concentrated complexes of health centers like Mount Sinai Hospital, Columbia University Irving Medical Center, NYU/Bellevue/VA, Memorial Sloan Kettering/Hospital for Special Surgery/Presbyterian, or Metropolitan Hospital (*id.* at 8-14) are located on superblocks, near shorelines and/or adjacent to large parks. None of these other hospitals are in the center of a densely populated residential neighborhood on a small block. They are also all developed at a much lower gross FAR than Lenox Hill Hospital. Contextually, their circumstances are demonstrably different from those of the Lenox Hill Hospital project (*id.* at 15). And yet, the zoning approvals granted by the City result in a building that will be far larger than both the existing Lenox Hill Hospital's 9.4 gross FAR and the highest gross FAR found at any hospital building above.

27. Finally, the Zoning Map amendment approved by the City will allow as-of-right residential development of the block, in lieu of the proposed hospital development. While Northwell has received a special permit to develop a hospital, it has no obligation to do so. This zoning action has effectively given Northwell a "Plan B." Northwell could, if it so chooses, completely abandon the hospital use on the site, raze the existing hospital structures, and erect an enormous residential tower. The map changes only apply to Northwell's property; they are permanent and not contingent on using the property as a hospital. The commercial tower zoning district mapped in the midblock permits unlimited height towers without the bulk controls required in nearly all tower districts on the Upper East Side. My firm created a massing study to show a probable residential development program on

the Lenox Hill Hospital site using the zoning districts the City approved for Northwell (Ex. B). As shown in that study, Lenox Hill Hospital (or any developer who purchases the property) could erect a tower exceeding 1,000 feet in height. There would be no recourse against such a change in use because the City decided to grant the zoning map changes without any conditions.

28. The City's approvals permitting such use without any restriction or conditions demonstrates how unjustifiable the City's actions have been. In this instance, the City acted not in the public interest but, rather, solely in the private interests of Lenox Hill Hospital, providing a unique array of zoning changes for Northwell (or any ensuing owner of the property) with a singular benefit to the detriment of all other property owners in the neighborhood. Conferring such a zoning benefit to an individual owner is not only bad planning, but it's bad zoning and violates long-standing land use and zoning principles that guide planning and zoning, not only in New York City but the entire State. The Petitioner's complaint is legitimate, and the Court should grant the petition.

I affirm this 8th day of December, 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, except as to matters alleged on information and belief and as to those matters I believe it to be true, and I understand that this document may be filed in an action or proceeding in a court of law.



GEORGE M. JANES, AICP

EXHIBIT A



George M. Janes

& Associates

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New York, NY 10128

Tel: 646.652.6498

george@georgejanes.com

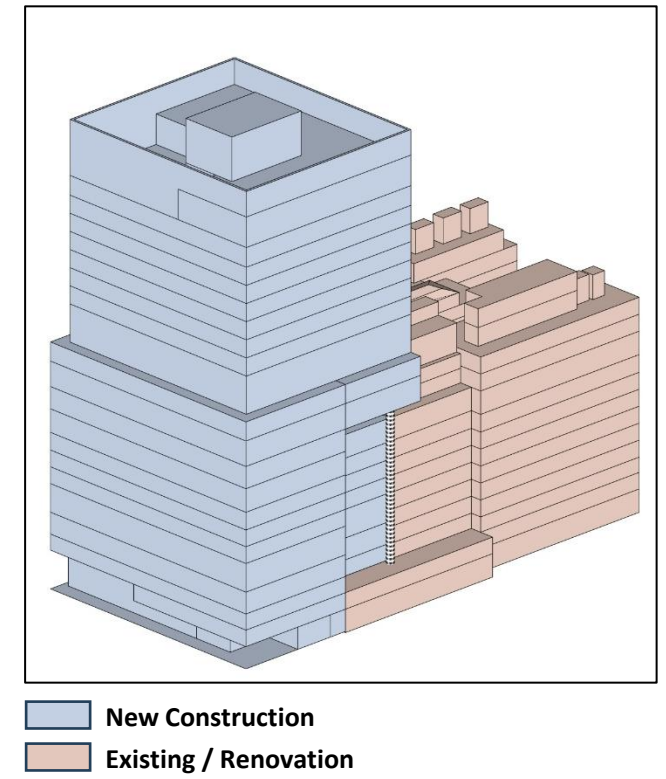
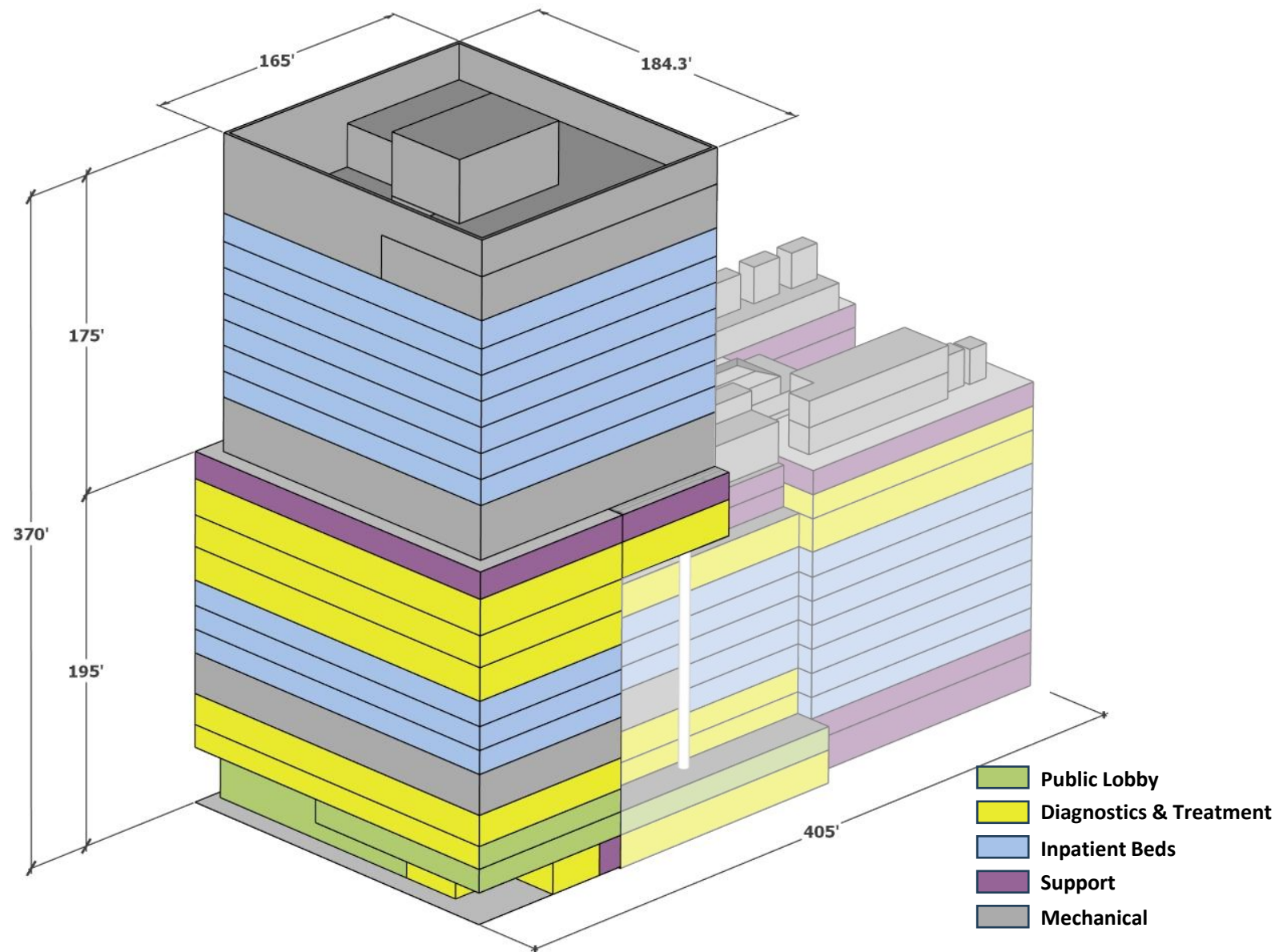
Lenox Hill Hospital Project

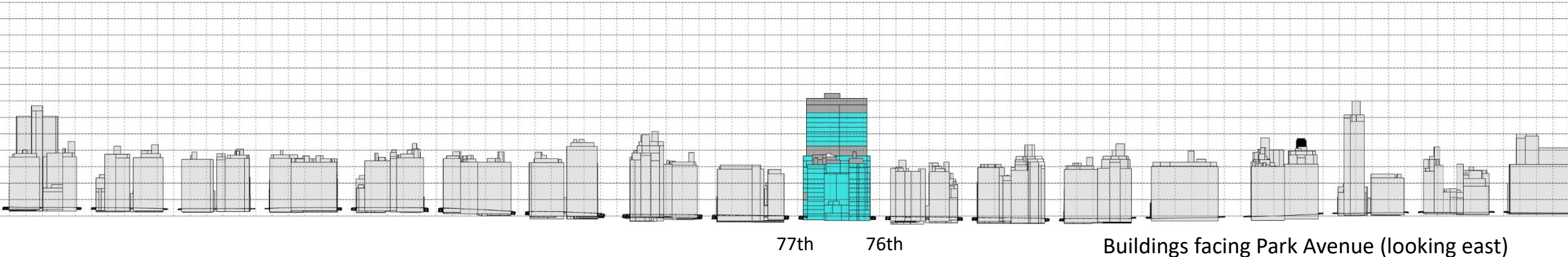
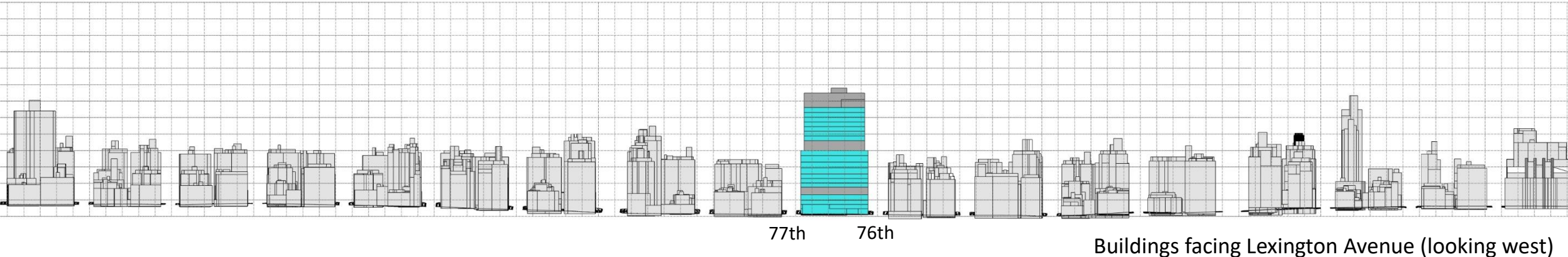
As Approved by the City Council 8/14/2025

Prepared for:
COMMITTEE TO PROTECT OUR
LENOX HILL NEIGHBORHOOD, INC.

George M. Janes, AICP
December 2, 2025

Northwell Health massive expansion of Lenox Hill Hospital as approved by the City Council

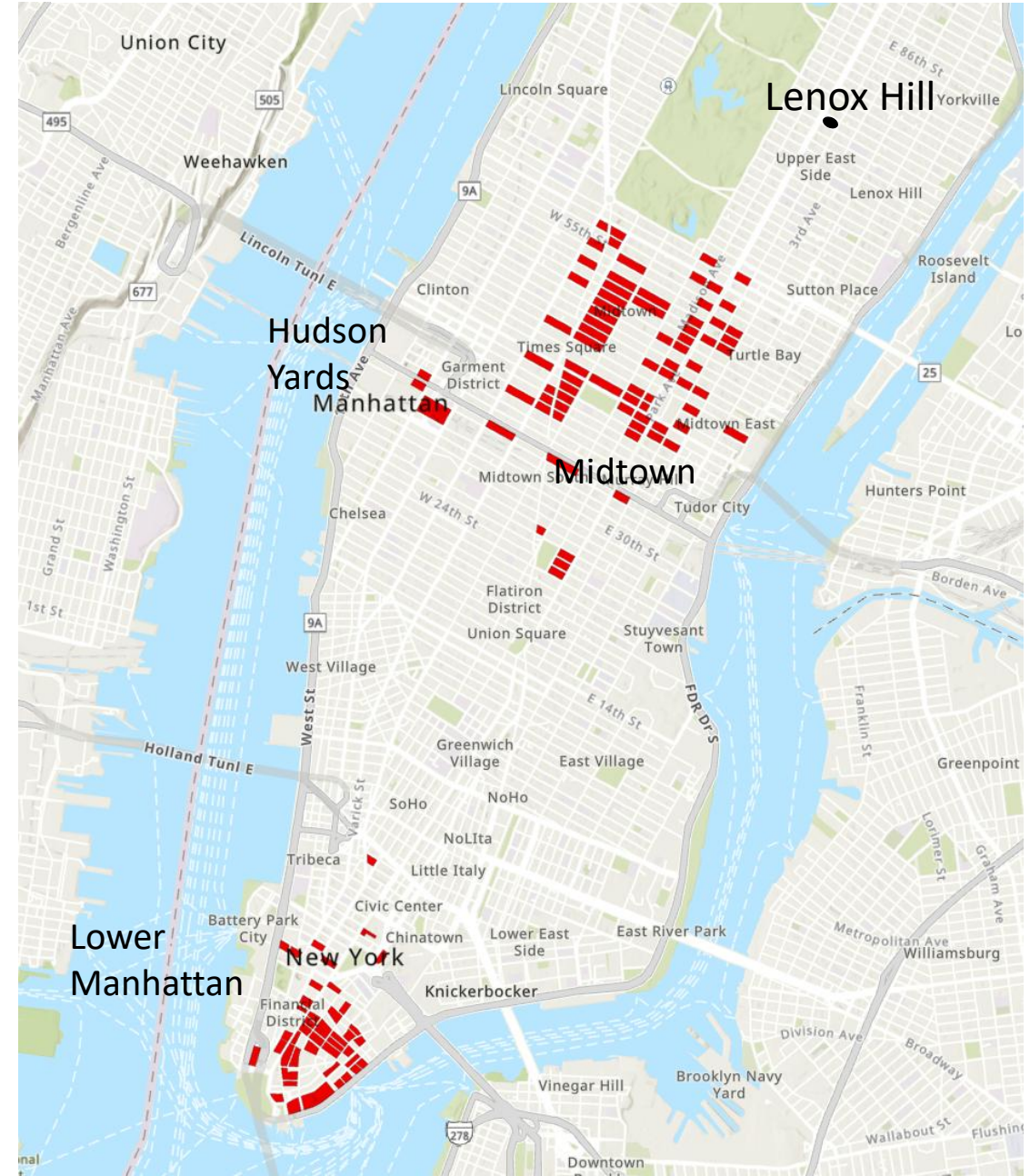




Developments of this size are not found on the UES

- It is proposed at 16.5 gross floor area ratio (FAR)
- This density is normally reserved for Central Business Districts

Manhattan blocks with development the size of the proposed Lenox Hill

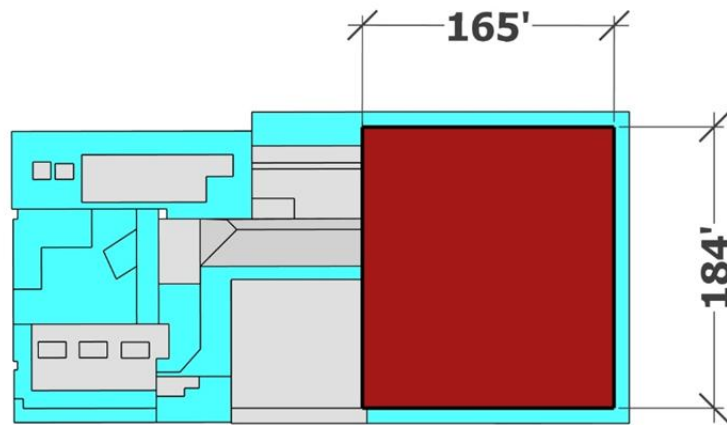


The proposed tower's floor plate is huge, enormously large for the UES

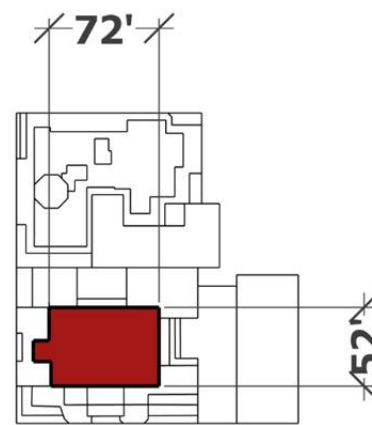
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The UES has towers this height, but they are slender



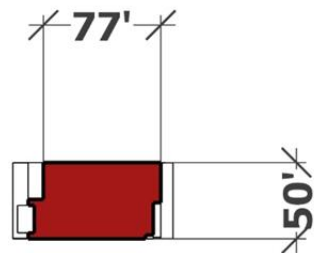
Proposed Lenox Hill Hospital



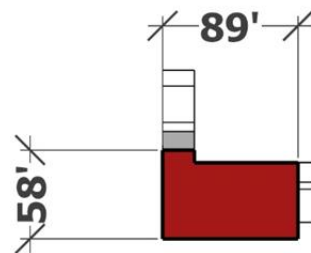
Carlyle Hotel

UES tower floorplates are nearly always less than 8,000 SF, usually much less

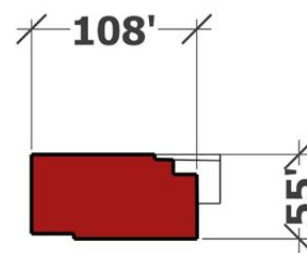
The tower on Lenox Hill is 30,000 SF!



1059 Third Ave



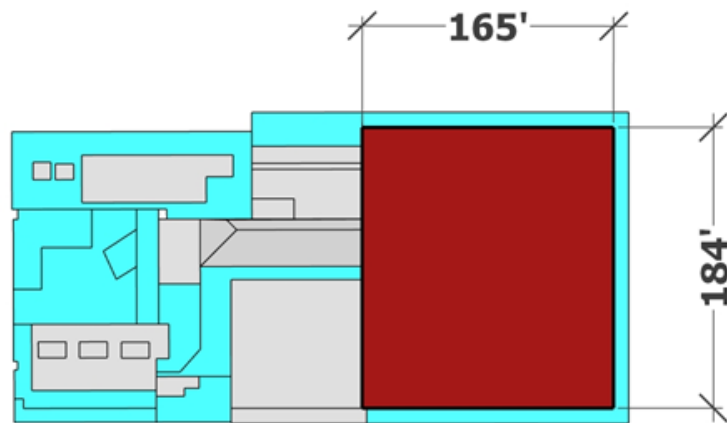
180 East
88th Street



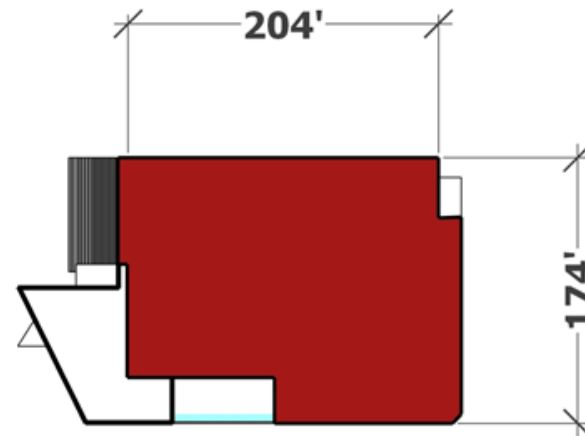
360 East 88th Street

Floorplates of selected UES buildings at 325' height

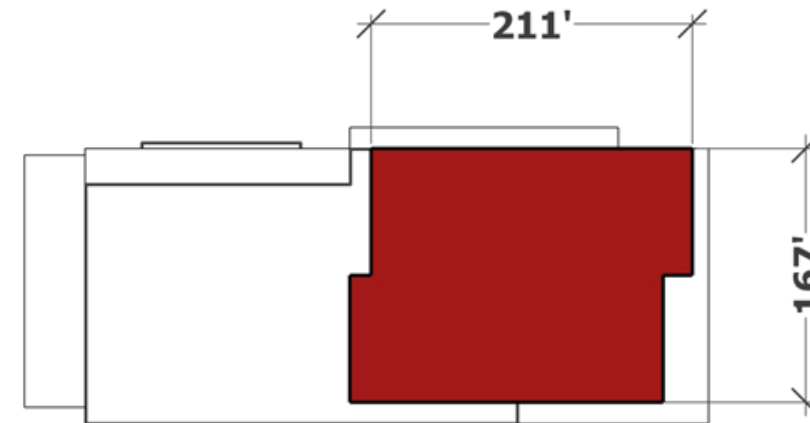
The proposed tower is more like these substantial commercial buildings



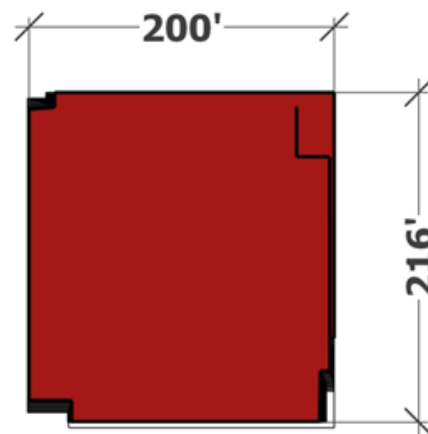
Proposed Lenox Hill Hospital



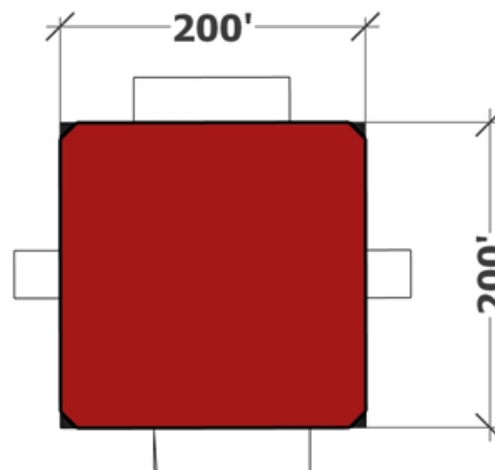
10 Hudson Yards



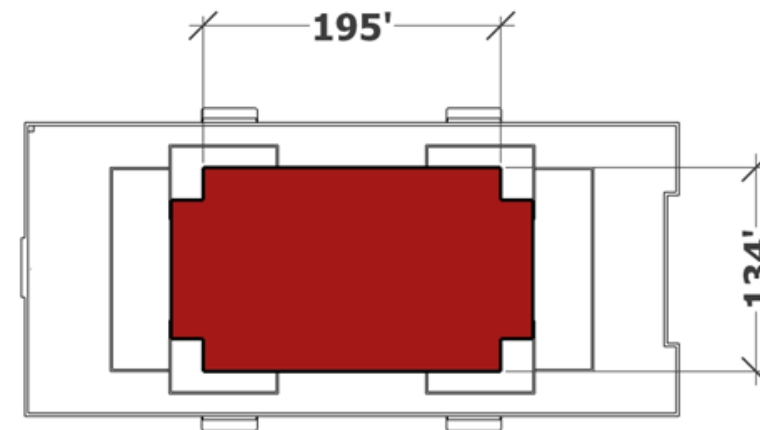
One Vanderbilt



One Bryant Park



Freedom Tower

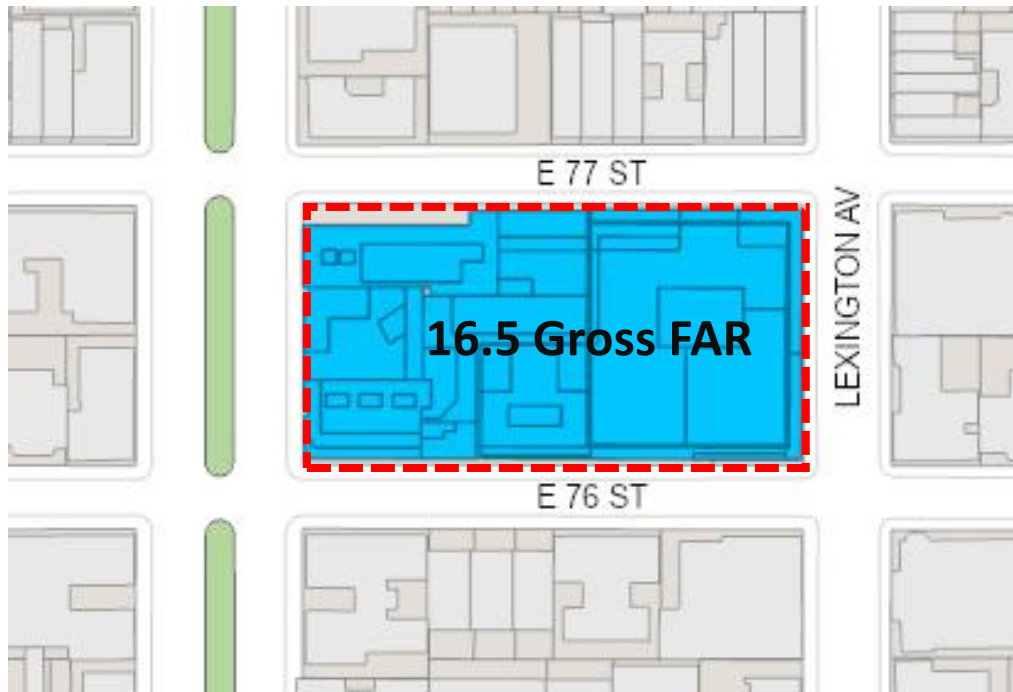
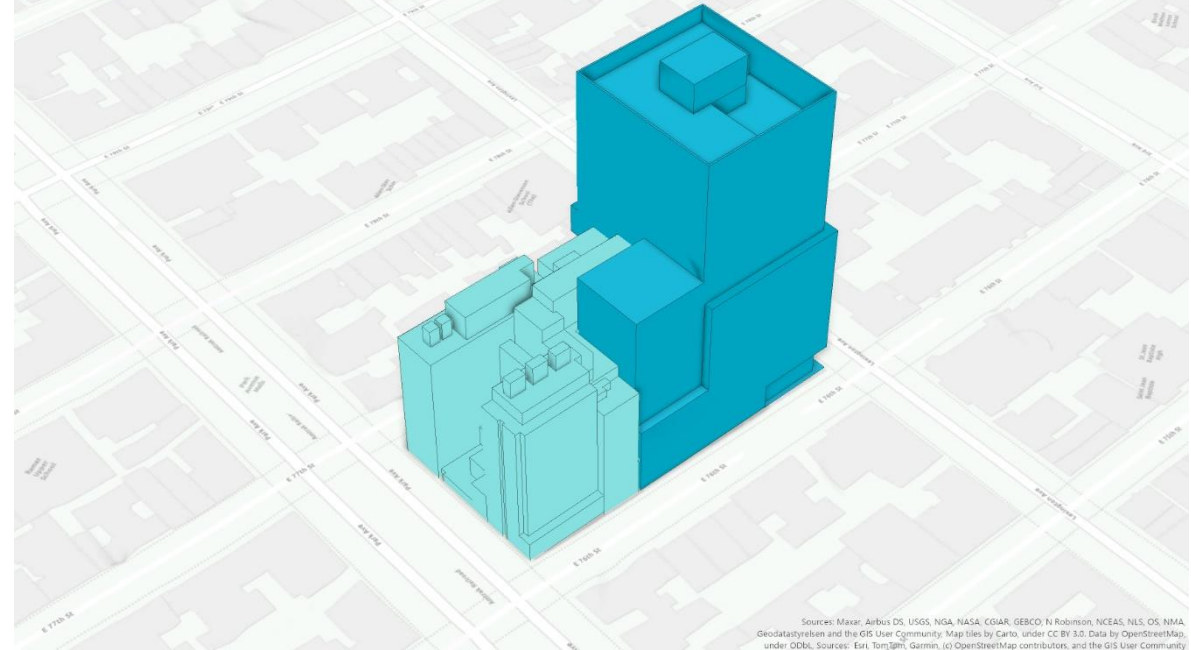


Empire State Building

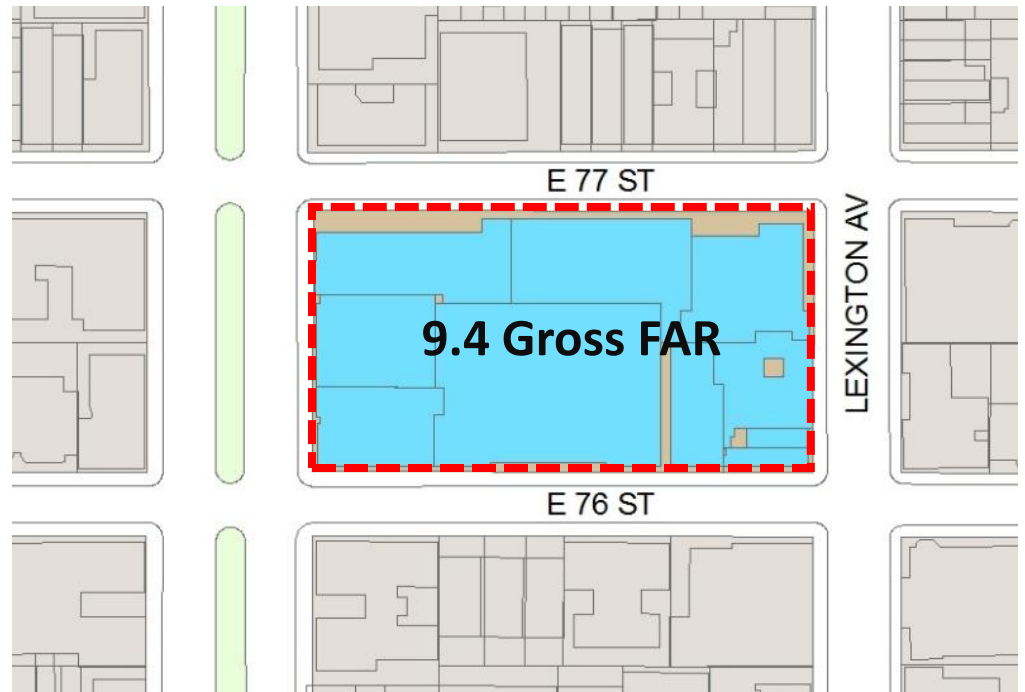
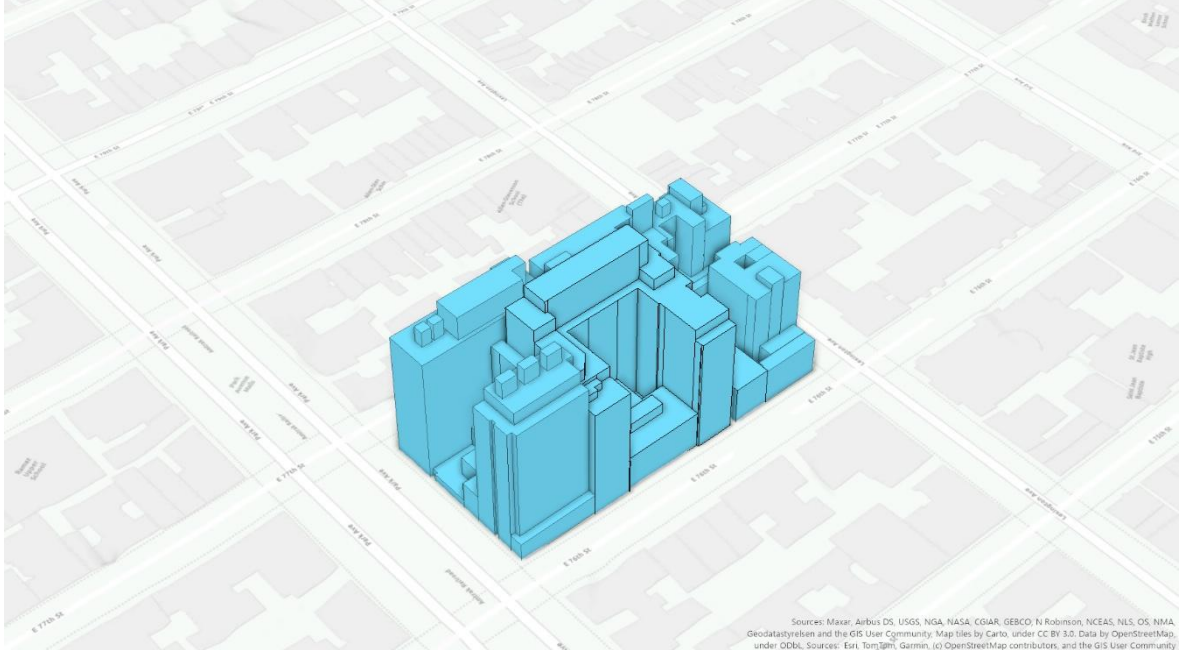
Even compared to other hospitals, Northwell's proposal is exceptional

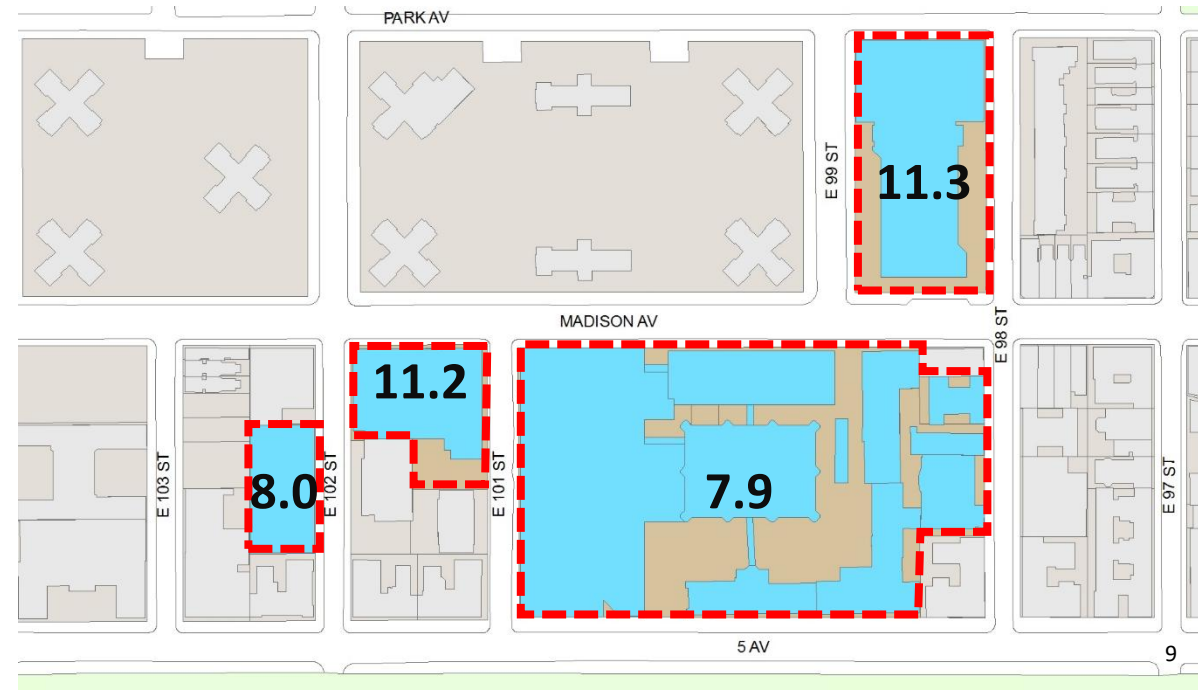
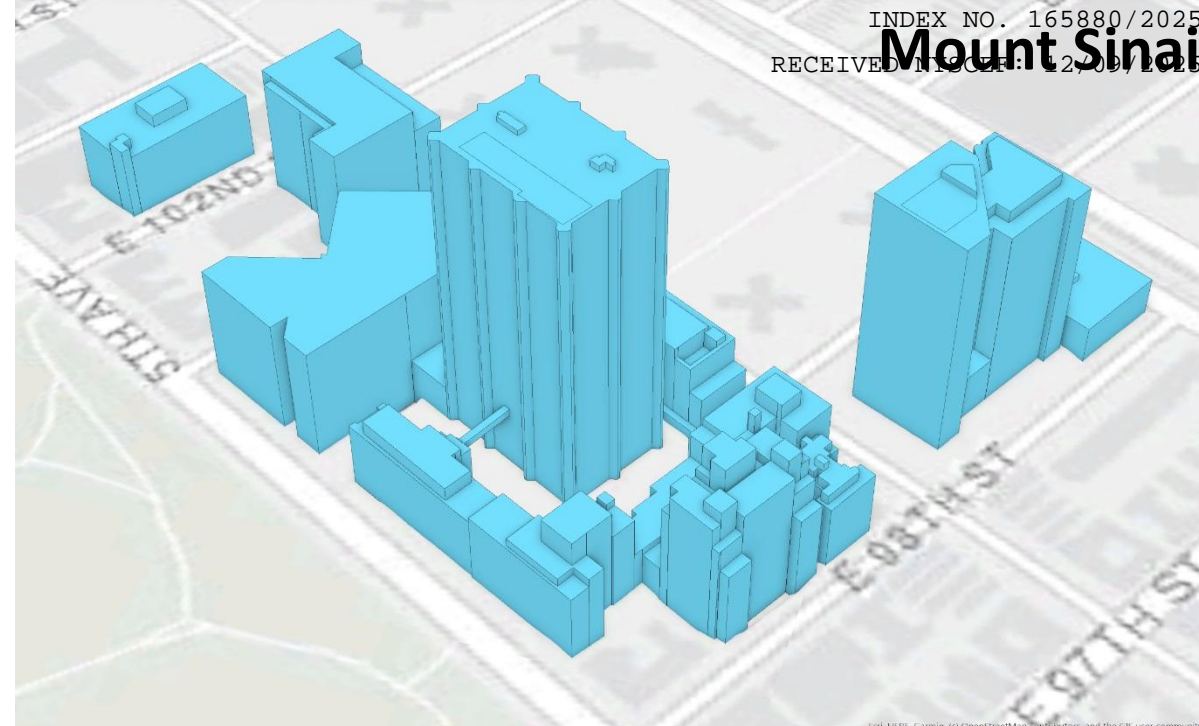
- The following compares other Manhattan hospitals with the Lenox Hill proposal

Proposed Lenox Hill Hospital



Existing Lenox Hill Hospital



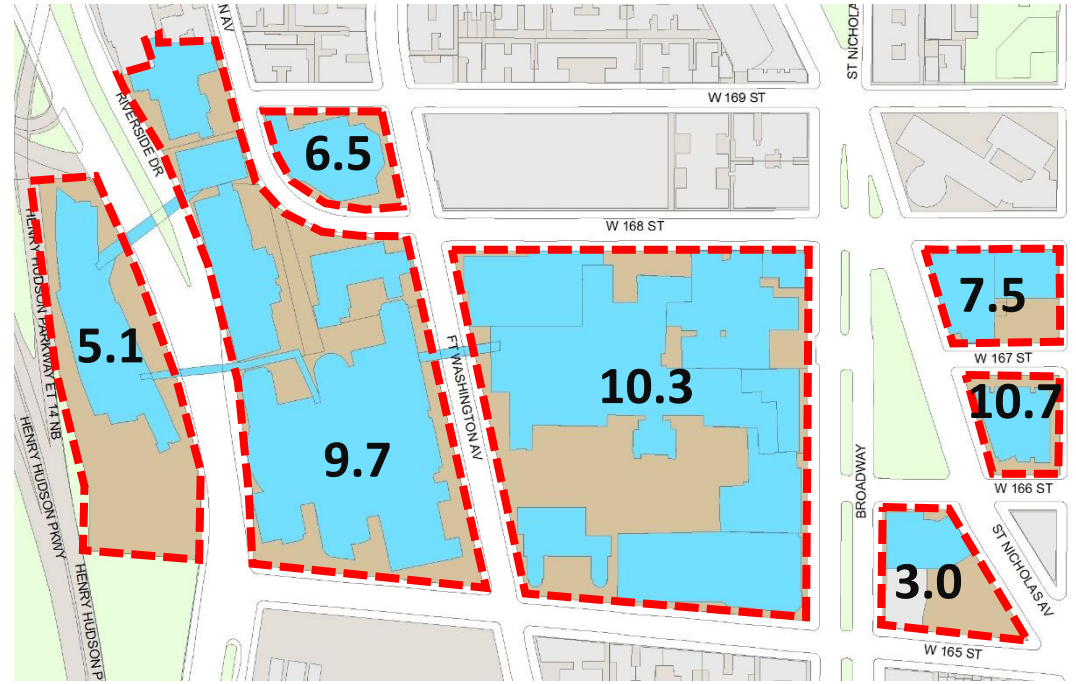
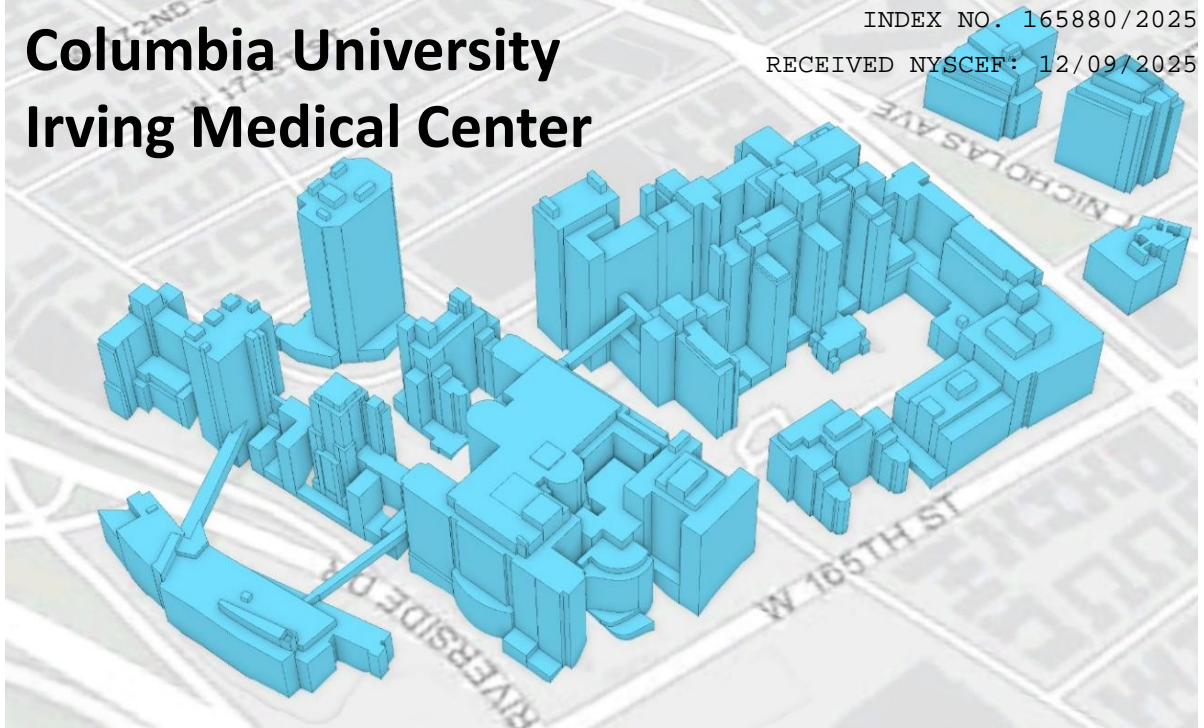


Proposed Lenox Hill Hospital



Sources: Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, GEBCO, N Robinson, NCEAS, NLS, OS, NMA

Columbia University Irving Medical Center

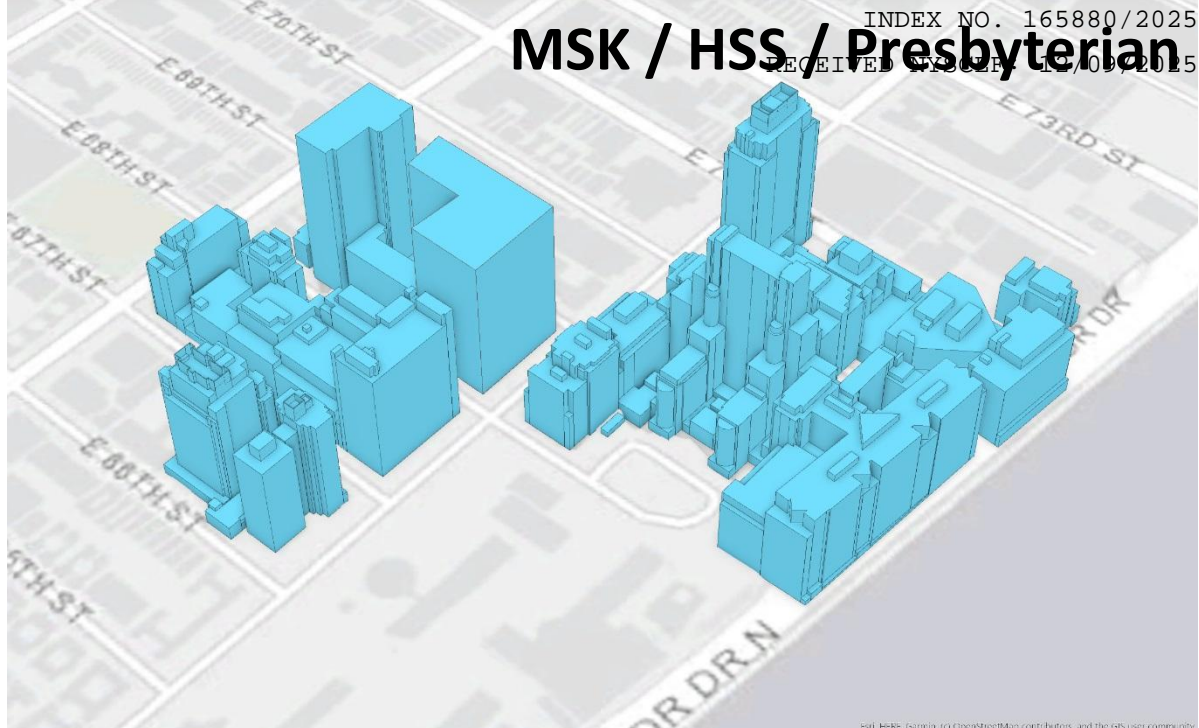




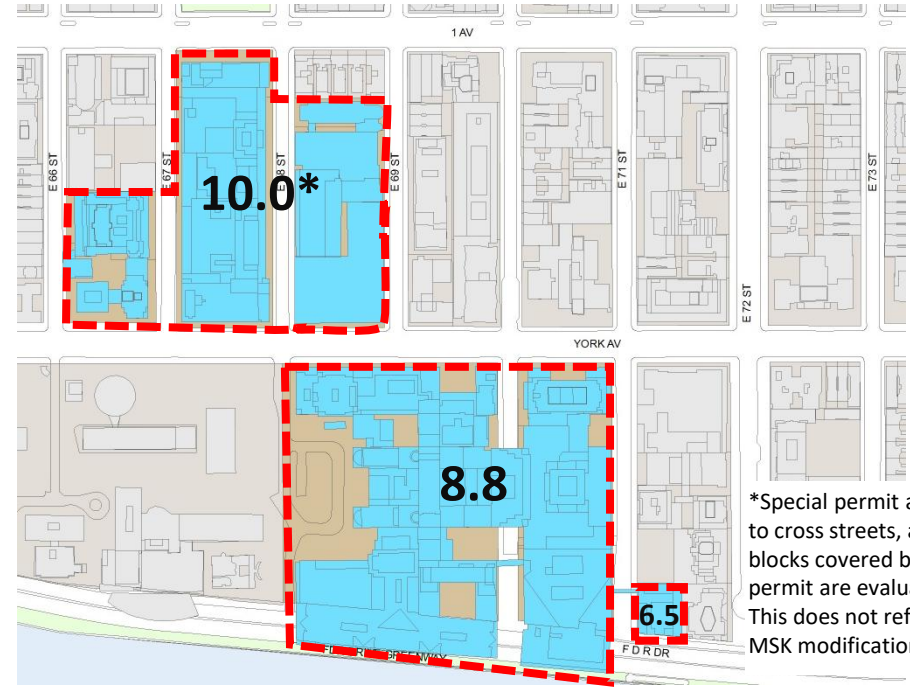
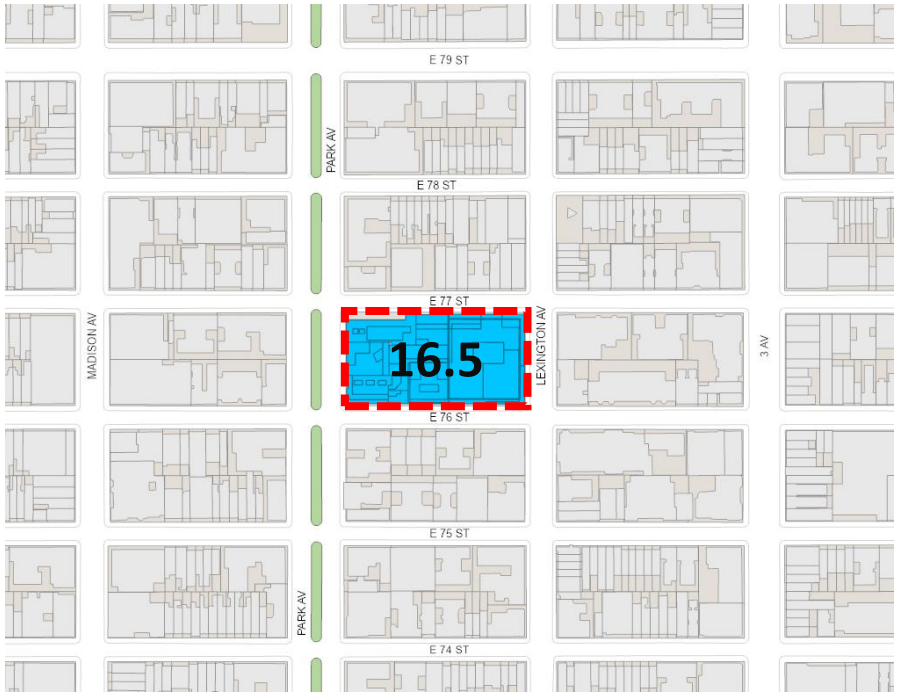
**NYU/
Bellevue/
VA**



Proposed Lenox Hill Hospital

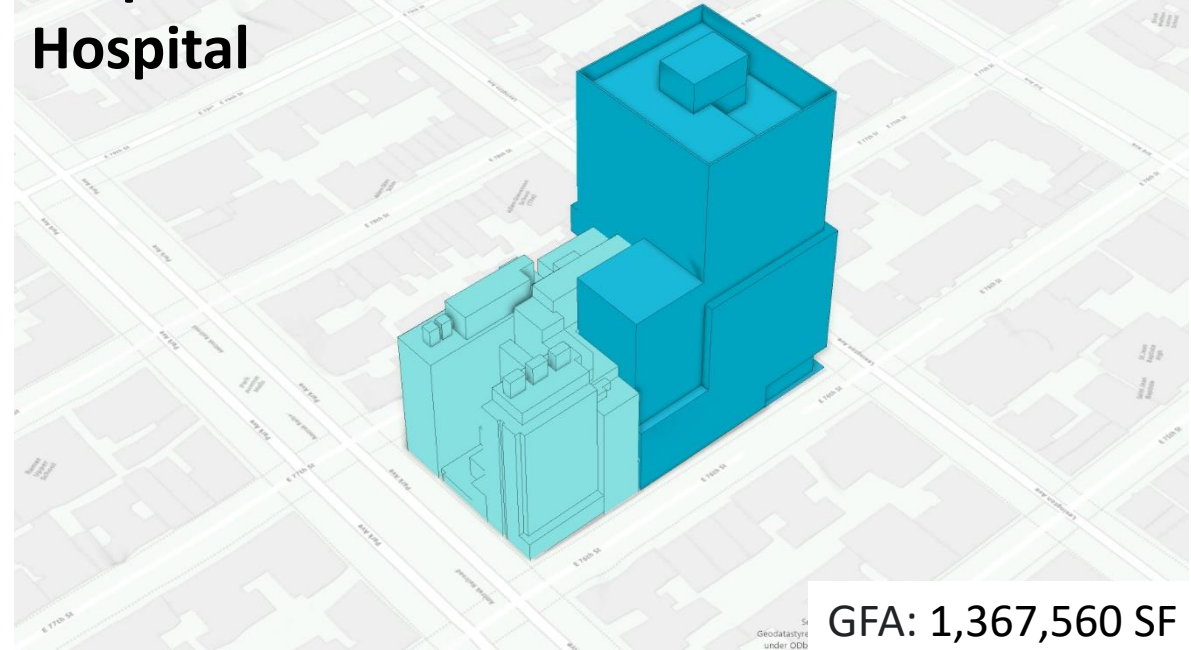


MSK / HSS / Presbyterian

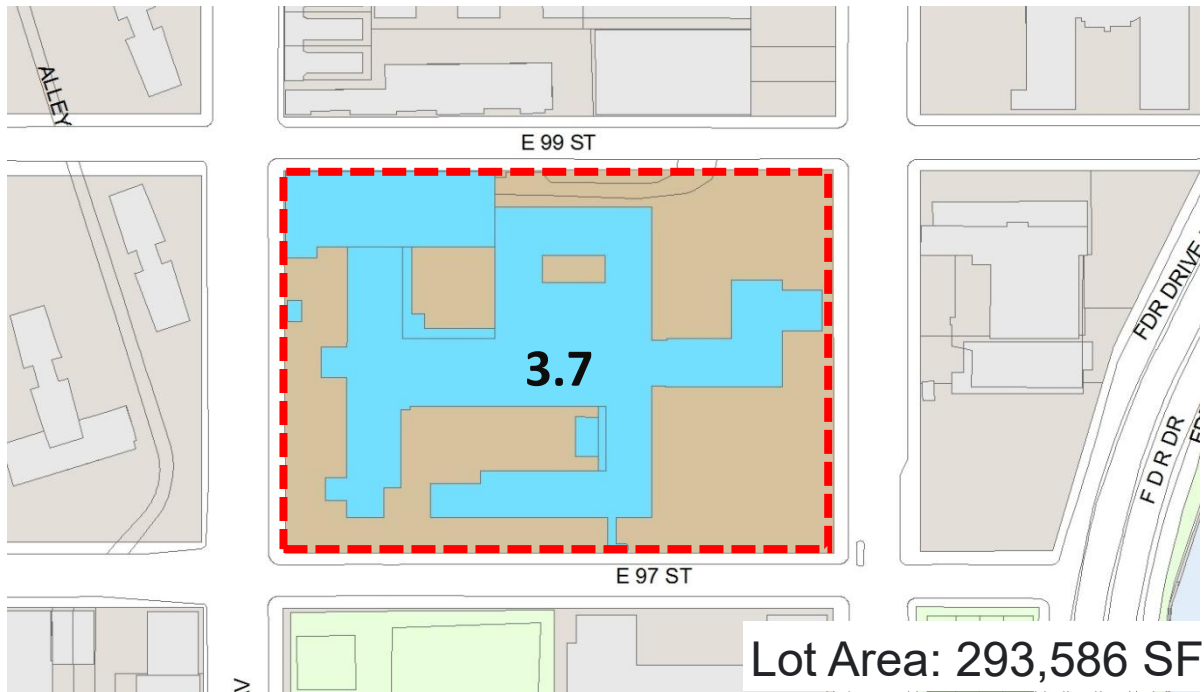
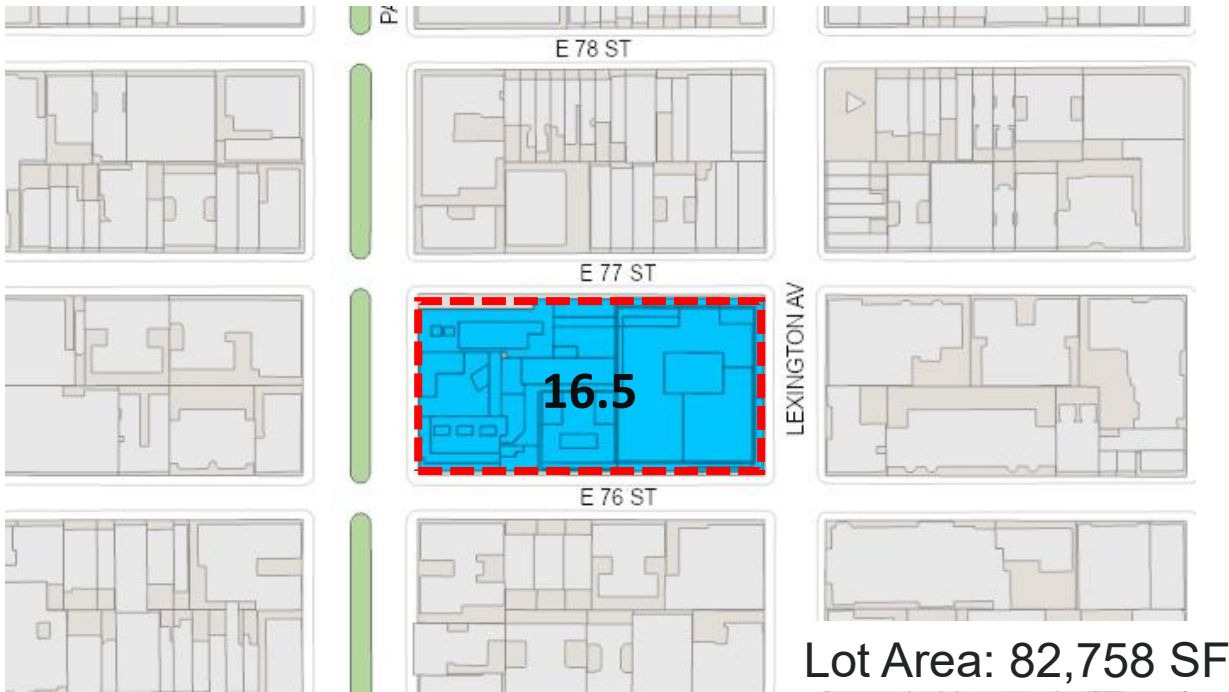
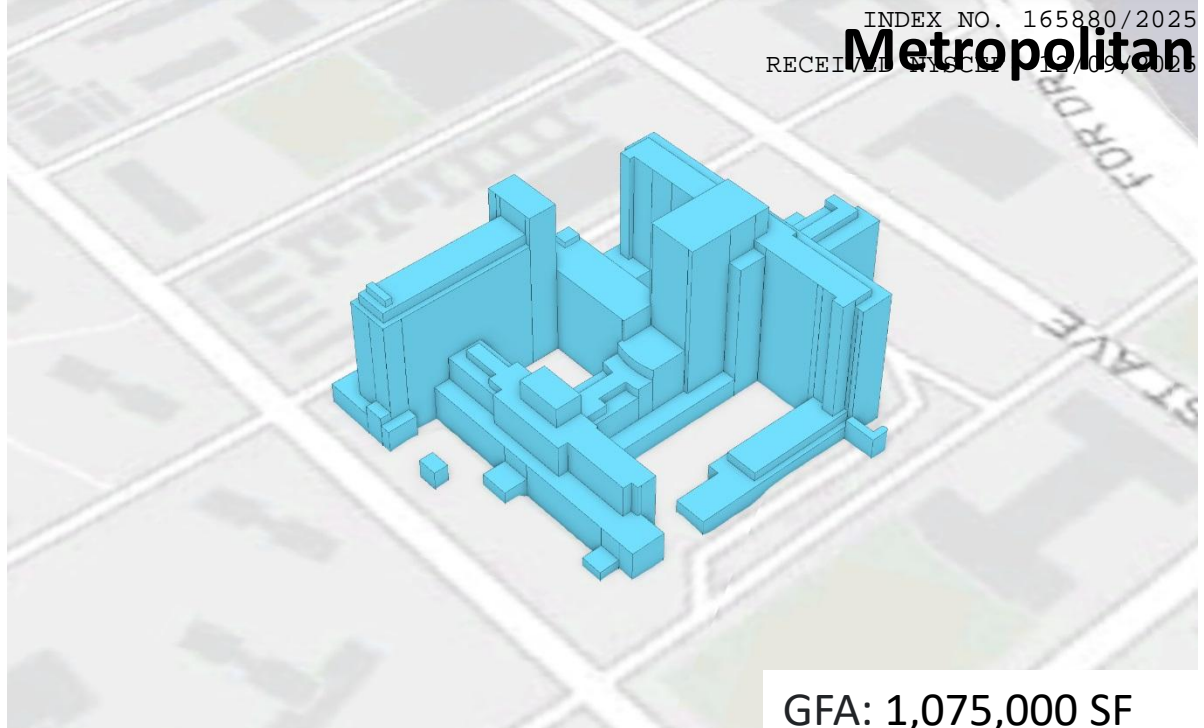


*Special permit allows floor area to cross streets, and so the blocks covered by the special permit are evaluated as one. This does not reflect the recent MSK modification to the permit

Proposed Lenox Hill Hospital



Metropolitan



Manhattan hospitals tend to be located on superblocks at the edges: near shorelines or large parks, not in center of neighborhoods on small blocks

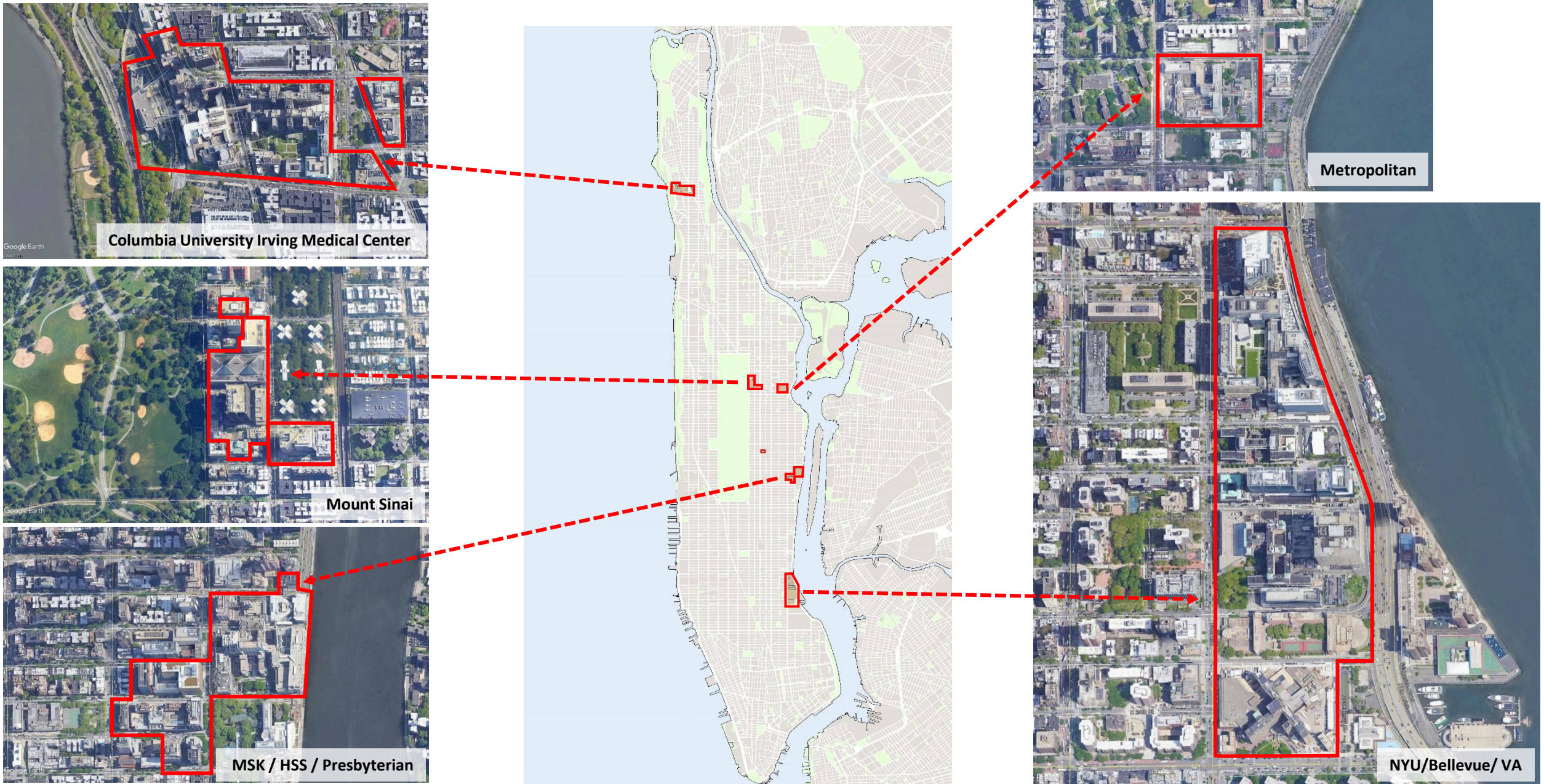


EXHIBIT B



George M. Janes

& Associates

250 E. 87th Street

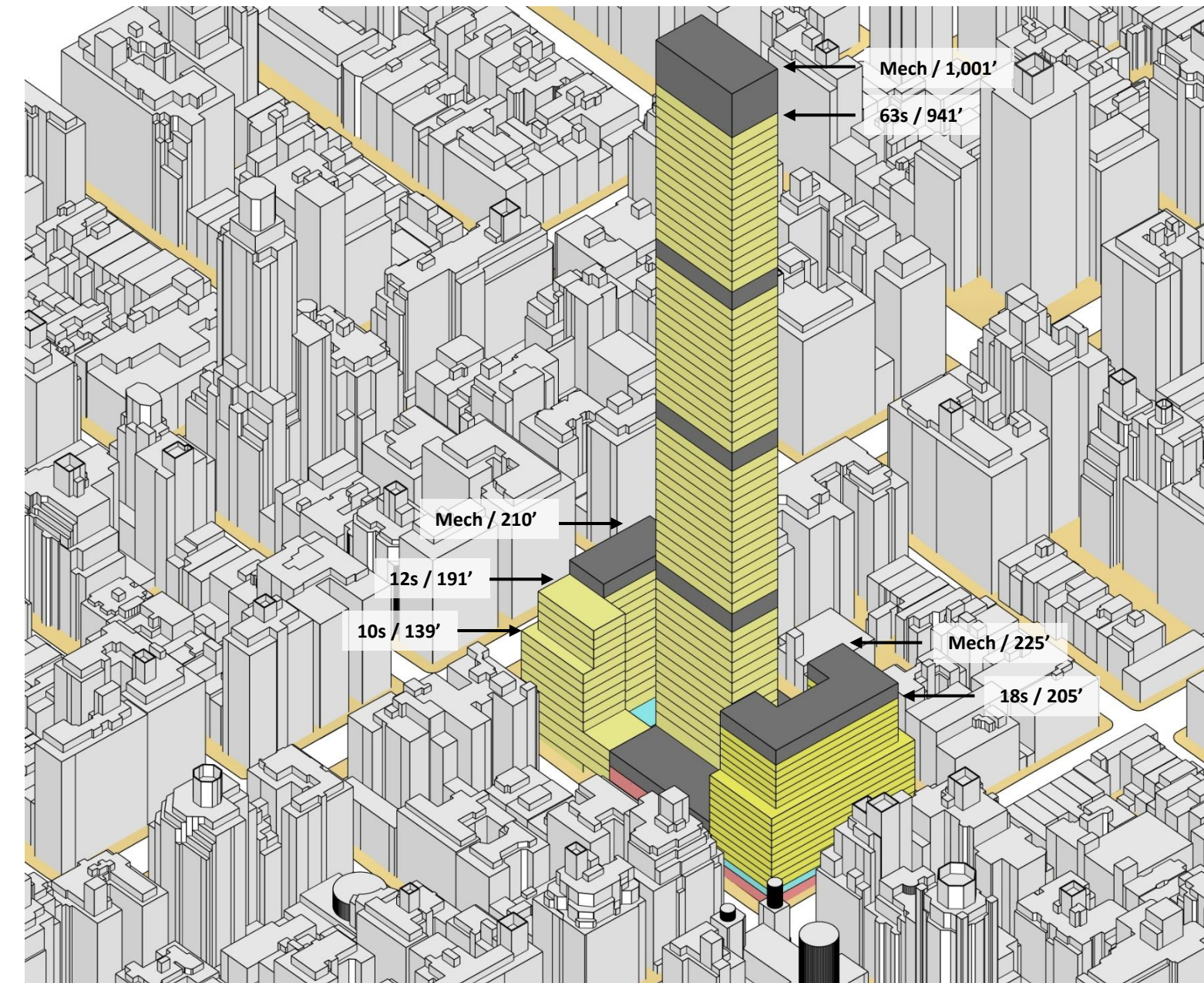
New York, NY 10128

Tel: 646.652.6498

george@georgejanes.com

Lenox Hill Hospital Proposal Residential Massing Study

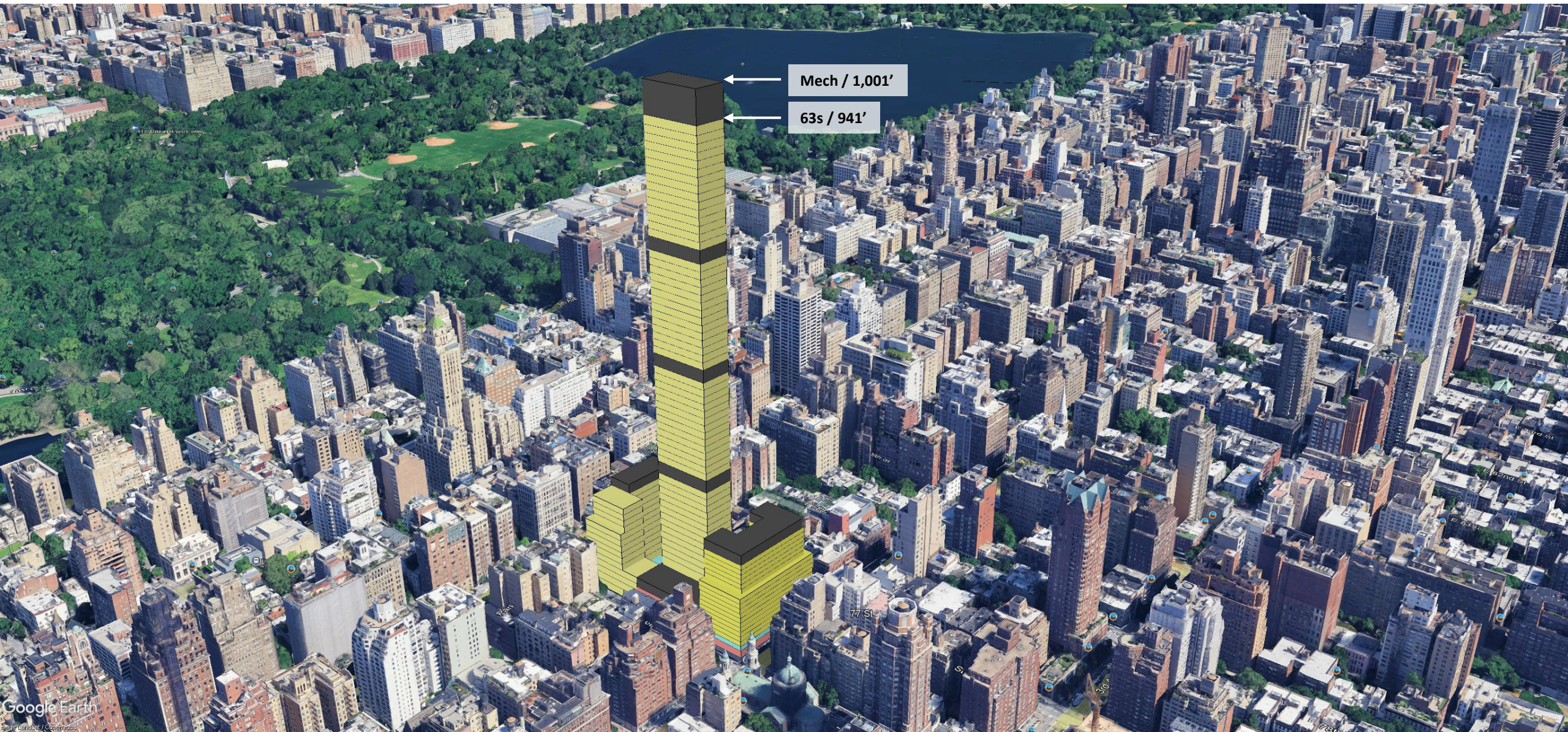
8/13/2025



Gross Floor Area : 1,103,210 sf
Zoning Floor Area : 860,590 sf
FAR : 10.4

- Residential (market rate)
- Residential (affordable units)
- Commercial
- Community Facility







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Lenox Hill Hospital Proposal Residential Massing Study

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