

# TRADE ENCROACHING ON MURRAY HILL

Several Old Homes in the Re-  
stricted Area Used for  
Genteel Business.

## LONG FIGHT FOR PRIVACY

Owners Awaiting Next Move by  
Astor Estate to Erect Com-  
mercial Building.

While the estate of the late Baron Astor lost, in the recent decision handed down by Justice Mullan of the Supreme Court, the right to erect a business structure on the block front on the west side of Madison Avenue, between Thirty-fifth and Thirty-sixth Streets, realty and business interests in that locality are wondering what the next move may be toward taking that block out of the residential zone. The block is not in the historic Murray Hill restricted area, but was placed in the residential zone by the Board of Estimate at the time the act was adopted limiting the height of buildings and establishing commercial and dwelling zones throughout the city. The Murray Hill restricted area for dwelling uses embraces the greater part of the plot between Madison and Lexington Avenues, taking in the south side of Thirty-fifth Street and the north side of Thirty-eighth Street.

The Astor action for permission to improve the block in question with a commercial structure was not directed against the old restriction but was an effort to alter the decision of the Board of Estimate in placing that block in the residential zone. Failing to get the necessary permission from the latter body in May, 1918, the Astor estate did get permission from the Board of Appeals and the recent decision virtually denied the right of that body to overstep the authority of the Board of Estimate.

The Astor interests have shown in the courts that the returns from the eight old homes on the block are not sufficient to pay the carrying charges on the property. For some time practically all of the houses have been occupied under short leases and instead of being absolutely private homes, several are more or less fashionable lodging houses. All of the block in the rear of the plot taking in the Fifth Avenue section is devoted to business. Opposite, on the south side is the Altman store and the block between Fifth and Madison Avenues is crowded with automobiles during the greater part of the day. The tall Cameron Building is on the northeast corner of Madison Avenue and Thirty-fourth Street, and while the three or four old houses adjoining the latter building on the north still retain their old-time residential exterior, they are not used for private occupancy. The immediate Thirty-fifth Street corner house is occupied by the Altman firm for offices, and the name of the firm is over the door. Over the wide entrance to one of the houses in the middle of the block is the name of the Audit Company of New York. This entire plot north of the Cameron Building is owned by a corporation represented by William J. Kuder, who is Vice President of the real estate firm of George R. Read & Co. It is understood that the holding company really represents the Altman interests.

In one of the Astor houses is a small sign in the window indicating that a beauty parlor forms a quiet business feature of the place. Opposite is the Church of the Incarnation, an old family stable and two or three houses.

The next block to the north is the Morgan block, the entire easterly side being occupied with the Morgan homes and the attractive white marble library building on the north side of Thirty-sixth Street. The block on the west side does not present such an aristocratic appearance of residential use. The two corner houses are occupied by the Vacation Association, the organization being the owner of 220 Madison Avenue, while the adjoining house at 218, on the northwest corner of Thirty-sixth Street, is under lease from the Oothout family. A lunch room is maintained in the basement. The house at 222 is doing service as a remodeled apartment structure, the next two houses are closed, but the last two in the block, 228 and 230, the latter forming the Thirty-seventh Street corner, are fitted up with apartments, according to the signs that such rooms are for rent.

In the next block everything on the east is residential, the big empty Lamar house being on the northeast corner of Thirty-seventh Street, opposite the Morgan block. On the west side, the F. A. Lawlor antique store is at 238, the area and windows disclosing many more or less ancient works of art, and on the Thirty-eighth Street corner is the sixteen-story building erected in 1917 by August Hecksher, after a long court struggle to obtain the right to use the plot for business. The site formerly was occupied by the elaborate Havemeyer home, and when Mr. Hecksher announced, after purchasing the parcel, that he was preparing to put up a tall commercial building the Morgan and other interests who have fought for the inviolability of the Murray Hill restriction instituted suit. This was, in many respects, the most important court action ever brought against the old restriction, and the Court, after a careful perusal of old maps, discovered that the westerly block was not included in the original covenant. Another important action against the restriction was brought by the Trustees of the old Dutch South Church on the southeast corner of Thirty-eighth Street, clearly within the restricted zone, to define the term of dwelling, and the Court decided that an apartment house came within that definition. The property was then sold ostensibly for such an improvement, but it was never made, and since the demolition of the church edifice the corner has remained empty for three or four years.

Another important court case was that against the Cameron family about twelve years ago to prevent the erection of the commercial structure of that name on the northeast corner of Thirty-fourth Street. The Camerons won the suit, due chiefly to the fact that old records disclosed that the line of restriction only embraced a small part of that corner. The Court also held that as Thirty-fourth Street had ceased to be a residential thoroughfare in that neighborhood, the denial of making business improvements was a hardship upon property owners. As a result all of the old homes on the north side east of Madison Avenue, were speedily transformed for trade uses.

In the immediate vicinity, three or four applications to use houses on the side streets, just north of the old restricted area, have recently been denied on the ground that the neighborhood is in the residential zone. Information last week disclosed the fact that a large number of property owners on Madison Avenue from Thirty-fourth to Fortieth Streets are quite ready to have the restrictions removed, excepting, of course, the Morgan and Baker family holdings, while owners in the side streets are generally insistent that the residential restrictions be closely observed.