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April 23, 2007

Jeff Mulligan
Executive Director
NYC Board of Standards and Appeals
40 Rector Street - 9th Floor
New York, New York 10006

Re: BSA 74-07-BZ
Congregation Shearith Israel
6-10 West 70' Street/99 Central Park West
Block 1122 Lots 36. 37 - Manhattan

Dear Mr. Mulligan:

I am writing to bring to your attention two highly significant deficiencies, among many others, in the April 2, 2007, Application filed by Congregation Shearith Israel, which deficiencies must be remedied prior to any Community Board meetings or prior to the 20 day notice required to be provided to affected community residents prior to a BSA hearing.

Simply, this matter should not proceed further until Applicant provides a complete supplementation of its Application.

The applicant is required to provide as part of its Application a complete description of how its proposed building will affect adjoining buildings: the Application fails to provide shadow studies and fails to describe the impact of the proposed building (as compared to an as of right building) in closing off windows and blocking air and light in the East face of 18 West 70th Street. Not only are the drawings insufficient, but environmental assessment¹ of the Congregation filed on April 2, 1007 is completely deficient.

Shadow Studies:

The environmental assessment states:

¹ The Environment Assessment filed by the Congregation is signed by a "paralegal", not by an environmental consultant.

5) Shadows

It is not anticipated that the proposed action would have any shadows impacts. This will be confirmed based on the results of the Shadows Study.

3/30/2007

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In all prior LPC related, the community specifically objected to the failure of the Congregation to provide Shadows Studies. The profile of the proposed building has remained unchanged since the last LPC meeting on March 14, 2006, over a year ago and for years the Congregation's architects have been submitting models and drawings of the surrounding area.

Shadows Studies are prepared by standard architectural computer programs used routinely by the Congregation architects. The Shadows Studies are being intentionally withheld or intentionally not being completed. Many property owners, including those on the North side of West 70th Street, will not respond favorably to this project when the Shadows Studies are released. What is the point of having community board meetings prior to the release of these studies?

Impact on the East Face of 18 West 70th Street

As compared to the as of right (AOR) building, the proposed building will close up windows in the West face of 18 West 70th Street and block light and air in other windows by creating or deepening an air shaft. Without commenting at to the legal or equitable impact in the Congregation's equitable request for variances, it is incumbent on the Congregation to describe these impacts in its application to the BSA. It has not done so, and, indeed, as shown in these excerpts from its drawings in Figures 1 and 2 below, the Congregation actually obscures the impact by not showing all of the windows in the East face and inset of 18 West and the impact of the proposed building as compared to the as of right building.



Figure 1 CPW Elevation Drawing AOR-15
As of Right

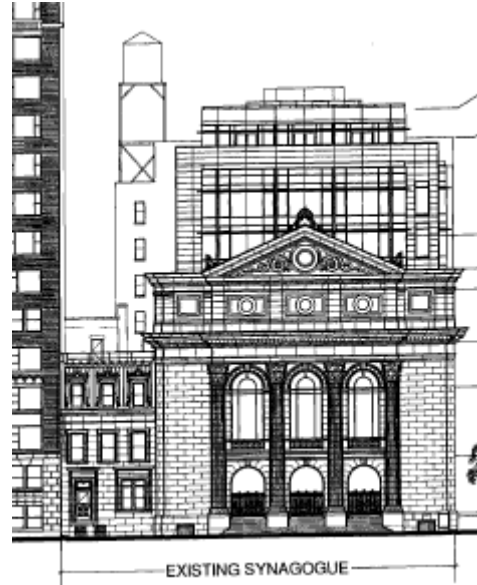


Figure 2 CPW Elevation Drawing P-16
Proposed

The above drawings do not show an accurate or meaningful portrayal of the East Face as can be seen partially in the photo in Figure 3 below:



Figure 3 East Facade 18 West - Blocked Windows

Accordingly, we respectfully request that the 60 day period in which the community board has to hold meeting and all other time periods be suspended until the Congregation complies by filing this most basic of information.

By indicating these two severe deficiencies, I am not acknowledging that there are not many other deficiencies: these will be addressed as the process proceeds. These are but two glaring deficiencies. The Environmental Assessment has no assessment at all. As

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another example, it does not explain how construction sheds on a 60 foot street, which is a through street, will coexist with fuel trucks for adjoining buildings, emergency, refuse and delivery trucks, a subway and a bus stop. The As of Right drawings also assume the granting of certain variances.

In the meantime, I am waiting for a response to my supplemental FOIL request.

Sincerely,



Alan D. Sugarman

P.S. Supporting Documents are posted at ProtectWest70Street.org.

cc: Office of the Mayor of the City of New York
Hon. Betsy Gotbaum, Public Advocate of the City of New York
Hon. Gail Brewer, New York City Council Member
Hon. Scott Stringer Manhattan Borough President
Hon. Richard Gottfried State Assembly Member
Hon. Sheldon J. Fine, Chair Manhattan Community Board 7
Norman Marcus
Kate Wood, Executive Director, Landmarks West
Shelly Friedman, Esq, Friedman & Gotbaum LLP