

S O K O L O W C A R R E R A S L L P

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February 21, 2006

The Honorable Robert B. Tierney, Chairman
Landmarks Preservation Commission
9th Floor
1 Centre Street
New York, NY 10007

Re: 8 West 70th Street

Dear Mr. Chairman:

As you may recall, we are the attorneys for the coalition of all adjoining buildings and residents of West 70th Street.

We understand that the application of Congregation Shearith Israel is now on the calendar of the Landmarks Commission for March 14, 2006. We respectfully request permission to supplement our submission letter dated January 24, 2006 with this additional letter.

The Congregation is proposing to construct a nine-story building topped by two large penthouses, totaling more than 116 feet in height (the equivalent of over eleven stories, not including bulkhead) at 8 West 70th Street. From the testimony and written submissions, the community feels that a "transitional" building – that is, a building that blurs the typical, historical distinction between the avenue and mid-block contexts – is inappropriate for this site. In response, the applicant claims that the height of the proposed building is justified by the height of its next-door neighbor, 18 West 70th Street. The facts prove otherwise.

The New York City Building Code (§[C26-406.2]27-306) provides guidance for factoring penthouses into the overall height of buildings. It states:

In applying the provisions of this code governing height limits, the following appurtenant structures shall not be included in the height of the building **unless the aggregate area of all such structures exceeds thirty-three and one-third percent of the area of the roof of the building upon which they are erected:**

- (a) Roof tanks and their supports.
- (b) Ventilating, air conditioning, and similar building service equipment.
- (c) Roof structures, bulkheads, and penthouses.
- (d) Chimneys.
- (e) Parapet walls four feet or less in height.

The proposed penthouses would clearly count in the total “height” of the new building. The first penthouse would have an area of 2,870 square feet, or 64% of the roof area (4,480 square feet). The second penthouse would have an area of 1,760 square feet, or 61% of the roof of the first penthouse.

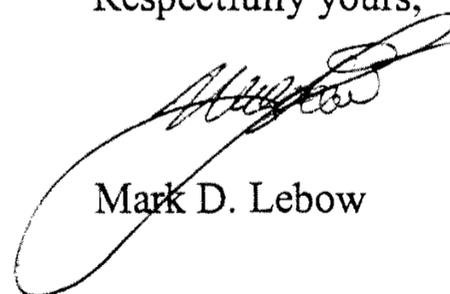
The proposed new building is, therefore, not a nine-story building, but is by definition an eleven-story building that would tower over the vast majority of the buildings on the mid-block.

By contrast, 18 West 70th Street rises to nine stories (approximately 95 feet) before setting back to a one-story penthouse (with an approximate area of 2,000 square feet) that is considerably less visible than either of the proposed penthouses on the new building would be.

By any definition, the height of the proposed building at 8 West 70th Street is out of scale and inappropriate for this mid-block in the Upper West Side/Central Park West Historic District. For this additional reason, it is respectfully submitted that the proposed building and both of its penthouse floors be disapproved.

We further request that this letter be distributed to all members of the Commission. While your rules apparently do not require that this letter be copied to the attorneys for the applicant (nor their letter to you be copied to us), we do not object to your distributing this letter to the attorneys for the applicant.

Respectfully yours,



Mark D. Lebow