

COMMUNITY OBJECTIONS TO CSI APPLICATION**June 20, 2007****With BSA and Community Objections Interpolated Into Original CSI Statement in Support**

On April 2, 2007, Congregation Shearith Israel (“CSI”) submitted to the BSA a Statement in support of its variance application.

The document that follows this cover sheet combines the original CSI Statement with the BSA objections and new Community objection.

On June 15, 2007, the BSA issued to CSI a Notice of Objection to the application and supporting documents with 48 objections. The Objections to the Statement are herein inserted into the text of the Statement and are marked as follows:

BSA #-1. Page 1: Objections from the BSA date June 15, 2007, are inserted into the CSI Statement below, in frames such as this frame.

On June 20, 2007, after review of the BSA notice of objections, members of the Community herewith offer these further objections, in the belief that it would avoid delay and burden to CSI to not state these objections at this time while CSI is revising its submission. These objections are included herein and inserted in the text of the original Statement.

Community objections to other documents are also provided. Because the CSI application is confusing, incomplete, and ambiguous, the Community reserves the right to offer further objections after CSI clarifies and corrects its the intentions and contentions. The Community objections are marked as follows:

COMMUNITY #X Page 1: Objections from the Community dated June 20, 2007, are inserted into the CSI Statement, in frames such as this frame.

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APRIL 2, 2007 CSI STATEMENT INTERPOLATED WITH BSA AND COMMUNITY
OBJECTIONS.
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STATEMENT IN SUPPORT
OF CERTAIN VARIANCES
FROM THE PROVISIONS OF
THE NEW YORK CITY ZONING RESOLUTION

Affected Premises:

CONGREGATION SHEARITH ISRAEL
6-10 West 70th Central Park West
Block 1122 Lots 36 & 37
Manhattan

Friedman & Gotbaum LLP
568 Broadway, Suite 505
New York, NY 10012
(212) 925-4545

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THE APPLICATION

COMMUNITY #1. References to accessibility and circulation, which appear to be an integral component of the CSI argument for variances have been marked as here in the original statement.

This statement is filed in support of the Application by Friedman & Gotbaum LLP on behalf of the Trustees of Congregation Shearith Israel ("CSI") pursuant to Section 72-21 of the Zoning Resolution of the City of New York (the "Zoning Resolution" or "ZRCNY") for a variance in connection with the construction of a new 8-storey (plus penthouse) community facility/residential building at 6-10 West 70th Street (Block 1122, Tax Lot 37) (the "New Building" or "Lot 37 Site"). The New Building will replace the current Community House, which is a support building in deteriorating condition connected to the CSI Synagogue (the "Synagogue"), also known as the "Spanish and Portuguese Synagogue in the City of New York," located on the southwest corner of Central Park West and West 70th Street.

BSA #-1. Page 1: Following the first paragraph, please provide a section summarizing salient aspects of the proposed development for Congregation Shearith Israel (CSI) (FAR, square footage, height, number of stories, uses proposed). Follow this information with a summation of underlying zoning and the waivers requested.

The Congregation has worshipped in New York City for 350 years, holding its first services in Peter Stuyvesant's New Amsterdam in 1654. For almost two centuries it served as the only Jewish congregation in New York City, thus sharing its diverse history of serving its congregants and the larger community within the Dutch colonial experience, the British colonial experience and the American experience literally from its birth. The Synagogue is CST's fifth edifice in New York City and is one of the City's earliest individually designated landmarks.

BSA #-2. Page 1: The second paragraph is more appropriate in the "Background of CSI and the Site" section beginning on Page 4.

The New Building proposed in this Application will be developed on a zoning lot comprised of (1) Tax Lot 36, which is fully occupied by the Synagogue and an adjacent single family dwelling (99 Central Park West) that originally served as the Rabbi's Parsonage and (2) Lot 37, which currently consists of a 4-storey Community House constructed in 1954, which will be demolished, and a vacant parcel comprising almost 60 percent of that lot that was previously improved with two rowhouses, which were demolished in

1950. While the entire zoning lot is

COMMUNITY #2. Page 1, last paragraph: The last paragraph refers to the Parsonage as originally serving as the Rabbi's Parsonage. The plans EX-8 and EX-9 show "rooms" and "bathrooms" on the three upper floors. The August 15, 2005 plans provided to LPC described these rooms as "bedrooms" and "living rooms." Subsequent to the LPC application being filed, has any part of the Parsonage been rented? The August 15, 2005 plans also showed that the small synagogue behind the Parsonage would be moved entirely to the new building. Please explain the change in assigned use and the proposed use of the rooms.

COMMUNITY #3. Page 1. Please supplement the statement to state that the vacant parcel was occupied by a townhouse acquired by the Congregation in 1965 and then demolished by the Congregation in 1970.

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situated in the Upper West Side/Central Park West Historic District, only the Synagogue is an individually designated landmark.

COMMUNITY #4. Page 1-2. Please supplement to state that the Synagogue Building was landmarked on March 19, 1974, but that the Congregation opposed the landmarking of the Parsonage building, according to the LPC designation of said date.

The purpose of the New Building is to address several infringements on the mission of CSI as a house of worship, center of Jewish education and culture and provider of community programming open to the public. The Synagogue has severe circulation limitations which interfere with its religious programming. These limitations cannot be addressed through interior alterations. In addition, the physical obsolescence and the ill-configured floorplans of the current Community House compromise CST's religious, educational and cultural missions. Combined, the configuration of the structures on the zoning lot make it impossible to utilize in a feasible manner any of the lot's unbuilt zoning floor area in order to address any of these programmatic difficulties. As further described throughout the Application, the New Building addresses the programmatic difficulties by providing: (1) new horizontal and vertical circulation systems for the Synagogue to eliminate systemic shortfalls in its construction and design that limit barrier-free access to its sanctuaries and ancillary facilities and that cannot practically be addressed through physical exterior alterations and/or enlargements to the Synagogue itself,

COMMUNITY #5. Page 2, at (1) in first full paragraph: The Statement contains countless references to circulation, access, stairs, elevators, and other related issues, as the most important factor to establish hardship, unique physical conditions, etc., although no precise description in the drawings or elsewhere has been presented. Instances of these references are marked as indicated.

(2) a new "Community House" (being the two cellars and the first four floors of the New Building) providing offices and specialized rooms supporting religious, educational and cultural uses that are essential to CST's mission but either cannot be accommodated within or beneath the Synagogue or can no longer be accommodated in the physically obsolescent and deteriorating existing Community House; and (3) residential use on floors 5 – 8 (plus penthouse) to be developed as a partial source of funding to remedy the programmatic religious, educational and cultural shortfalls on the other portions of the zoning lot.

COMMUNITY #6. Page 2, second line from bottom: CSI states that the proposed building provides a "partial source of funding". The Freeman/Frazier feasibility report includes hard construction costs for the entire proposed building, but does not provide overall costs for the entire project including soft costs. The Freeman/Frazier report does show, however, that the proposed building would generate a "return" of \$5,149,000 in Schedule A1. But, the report does not make clear that CSI would also receive a cash return of \$18,944,000, and thus the proposed project would generate a cash return of \$24,093,000. Construction cost estimates provided by Freeman/Frazier then show \$11,551,602 of construction cost for the "school." Omitted from the Freeman/Frazier study is income to be generated from rental of the school, banquet hall, and perhaps the Parsonage. In addition, Congregation members and trustees should be expected to provide financial support for their institution. No financial information has been provided. Since CSI has prominently raised the issues of funding for these projects, it should provide complete disclosure of this information, or remove all direct and indirect references from its Application.

All told, the zoning lot possesses

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144,857 sf of development rights. The Synagogue and Parsonage combined use 27,759.20 sf of those rights or 19.2 percent of those available. The Community House currently uses 11,078.8 sf (7.6 percent). When completed, the New Building will increase the zoning floor area for community facility uses by 8,843.56 sf above grade and will add 11,491.72 sf of floor area in two cellars below grade. The residential portion of the New Building will use 23,066.93 sf, out of 144,857 sf of potentially available development rights.

COMMUNITY #7. Page 3, end of continuing paragraph. Please revise to also include the percentage of the proposed building that will constitute residential and community, above and below grade.

The New Building cannot be constructed in a manner consistent with the Zoning Resolution with regard to its yards, streetwall, lot coverage and height and setback that will overcome the current religious, educational and cultural programmatic difficulties. These zoning issues are described at length below. The need for the waivers requested in this Application stem from (1) the lack of any feasible options to modify the existing structures consistent with the Zoning Resolution that will address these severe programmatic difficulties; (2) the Synagogue's substantial existing zoning noncompliance

COMMUNITY #8. Page 3, at (2) of first full paragraph: Please identify the substantial existing zoning noncompliance by the Synagogue.

and (3) the parallel jurisdiction of the Landmarks Preservation Commission, which has approved unanimously both the massing and the design of the New Building, and by so doing has expressed views substantially similar to CSI regarding the need to protect the architectural heritage of the landmarked Synagogue. In sum, while the landmark status of the Synagogue clearly presents hurdles in addressing the programmatic difficulties in a manner compliant with the Zoning Resolution, no claim is made herein for the granting of a variance based on the landmark status of the Synagogue or its location within a historic district. The hardships imposed by attempting to overcome the religious, educational and cultural difficulties facing CSI through a new building that complies with the Zoning

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Resolution would be present even if the Synagogue was not so designated and the zoning lot was not located within a historic district.

COMMUNITY #9. Pages 3, 8 lines from bottom. Please correct the statement that LPC had approved the proposed building unanimously and include the statement of Commissioner Gratz opposing the proposed building.

BACKGROUND OF CSI AND THE SITE

Congregation Shearith Israel was founded in 1654 by twenty-three Sephardic Jews, who, having

been kidnapped by pirates and freed by a French ship, were deposited on the shore of Peter Stuyvesant's New Amsterdam, whereupon they were immediately imprisoned in what must have been one of the earliest recorded cases of illegal immigration in the New World. Freed upon petition to the Dutch governments, these involuntary immigrants fought for their rights and prospered in the Dutch colony. Initially limited to these original immigrants, the Jewish community in the colony was relatively small and the Congregation met either in private homes or in rented quarters. On the seventh day of Passover, April 8, 1730, CSI consecrated its first synagogue building on Mill Street in what is now the Financial District and as such was the first structure designed and built to be a synagogue in North America. The first Mill Street Synagogue was replaced by a larger structure at the same location in 1818. In 1834, the Congregation moved to a new building on Crosby Street between Broome and Spring streets. CSI's fourth home was later built on West 19th Street, near Fifth Avenue. CSI owns and preserves the three small cemeteries associated with these earlier synagogues (55 St. James Place, opposite Chatham Square, in use 1682-1828; 76 West 11th Street, between 6th and 7th Avenues, in use 1805-1829 and 110 West 21st Street between 6th and 7th Avenues, in use 1829-1851) in which are buried some of its earliest congregants, including officers and financiers of the Revolutionary War and founders of Columbia University, the New York Stock Exchange and Mount Sinai and

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Montefiore Hospitals.

COMMUNITY #10. Page 4-5: Please describe the relevance to this proceeding that descendants of prominent financiers may be current members of the Congregation. Please explain the relevance of the history of the Congregation to the matters before the BSA and explain whether, because of CSI's history, CSI is suggesting it should receive variances not available to newer yeshivas and synagogues in Brooklyn.

Emma Lazarus, whose poem is inscribed on the base of the Statue of Liberty, was a congregant, as were Supreme Court Justice Benjamin Cardozo and Commodore Uriah Phillips Levy, Revolutionary War naval hero and later owner and restorer of Thomas Jefferson's Monticello.

CSI built the current Synagogue in 1896, as New York City's population increased and migrated northward. It was surrounded by farmlands at the time. In the Sephardic tradition, the congregants transported and incorporated elements of its past synagogues into its new building. The floorboards in the main sanctuary were originally used as such in the previous sanctuaries. The Reader's Desk on which the

Torah Scrolls are opened and read and the four large candlesticks that surround it are original to the 1730 building. The small chapel in the current Synagogue, now a room in the Synagogue but known as the Little Synagogue, contains lighting fixtures, including the Ner Tamid (the Eternal Flame), the tablet of the Ten Commandments located over the Ark, benches and religious objects also used in the Mill Street Synagogue. Many of the religious objects used in the Little Synagogue have been used in daily services since Pre-Inquisition Spain. The Torah Scrolls encased in the Ark, which are also used on a daily basis, bear the slashes sustained by the sword of a British soldier when the City was attacked during the War of 1812. (Legend has it the soldier was severely punished for his sacrilege.) The silver bells and ornamental plates adorning those Torah Scrolls were smithed by Myer Myers, under whom a young Paul Revere served as an apprentice in Boston. These details of CSI's rich pre-colonial and colonial architectural and ceremonial history are provided to illustrate to the Board that CSI is not only a significant center of Jewish faith and culture, but that in addition its stewardship of its archeological, historical and architectural treasures, used in its everyday

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services, has created a unique environment in which the exercise of faith occurs in a living museum. Jewish scholars and visitors from around the world come to visit the Synagogue, referred to by others as the "Mothership of the Jewish Experience in the Americas." Indeed, its ties with the colonial experience are so deep that it once uniquely shared attributes with the Anglican Church of the 18th and 19th Centuries in referring to the home of its religious leader as the "Parsonage" (i.e., 99 CPW) and referring to its Chief Rabbi by the honorific title "Rt. Reverend."

This physical and cultural history of the Synagogue is an essential element of this Application. The physical appearance of the existing Synagogue has come to serve as an icon to World Jewry for the migration of Judaism to the New World and the founding of the Jewish experience in the Americas. While the Synagogue's landmark designation is, of course, an honor, it comes centuries late for a congregation that has a 350 year unblemished history of approaching historic preservation with an orthodoxy and a purpose far and away exceeding municipal regulation. This stewardship is undeniably linked to the religious, cultural and educational mission of CSI. It informs every decision regarding the use and development of its property.

COMMUNITY #11. Page 6, 7 lines from bottom: When the Trustees of the Congregation constructed the Synagogue in 1897, the Congregation had owned the land at 8 West 70th Street. In 1897, and again in 1941, the Congregation imposed restrictive covenants prohibiting the owners of 8 West 70th Street from constructing a building taller than the Synagogue building, in accordance with Jewish law and tradition which dictates that a Synagogue should be the tallest building in a community,. Although the restrictive covenants were extinguished by merger when CSI acquired 8 West 70th in 1949, the covenants are clear and convincing evidence of the intent of the earlier Trustees of the Congregation. Please explain how the current Trustees are following tradition and acting as stewards for the Synagogue, while not following the intent of the Trustees who funded and built the landmarked Synagogue building?

It may, in fact, be true that the Landmarks Commission would not approve applications proposing to alter the Synagogue through additions over it or jeopardize its structural integrity by building under it, but with all due respect those regulatory issues are rendered meaningless by the superseding obligations succeeding generations of congregants have accepted to preserve the Synagogue and its traditions. CSI holds any effort to alter the Synagogue to be a violation of that obligation and antithetical to its mission. Thus, this Application, while tracking the hopes of most preservationists by (1) transferring available floor

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area from the Synagogue footprint for use elsewhere on the zoning lot,

COMMUNITY #12. Page 7 at Top: Please explain the zoning law basis for transferring available floor area from the Synagogue footprint for use elsewhere on the zoning lot” in the present 72-21 variance proceeding.

(2) refraining from any form of construction or alteration above, within or below the Synagogue that might affect its integrity, and (3) dedicating itself to the continued archival restoration and maintenance of the landmarked Synagogue through capital fundraising that includes a one-time monetization of zoning floor area through developing a moderate amount of residential space, is otherwise driven by CSI's own core values as trustees of the Synagogue and its contents for the benefit of generations to come.

COMMUNITY #13. Page 7 line 3 at (3); Please explain the zoning law basis for the “one-time monetization of zoning floor area through developing a moderate amount of residential space”

All of the requests for relief presented in this Application are directed toward alleviating the hardships caused to that mission by the literal application of the cited provisions of the Zoning Resolution.

CURRENT USES AND CONDITIONS

As noted above, the Synagogue itself remains in constant use as a house of worship. In addition to its sanctuaries, the Synagogue contains small meeting rooms and a multifunction room in its basement. Although the Synagogue has a formal monumental entrance on Central Park West, it is almost never used. It is perhaps the most glaring design flaw of the Synagogue. Because according to Jewish Law a synagogue must be designed so worshippers face west when praying toward the altar, the altar is located along the western wall of the Synagogue.

COMMUNITY #14. Page 7, line 6, Current Uses and Conditions: Please correct the mistake here and elsewhere as to the direction worshippers face when praying and also revise the associated narrative.. This narrative concludes that there are alleged circulation issues based the direction of worship.. Because the premise of the narrative is not correct, please remove this rationale.

COMMUNITY #15. Page 7, line 6, Current Uses and Conditions: The application states that the Parsonage is part of the zoning lot. Please explain the current and proposed uses of the Parsonage, changes in uses from various plans submitted to the LPC and the BSA, and rental income of any type received subsequent to the LPC 2003 application.

Thus, the monumental entrance is anything but monumental as once it is entered, without vestibule or foyer, it is reduced to small interior doors backstage of the altar and narrow passages to circumnavigate it. The daily route for entering and leaving the Synagogue is through its side doors on West 70th Street, which were never designed as a primary means of ~~access or egress and which require the use of a steep interior stairway to enter the foyer leading to the sanctuaries.~~

BSA #-3. Page 7: Within the first sentence of the section entitled "Current Uses and Conditions," it is stated that "...the Synagogue contains small meeting rooms and a multifunction room in its basement." According to the existing and proposed plan sets, only the proposed scenario appears to contain a "multifunction" room. Please clarify this discrepancy.

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This ~~access~~ was only moderately improved by the construction of the Community House in 1954, which provided additional doors but only through indirect means and in any event did nothing to alleviate the need for the stairs.

COMMUNITY #16. Page 8, end of continuing paragraph: These side doors on West 70th Street are described in the March 19, 1974 Landmark Designation as follows: “The 70th Street entrance is composed of large double doors and a transom with a handsome grille surmounted by a full entablature with foliate copsoles.” Please provide the width and angle of elevation of the “steep interior stairway to enter the foyer leading to the sanctuaries.” Please provide documentation to establish that the original Trustees did not intend the West 70th Street entrance to be a primary entrance, given that it is practically located at the rear of the Sanctuary.. Also, please describe the access to the Sanctuary from the lobby of the existing Community House constructed in 1954 and the current elevator in that building which provides access to upper floors of the Sanctuary.

While one is tempted to conclude that this unfortunate result was solely due to religious orthodoxy, the fact remains that the lay architectural mandates (or hubris) of the day may also have contributed to creating this unpractical result. Most of the institutional buildings facing Central Park West have similar monumental entrances that either originally or over time have been abandoned by their occupants in favor of more practical side-street entrances. Such examples are the New-York Historical Society, which uses its West 77th Street on a daily basis but rarely uses its prominent CPW entrance, and the First Church of Christ, Scientist at CPW and West 68th Street.

CSI can no longer ignore the programmatic impacts caused by this inability to enter the Synagogue and move around it in a proper manner. When constructed in 1896, CSI was a congregation of 300 families. It is now a community of 550 families. Its primary sanctuary cannot be reached without great labor. Access to its sanctuaries and their ancillary facilities are not barrier-free. CSI has studied the options for internal alterations to the Synagogue to address these deficiencies. The studies have concluded that there are no good options and that in any event there are no options that would not necessitate significant loss of original historic material. These access deficiencies **can only be** addressed by demolishing the Community House and replacing it with a new contiguous building designed with circulation systems that can be appended to Synagogue.

COMMUNITY #17. Page 8, end of page: Given that the existing Community House has a lobby and an elevator addressing these same issues of access, and since nothing in the Sanctuary is being altered in the proposed plans, please explain with particularity why the access deficiencies asserted cannot be remedied by modifying the current lobby and elevator in the front portion of the Community House.

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In 1954, CSI converted two adjacent rowhouses into the current Community House. Aside from re-cladding the facade, the scope of the alterations to the rowhouses was minimal, as evidenced by the continued presence of the shared party wall between them in many areas of the building.

COMMUNITY #18. Page 9, line 4: Elsewhere in multiple locations, it is stated that the existing Community House was constructed after demolishing the two rowhouses on the site. This is stated as well in the Landmark Designation. Perhaps the shared party wall still exists. What is the relevance of this statement, in any event?

These original structures now comprising the Community House have reached the end of their useful life and are in need of substantial improvement. The combined buildings house a 1,668 sf multipurpose room/auditorium, which is on the same level as the Synagogue's first floor albeit at a lower level and thus cannot be entered without the use of stairs.

COMMUNITY #19. Page 9, line 7: Please explain how ADA access is being provided at present.

This room is used for various meetings and as a play space for a day school which leases the space to run its programs. Approximately 1,028 sf of offices and 2,554 sf of classrooms are located above the auditorium/multipurpose space. The entire CSI administration is housed in these quarters. These include the Rabbis' study and offices, and all of the Synagogue's executive offices.

COMMUNITY #20. Page 9, line 11: It is understood that some offices are located in the Parsonage. Please explain. Please explain why the Congregation would not let the Rabbi use the Parsonage?

All of CSI's programming for religious services and community services, which are open to public, emanates from these small spaces, CST's community services programming is extremely active, with a number of affiliate organizations, such as the longstanding Sisterhood providing community outreach to congregants and non-congregants, Hebra Hased Va-Amet, the City's oldest Jewish philanthropic organization, which provides dignified burials for indigents and the 1654 Society dedicated to preserving CST's historical treasures and fostering a historical awareness of the Jewish American colonial experience. CS! has, a rich and detailed history of championing the plight of the poor, homeless and hungry, both globally and within the West Side community. All of those efforts are administered by staff and volunteers from within the Community House.

BSA #-4. Page 9: Provided that the proposed scenario calls for an approximate increase of classrooms from 5 to 12, please precisely explain the nature of the "tenant school" and its relationship to CSI and its programmatic needs (please note that the EAS states that the overall number of students will remain the same under the proposed scenario). Specifically state where the tenant school is located today and where it will be located in the proposed new building.

In addition, the Community House needs to provide space for CSI's Hebrew School of approximately 40 students and its tenant school, which enrolls 125 children between the ages of

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five and seventeen in full time attendance. Recently the Landmarks Preservation Commission approved the addition of a temporary trailer in the vacant portion of Lot 37 to permit these educators to alleviate the severe overcrowding in the Community House.

COMMUNITY #21. Page 10, line 3: Please describe the relationship between the tenant school and CSI, describe the annual rental income received each year from the tenant school since the 2003 LPC application, explain the cost incurred by CSI and the tenant school for the renovations in the Community House in 2005 and 2006 shown on Department of Building records, and the new window openings of the west wall of the Community House in 2005 and 2006, as well s the costs relating to the temporary trailer. Please also describe foundation, plumbing, electrical, and other construction supporting the prefabricated building which is described as a temporary trailer, and provide the total cost and source of funds for the prefabricated building and associated construction.

BSA #-5. Pages 10 & 11: These pages contain information describing the proposed building. For clarity, this section should be combined with the "New Building Development Program" on Pages 17 and 18. This combined section should provide more detail of the alleged nexus of CSI's programmatic needs and the proposed waivers requested. The following four objections (#6 - #9) should be addressed within this combined section.

In addition, CSI offers a wide range of youth activities such as monthly Shabbat dinners, "toddler Shabbat" and informal Saturday religious classes. During holidays, the students participate in traditional holiday community service programs which include delivery of food packages throughout the City. For adult congregants, the Community House provides space for educational studies in Mishneh Torah (basic principles in Jewish philosophy, ethics and law); Ladino (Judeo-Spanish language studies); Shabbat; and basic Judaism. These classes have been embraced by Jews throughout the metropolitan region seeking to reach a deeper connection with their heritage.

In addition, the lack of adequate storage space and offices has forced CSI to move off-site its seminal historical archives.

BSA #-6. Page 10: The first sentence of the first full paragraph references the need for "seminal historical archives" space within the proposed building. Please precisely explain the volume and current location of CSI's archival material. Please explain how much square footage is needed to accommodate such material

It remains a long-held aspiration to have suitable archival facilities on site so that more could be made of this extraordinary collection for the benefit of the congregants and children in its educational programs and scholars.

BSA #-7. Page 10: Please describe the caretaker's apartment in the proposed community facility portion of the building and discuss its alleged importance to CSI's programmatic needs.

With the construction of the New Building, the floorplate of the Community House will be increased by 3,259 sf and the overall square footage of community facility use will be increased by 8,843.56 sf above grade. In addition, the demolition and replacement of the Community House will permit excavation to provide two cellar levels for programming where none exist today.

BSA #-8. Page 10: Within the second full paragraph, it is stated that "...the demolition and replacement of the Community House will permit excavation to provide two cellar levels for programming where none exist today." Please clarify that no sub-cellar exists today; the existing plans indicate an existing cellar level.

The programmatic improvements to functions currently in the Community House made possible through construction of the New Building are as follows:

- New 6,432 sf multi-function room at the subcellar level.

BSA #-9. Page 10: Within the second full paragraph, please precisely explain the nature and purpose of the proposed "6,432 sf multi-function room at the subcellar level." Please state whether it is the applicant's intent to lease this space to other entities or for other purposes such as a catering hall.

- New babysitting room, storage and office space, dairy and meat kitchens at the cellar level.

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Enlarged barrier-free vestibule and Synagogue lobby: at the first floor level.

- Expanded Small Synagogue, new exhibition space and relocated archives

at the first floor level.

COMMUNITY #22. Page 11, bulleted point starting "Expanded Small Synagogue": Please confirm that the plans submitted to the LPC in 2003 and 2005 showed that the Small Synagogue was to be moved completely to the new building. Please explain why the as-of-right and the proposed building have different configuration for the Small Synagogue.

- New barrier-free elevator dedicated solely to accessing the Synagogue's upper levels.
- Appropriately sized Rabbinical and executive offices on floors one and two.
- Twelve , (versus six existing) appropriately sized barrier-free new classrooms on floors two through four.

COMMUNITY #23. Page 11 after bulleted points: Please describe with particularity the elevators serving the Community House and the Synagogue in the current and proposed building and describe in detail in each access point between the two structures, and identify on the drawings.. Please describe the differences between the lobby in the current and proposed building. Finally, please describe with particularity physical limitations in the current building that prohibit modifying the current lobby and elevator space to accommodate alleged circulation and access limitations.

Without the New Building requested in this Application, CSI's existing programmatic deficiencies will remain and continue to get worse. The continuation of these deficiencies through CSI's inability to construct the New Building would seriously undermine the religious, educational and cultural mission of CSI. Only through the approval of this Application can these deficiencies be eliminated.

THE LANDMARKS APPROVAL PROCESS

A Certificate of Appropriateness for the New Building was unanimously approved by the Landmarks Preservation Commission ("LPC") on March 14, 2006.

COMMUNITY #24. Page 11, fist sentence, The Landmarks Approval Process: Please correct incorrect statement as to unanimous approval as discussed elsewhere.

One Commissioner described the New Building's design and massing as "thoroughly modern...but speak[ing] very eloquently both to the temple adjacent and to the other brick apartment buildings." It was not only an "appropriate addition to [the Upper West Side/Central Park West historic] district, but a very positive addition . . . that will stand on its own as a landmark..." The official LPC March 14, 2006 recorded

transcript provides the excerpts from statements by various Commissioners preceding the unanimous vote to approve the New Building:

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"...this is a fine example of what can happen i[f] careful evolution i[s] permitted...we have a contemporary design, finally in complete harmony with the classic building next to it...I think the reduction of height was one of the major things we felt from the beginning was necessary. Also, the redesign of the entrance relating to the old building is now very successful, and they work together beautifully."

"I think the massing is appropriate. It is a massing that relates to the street and to its proximity to Central Park West. And, overall, I think the building will make a great contribution to the streetscape."

"I do think [the proposal] is an elegant solution in many ways to what is a difficult and complex problem here, to try to insert this building into the existing synagogue and adjacent property."

" ...I think the massing with the removal of the upper penthouse is absolutely in line with the surrounding buildings, specifically, the building adjacent, with the single setback penthouse that is partially visible...Again, I have always felt that the limestone frame that is adjacent to the temple and soars over the main bulk of the building is inspired."

The New Building represents a six-storey reduction from CSI's initial LPC submission in 2003. The reduction was necessitated due to the LPC's concerns that the height of the initial submission was not in keeping with the character of the Historic District.

The reduction in height brought with it a profound change in the nature of the zoning waivers being sought, which is highly pertinent to this Application. As originally proposed, the New Building required the transfer of substantial zoning floor area across the zoning district boundary bisecting the zoning lot, in contravention of the Zoning Resolution. This would have

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been another objection in addition to those presented in this Application. Inasmuch as the zoning floor area being transferred was being taken from air space over the designated landmark, and because the proceeds of the development of the residential portion of the New Building (ten floors in the initial Application) were being directed to the continued restoration and maintenance of the landmarked Synagogue, CSI

believed that such an action would qualify the development under the LPC's precedents for a Special Permit pursuant to ZRCNY Sec. 74-711. However, the Commission's response to the initial LPC application, and in particular the use of ZRCNY Sec. 74-711 to transfer zoning floor area across a district boundary, was mixed, with some Commissioners opposed to finding that the requisite "preservation purpose" (NYCZR Sec. 74-711(a)(i)) would be served. The partial remarks of LPC Commissioner Gratz are hereby submitted as representative of that opposition:

'We are being asked to find appropriate a high rise building under a 74-711 Special Permit proceeding that spans two zoning districts if (1) it is appropriate to the landmark site and (2) if it serves the preservation purpose While the 74-711 provision allows some flexibility in order to achieve conformity with the existing neighborhood character, that flexibility was never meant to allow something so contrary to the site. This would surely lead to an erosion of the landmarks law that I believe would be beyond our wildest nightmares.'

In fashioning its response to the Commissioners' comments, CSI choose to reduce the height of the New Building from 14 to 8 stories plus penthouse. In so reducing the floor area of the New Building, the distribution of zoning floor on each side of the zoning district boundary resolved itself without the need for waiver or special permit. In addition, the extent of the streetwall and height and setback waivers was also reduced. In consultation with the LPC staff, it appeared that

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if the Commission was signaling that the larger project would fail the preservation purpose required for its support of a ZRCNY Sec. 74-711 Special Permit, there was no reason to believe the smaller building would. In returning to the LPC with the smaller New Building, CSI indicated its willingness to seek the variance requested in this Application. The Commissioners in attendance did not object to CSI's position and the Commission moved forward with its consideration of the revised Application and ultimately unanimously approved it.

This history of LPC consideration is submitted to substantiate that CSI took every available step to seek the administrative relief provided in the Zoning Resolution for seeking a special permit to modify the bulk regulations for which this variance Application now seeks waivers, thereby exhausting its administrative remedies prior to the filing of this Application.

COMMUNITY #25. Page 14, first full paragraph: Please remove this second full paragraph on page 14. This paragraph suggests that CSI is seeking a special permit, and this is not a special permit proceeding.

THE ZONING LOT AND ZONING NON-COMPLIANCES

Tax Lots 36 and 37 have been in common fee ownership since 1949 and share the necessary contiguity set forth in ZRCNY 12-10 to be deemed a single zoning lot since that date.

COMMUNITY #26. Page 14, First sentence of section "Zoning Lot...": Please correct this statement. Property records show that CSI purchased 10 West 70th Street (which is in Tax Lot 37 where the vacant lot is located) on May 28, 1965. Please explain when and why 10 West 70th St. became part of a common zoning lot.

The zoning lot is a rectangle bounded on the west by Central Park West (100.5 ft frontage) and on the north by West 70th Street (172 ft frontage). On its east boundary is the building wall of 18 West 70th Street, a 9-storey multiple dwelling. Its southern lot line is shared with 91 CPW and a row house at 9 West 69th and forms an irregular pattern of rear yards and side and rear walls of various depths. The zoning lot's area is 17,286 sf. A zoning district boundary runs parallel to CPW 125 ft west of CPW. The R10A avenue portion of the zoning lot comprises 73 percent of the total area of the zoning lot. All of the Parsonage and Synagogue and approximately the easternmost 17 feet of the current Community House are located in the R10A portion of the

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zoning lot. The remainder of the zoning lot (27 percent of its total) is zoned R8B. The maximum permissible FAR for a community facility in an R10A district is 10 and for a mixed use community facility/residential building in an R8B district is 4. Because the zoning lot has been in existence since prior to December 15, 1961, it is entitled under the provisions of ZRCNY 77-22 to utilize an average FAR across the entire zoning lot. The Applicant has calculated that averaged permissible FAR to be 8.38. Using that FAR, the R10A portion of the zoning lot is permitted 105,273.75 sf of zoning floor area and the R8B portion of the zoning lot is permitted 39,582.93 sf of zoning floor area. Upon completion, the New Building will contain 42,989.39 sf (11,197.09 on the R10A and 31,792.30 on the R8B portions of the zoning lot), which amounts to a total FAR on the zoning lot of 4.09, well under the amounts permitted. In addition, included in the LPC

approvals is a determination to promote a distance between the landmark Synagogue and the New Building. This was satisfactorily achieved by employing a "notch" of open space pushing west the east elevation of the New Building. This notch was imposed without regard to zoning considerations, one of which was that it eliminated from full development the only portion of Lot 37 within the R10A district. Thus the notch has the effect of requiring more floor area to be built in the R8B portion of Lot 37, thereby increasing the extent of the bulk waivers requested in this Application.

COMMUNITY #27.. Page 15:, end of continuing paragraph Please provide the number of square feet in the base plate for the notch, the number of square feet on each floor related to the notch, and the total number of square feet in the proposed and as of right building related to the notch, and compare to the total number of feet on each floor and to the entire building. A review of the drawings suggest that fewer than 200 square feet on all floors are affected here. Please explain why this is a substantial factor of any relevance to the variance application.

With regard to the R10A portion of the zoning lot, development of available zoning floor area is complicated by the fact that beyond 100 ft from the avenue, the existing Synagogue and Community House already exceed permitted lot coverage and that, if the Synagogue is going to remain unaltered and the air space above it undeveloped, the further use of the unused zoning floor area must be restricted to the same westernmost portion of the R10A in which the lot

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coverage exceedance exists.

COMMUNITY #28. Page 16. line 1: Please elaborate on the assertion that the existing Synagogue and Community House already exceed permitted lot coverage, explain whether this use is grandfathered, and explain the relevance to this proceeding.

This limitation results in a severe limitation of the use of available zoning floor area, and its only feasible use is as set forth for the massing of the New Building.

COMMUNITY #29. Page 16, line 3: Please explain why an as of right building does not provide a feasible use. Also, please explain why CSI does not modify its proposal so that for zoning purposes, the existing Community House structure cannot be used to grandfather a rebuilt structure on the same location.

The following exceedances are increased or created in the R10A portion of the zoning lot:

- (1) ZRCNY Sec. 24-11/77-24: extent of the existing lot coverage noncompliance is increased, and
- (2) ZRCNY Sec. 23-711: required 40 ft separation between buildings is not provided. Within the R8B portion of the zoning lot, the New Building is underbuilt based on the permitted FAR 8.38, but

its massing cannot be provided in an as-of-right manner due to the unique role it must play in addressing the Synagogue's deficiencies as well in providing the types of spaces required for CSI to maintain its religious, educational and cultural activities. The following exceedances are created in the R813 portion of the zoning lot:

- (1) ZRCNY Sec. 24-11/77-24: permitted lot coverage is exceeded,
- (2) ZRCNY Sec. 23-633: permitted base height, setback and building height requirements are exceeded, and
- (3) ZRCNY Sec. 23-663: required rear setback is not provided.

Finally, in order to provide for the appropriate connections between the Synagogue and the New Building and in order to provide suitable floorplans and adjacencies for the portion of the New Building to be used by CSI for Community House purposes (floors 1 – 4), the first floor will fully cover the lot and floors 2 – 4 will set back 20 ft from the rear property line. Such coverage is permitted for the first floor but the other three floors fail to provide the required 30 ft rear yard in either the R10A portion or the R8B portion of the zoning lot as set forth in ZRCNY Sec. 24- 36.

COMMUNITY #30. Page 16, last paragraph: Since there is no setback for the first floor, no issues are presented as to “adjacencies” between the proposed building and the Synagogue on the first floor. On Floors 2-4 of the as-of-right building, no connections appear between the proposed building and the Synagogue in the rear 30 feet of the lot. All connections including the lobby connection and the elevator access, to the extent disclosed, appear within the front 70 feet of the building (the lot being 100 feet deep). Please explain then the “appropriate connections between the Synagogue and the New Building” affected by rear setbacks.

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FIFTY YEAR SITE HISTORY

The Synagogue was built in on Lot 36 in 1896-97. The Community House was created in 1954 through the combination of two turn of the century rowhouses on what is now a portion of Lot 37. The Community House and Synagogue have come to share the same property address: 8 West 70th Street. The vacant portion of Lot 37 was created when two of the four rowhouses owned by CSI, presumably numbered Nos. 16 and 14 West 70th Street, were demolished in 1950. These houses no doubt once existed on individual tax lots, but over time those lots have been merged into Lot 37. No use or bulk modifications have occurred since 1954. In 2006 the LPC approved the installation of one trailer for educational purposes on the

vacant portion of Lot 37.

COMMUNITY #31. Page 17, first paragraph: Please correct the narrative at the top of Page 17 to correctly reflect the history of the site. There were only three rowhouses on the 64 foot wide Lot 37. Refer to the Landmark Designation study by LPC in 1975 which has an accurate history. Please provide a legal basis for stating that the lots have been merged into Lot 37.

COMMUNITY #32. Page 17, first paragraph: states that “No use or bulk modifications have occurred since 1954.” Please discuss the 1954 certificate of occupancy and the then existing uses and occupancy and the current uses and occupancy and describe in detail any review process at the City and Community Board level in which uses and occupancy level changes were sought and approved. Also include any approvals of usage for banquet hall rental for non-Congregation functions. Please describe the trailer as a prefabricated building.

THE NEW BUILDING DEVELOPMENT PROGRAM

For all of the reasons set forth above, CSI can no longer meet its religious, educational and cultural programmatic needs without significantly modifying the access and egress for the sanctuaries. Because there is no practical solution that includes alteration work within the Synagogue, and because any such alteration work would be contrary to CSI's mission, the solution must be found within the footprint of the New Building.

COMMUNITY #33. Page 17, Second sentence of “The New Building Development Program”: Please explain in detail why modification to access and egress for the sanctuaries could not be accomplished within the footprint and volume of the existing community house building, and certainly within the footprint of the as-of-right building. Please identify unambiguously, and without repetition, all of the access and egress points existing now and in the proposed building.

Although the Synagogue's CPW and West 70th Street entrances will remain where currently located, the New Building will provide a more generous barrier-free set of door leading to a vestibule off an expanded Synagogue lobby and gallery. The New Building will include elevators designed to provide access to the balcony seating area of the main sanctuary.

COMMUNITY #34. Page 17, two lines from bottom: The drawings for the proposed building do not show multiple elevator banks for use by the community space. There is one elevator shown on the east side of the building for community use. There appear to be two banks for residential, one for apartment residents, and the other for service for the apartments. Please explain and explain the use of the plural as to the number of elevators providing access to the balcony seating

Adjacent to the gallery, an archives room worthy of CSI's historical relics, papers and documents for exhibition and scholarly study

BSA #-10. Page 17: Please compare the existing CSI program with the proposed scenario by providing a floor-by-floor square footage table for each element of the program.

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will be located. Of major importance to CSI is the first floor's proposed 1,258 sf enlargement of the Little Synagogue into the New Building, which remains the most important room within the Synagogue for daily sunrise and sunset prayer services, small ceremonies and personal prayer.

COMMUNITY #35. Page 18, line 3: Please explain why the plans approved by LPC did not show an enlargement of the Little Synagogue, but showed a relocation of the Little Synagogue.

In addition, CSI's ability to continue to operate within the limitations of the existing Community House has ended and it now must address the need for both newly designed and enlarged community facility space beneath and within a newly constructed New Building. Below-grade levels will provide an appropriately sized and barrier-free multi-function rooms, meat and dairy kitchens, a babysitting room, residential storage space and building services. Rabbinical and executive offices currently in the Community House have been given more appropriately sized and barrier-free locations on the Floors 1 and 2. Floors 2, 3 and 4 will contain appropriately sized and barrier-free classrooms for CSI and its tenant school's educational purposes. Floors 5 through 8 and the penthouse will be residential.

BSA #-11. Page 18: Within the second full paragraph, it is stated that CSI is comprised of "...550 families, which is an increase of 30 percent in the number of families that were congregants in 1954." Please state the number of families and number of individual worshippers in 1954 and the present.

COMMUNITY #36. Page 18, Supplement BSA # 11, please state the average number of congregation and worshipers that attend Friday evening and Saturday morning services on none holiday Sabbaths. Please also state the percentage of families and worshippers that do not have their primary residence within New York City.

BSA #-12.Page 18: Within the second full paragraph, new "administrative space" is described. Please precisely describe the programmatic need for an approximate increase in the number of offices from 4 to 13. To this end, please state the number and type of full-time on-site employees and whether CSI anticipates employee growth.

The additional space in the New Building allocated to CSI's religious, educational and cultural mission is the first such increase in space for CSI since 1954. The addition of this space will permit the Synagogue leaders to address the needs of its 550 families, which is an increase of 30 percent in the number of families that were congregants in 1954. In addition to administrative space, the creation of a suitable multipurpose room for larger ceremonies, meetings, lectures, etc and the addition of classrooms will address significant shortfalls in CSI's ability to serve both its members and the community. Finally, the addition of residential use in the upper portion of the building is consistent with CSI's need to raise enough capital funds to correct the programmatic deficiencies described throughout this Application. The residential floor area uses only 16 percent of the zoning lot's available zoning floor area. When completed

BSA #-13.Page 18: The final sentence of the second paragraph states that "...residential floor area uses only 16 percent of the zoning lot's available zoning floor area." Please follow this sentence by stating the percentage of the proposed zoning floor area (based on the entire zoning lot) that is residential.

COMMUNITY #37.. Page 18, bottom: It is a misleading characterization to state that The residential floor area uses only 16 percent of the zoning lot's available zoning floor area. This statement makes the yet to be substantiated assumption that unused floor area from the landmarked Synagogue can be applied to the Community Building. Please substantiate the legal position as to why using a percentage of the entire zoning lot is relevant to the 72-21 proceeding before the BSA. Also, please provide the percentage of the proposed building that are allocated to residential and community, which we compute to be 51% and 49% respectively, based upon above ground space.

Under the proposed building, the residential
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with the New Building, more than half the development rights on the zoning lot (74,108.09 4) will

remain unused.

THE OBJECTIONS

The following objections were received from the Department of Buildings (the "DOB") on March 27, 2007:

1. Proposed lot coverage for the interior portions of R8B & RIM exceeds the maximum allowed. This is contrary to Section 24-11/77-24. Proposed interior portion lot coverage is .80.
2. Proposed rear yard in R8B does not comply. 20.00' provided instead of 30.00' contrary to Section 24-36.
3. Proposed rear yard in R10A interior portion does not comply. 20.00' provided instead of 30.00' contrary to Section 24-36.
4. Proposed initial setback in R8B does not comply. 12.00' provided instead of 15.00' contrary to Section 23-633.
5. Proposed base height in R8B does not comply. 94.80' provided instead of 60.00' contrary to Section 23-633.
6. Proposed maximum building height in R8B does not comply. 113.70' provided instead of 75.00' contrary to Section 23-633.
7. Proposed rear setback in an R8B does not comply. 6.67' provided instead of 10.00' contrary to Section 23-663.
8. Proposed separation between buildings in R10A does not comply. 0.00' provided instead of 40.00' contrary to Section 24-67 and 23-711.

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ZRCNY Sec. 72-21 REQUIRED FINDINGS

There are unique physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular zoning lot; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the use or bulk provisions of the [zoning] resolution; and that the alleged practical difficulties or unnecessary hardships are not due to circumstances created generally by the strict Application of such

provisions in the neighborhood or district in which the zoning lot is located. ZRCNY Sec. 72-21(a)

The unique physical conditions peculiar to and inherent in CST's zoning lot include: (1) the presence of a unique, noncomplying, specialized building of significant cultural and religious importance occupying two-thirds of the footprint of the zoning lot, the disturbance or alteration of which would undermine CSI's religious mission; (2) a development site on the remaining one-third of the zoning lot whose feasible development is hampered by the presence of a zoning district boundary and requirements to align its streetwall and east elevation with the existing Synagogue building;

COMMUNITY #38. Page 20, (2) in first text paragraph: Please describe and identify the source, with particularity, of (a) requirements to align its streetwall with the existing Synagogue building; and (b) requirements to align its east elevation with the existing Synagogue building, and then describe how these alleged requirements related to specific alleged hardships. To the extent to which CSI relies in any part on the 40 foot separation, please describe why reconstruction of the current building would not meet its requirements.

and (3) dimensions of the zoning lot that preclude the development of floorplans for community facility space required to meet CSI's on-site religious, educational and cultural programmatic needs. These physical and regulatory constraints are unique to this zoning lot.

COMMUNITY #39. Page 20, last sentence, first text paragraph: Please identify the regulatory constraints, and, also explain why alleged restraints unrelated to the landmark status would constitute a "unique physical condition" under 72-21(a).

The strict application of the ZRCNY provisions raised as objections to the approval of the New Building will preclude CSI from developing the New Building or any substantially similar building and as such represents a practical difficulty in developing any feasible as-of-right New Building. Such strict compliance with the ZRCNY would therefore present a serious hardship in the furtherance of CSI's religious, educational and cultural mission.

BSA #-14. Page 20: Within the first paragraph, one of the elements of the suggested "(a) finding," is "...the dimensions of the zoning lot that preclude the development of floor plans for community facility space required to meet CSI's...programmatic needs." Please specifically explain in what way the site's "dimensions" hamper CSI's programmatic needs.

For the programmatic reasons described above, none of CSI's religious, educational or cultural programmatic difficulties can be addressed through further development or alteration to the Synagogue on Lot 36. The Lot 37 Site has an area of 6,432 sf and is improved with a

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building in very poor condition which long ago ceased to provide CSI with the offices, meeting rooms, archives and classrooms it requires.

COMMUNITY #40. Page 21, second line: According to Department of Buildings records, in 2005 and 2006 over \$350,000 was spent by CSI in order to renovate rentable school space in the Community House. Please explain why CSI did not use the funds to alleviate the alleged access needs. Please state whether CSI's failure to clean the façade of the existing community house and its permitting window air conditioners, drain hoses, and wiring to deface the facade of the Community House is intended to provide the impression that the building is in very poor condition. Please describe any DOB violations that exist on the property at present.

The allowable zoning floor area on Lot 37 totals 53,900.16 sf (based on an averaged FAR 8.38), but due to the zoning district boundary 26.6 percent of Lot 37 must be developed with R10A Quality Housing bulk regulations and 74.4 percent of Lot 37 must be developed with R8B Quality Housing bulk regulations. While the ZRCNY recognizes that the zoning lot is entitled to average the FAR of the two zoning districts, it does not provide a similar mechanism for providing relief from the R8B height and setback, streetwall and rear yard provisions correlating to the FAR 4 massing established for R8B Quality Housing developments.

BSA #-15. Page 21: The first two full sentences on this page state that "...the ZRCNY recognizes that the zoning lot is entitled to average the FAR of the two zoning districts." Please provide evidence that ZR § 77-20 is applicable to this zoning lot.

This alone creates practical difficulties in this case; as it is essential that the New Building's massing accommodate its role in providing circulation space for the Synagogue and appropriately sized floorplates for the Community House, which cannot be achieved within the R8B Quality Housing regulations.

COMMUNITY #41. Page 21, just before discussion of Lot Coverage. Please describe the role of the New Building in providing circulation space that is not provided in the as-of-right building, assuming that BSA were to grant a variance only for the 40 foot building separation.

Lot Coverage in R10A and R8B. (Objection 1) ZRCNY Sec. 24-11 imposes a maximum lot coverage of 70 percent for interior lots, or portions of zoning lots that are interior lots. There is no similar requirement for corner lots within 100 ft of a corner. The CSI zoning lot is partially a corner lot, which portion is entirely zoned R10A and fully covered by the Synagogue and Parsonage, and partially an interior lot. The maximum permitted lot coverage is exceeded in the remaining R 10A portion located beyond 100 ft from the avenue. Within the R8B portion of the zoning lot, the New Building covers 79.8 percent of the lot measured from above its groundfloor, below which is exempt from the calculation. Without a waiver permitting lot coverage in excess of 70 percent, the New Building cannot provide the floorplans that can address the existing programmatic difficulties in either the Synagogue or the new Community House.

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Rear Yard in R10A and R8B. (Objections 2 & 3) ZRCNY Sec. 24-36 requires a rear yard of not less than 30 ft for interior lots or portions of zoning lots which are interior lots in R8B and R10A districts. ZRCNY Sec. 24-33 permits community facilities to build within a required rear yard to an elevation of 23 ft or one storey above grade, whichever height is lower. The New Building does not provide a 30 ft rear yard for its first four floors, those floors constituting the community facility portion of the building to be occupied by the Community House. The first floor is fully built to the rear property line as permitted. Floors 2-4 provide only a 20 ft rear yard because those floors must align properly with the Synagogue and must provide the appropriately sized offices and classrooms. The Application is limited to requesting a waiver from the rear yard requirement for floors 2 through 4 only. Above those floors, the remaining residential floors of the New Building provide a fully compliant rear yard.

Height and Setbacks in R8B only. (Objections 4, 5 & 6) ZRCNY Sec. 23-633 governs

height and setback requirements for buildings in contextual zoning districts such as R10A and R8B. The regulations establish a base height, require a setback above the base height and establish building height. The portion of the New Building within the R10A is fully compliant. In an R8B district, the permitted base height can range between 55 and 60 ft above curb, at which point the front elevation must set back 15 ft. The overall building height cannot exceed 75 ft. The New Building has a base height of 94.8 ft, a setback of 12 ft and a building height of 105.8 ft. The unique aspects of the zoning lot, including the footprint of the Synagogue, the presence of the zoning district boundary in the only portion of the zoning lot capable of development, combined with the interests of the LPC in providing a front elevation harmonious

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with both the designated landmark and the historic district render it impossible to provide any useful development in accordance with the applicable provisions of ZRCNY Sec. 23-633.

With regard to LPC's consideration of the location and height of the streetwall, the Commission took note of all of the surrounding buildings in approving the New Building, none of which comply. The 9-storey building to the west, 18 West 70th, located entirely within the R8B district, has a base height of approximately 100 ft, with no setback. With an FAR of 7.23, it is almost twice its permitted bulk. The buildings directly to the north and south, 101 CPW and 91 CPW respectively, each of 15- and 13-stories, also exceed these zoning requirements in the R8B portion of their zoning lots to an extent much greater than the New Building. The FAR of 101 CPW is 13.92 and the FAR of 91 CPW is 13.03. In reducing the New Building from the 14-storey initial application to the approved 8-storey plus penthouse New Building, the Commission worked closely with CSI's architects to gauge the precise elevations for the New Building's base, its setbacks and its height so as to strike a balance with the monumental architecture of the Synagogue to its east and the considerably noncompliant streetwalls to its west and north.

Rear Yard Setback. (Objection 7) ZRCNY Sec. 663(b) requires that in both R10A and R8B districts no part of a building that exceeds the maximum building height established in ZRCNY 633

can be located within 10 ft of the rear lot line. The New Building's height complies with the maximum height provisions applicable in an R10A district. The New Building exceeds the maximum building height provisions applicable in an R8B district, thus triggering the requirements of ZRCNY Sec. 663(b). Because the ground floor of the New Building is built full to the rear property line, an objection was issued. As discussed, the ground floor of the New Building, which is permitted to be built full because its use will be an eligible community facility

BSA #-16. Page 23: Please correct the title of the second paragraph by replacing "Rear Yard Setback" with "Rear Setback."

BSA #-17. Page 23: Within the second paragraph, wherever found, please change "Sec.663(b)" to "Sec. 23-663(b)."

BSA #-18. Page 23: Within the second paragraph, please clarify the following statement: "[B]ecause the ground floor of the New Building is built full to the rear property line, an objection was issued." Rather, please clarify that the portion of the building above sixty (60) feet in height violates this section (ZR § 23-663(b)).

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use group, must spatially align with the Synagogue to provide the necessary circulation space and to provide for the expansion of the Little Synagogue.

Building Separation. (Objection 8) ZRCNY Sec. 23-711 imposes a 40 ft separation between the facing walls of the Synagogue and New Building. Inasmuch as the Synagogue and the New Building are connected for the full height of the Synagogue, there is no separation between the two buildings, thus generating the objection. Given the remaining depth of the zoning lot beyond the Synagogue's footprint is only 64 ft, providing a complying 40 ft setback for the height of the Synagogue's sloped roof would leave a developable footprint of 24 ft, which is wholly impractical.

BSA #-20. Page 24: Please correct the title of the first full paragraph by replacing "Building Separation" with "Standard Minimum Distance Between Buildings."

BSA #-21. Page 24: Please note that ZR § 23-711 prescribes a required minimum distance between a residential building and any other building on the same zoning lot. Therefore, within the first full paragraph, please clarify that the DOB objection for ZR § 23-711 is due to the lack of distance between the residential portion of the new building and the existing community facility building to remain.

COMMUNITY #42. Page 24, before discussion of condition (b). Please describe the role of the New Building in providing circulation space that is not provided in the as-of-right building, assuming that a variance only for the 40 foot building separation was issued by the BSA. If the variance for building separation only were granted, please describe how the New Building provides better circulation than would an as-of-right building with the building separation waiver.

Because of the physical conditions there is no reasonable possibility that the development of the zoning lot in strict conformity with the provisions of this resolution will bring a reasonable return, and that the grant of a variance is therefore necessary to enable the owner to realize a reasonable return from such zoning lot. ZRCNY Sec 72-21(b)

BSA # 22. Page 25: Within the suggested "(c) finding," please note the number of lot-line windows for adjacent residential buildings that would be blocked for both the as-of-right, lesser variance (see BSA Objections # 30-31) and proposed scenarios.

COMMUNITY #43. Page 25: In addition to noting the lot-line windows as required in BSA # 22, please also note others windows in the east face and court of 18 West which would have their light and air affected or both the as-of-right, lesser variance and proposed scenarios and provide a detail drawing with the information for lot line and affected windows.

BSA # 23. Page 25: Within the suggested "(c) finding," please discuss the built context along the subject blockfronts of West 70th Street and the alleged appropriateness of the proposed building in terms of neighborhood character. Please reference drawing P-17.

CSI's status as a not-for-profit religious organization renders this finding unnecessary. At the Board's request, however, due to the fact that the Application presents a situation in which Use Group 2 floor area is being created for sale to third parties as a component of the CSI's financial strategy for producing the New Building, CSI has retained the services of Freeman Frazier Associates to provide a Feasibility Study analyzing potential mixed use development on Lot 37.

This analysis compared the rate of return that could be expected from the New Building containing 16,242 sf of residential floor area with a hypothetical as-of-right building that would provide 5,022 sf of residential floor area. It concluded that due to existing physical conditions on the zoning lot, including the need to address the Synagogue's circulation problems and the need to replace and enlarge the functions in the Community House, there is no reasonable possibility

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that a financially feasible mixed use building could be developed in strict conformity with the Zoning Resolution. The 27,302 sf as-of-right building yields 5,022 sf of residential sellable area. The total investment for such a project would be \$27,696,000 on a net project value of \$11,574,000, producing a capital loss to a developer of \$8,672,000.

COMMUNITY #44. Page 25, before first full paragraph. In 2005 before the Community Board, CSI stated that the proposed building was too small to have a developer. Does the financial feasibility study then suggest a hypothetical developer? Since the study assigns a land value of \$18,944,000 as a cost, does this not mean that cash in this amount would be returned to CSI, and, that, on a cash basis, if CSI were the developer, CSI would not be cash negative? The study states that the residential sellable area in the as of right proposal would be 5,002 sq ft., which the report then assigns a land cost of \$18,944,000, or \$3,787.29 per square foot, which is far higher than the selling price per sq. ft. of an apartment.. Does this not then suggest that the land cost to allocate to residential has been greatly exaggerated, or even "cooked." Please explain.

In comparison, the New Building as proposed herein with 16,242 sf of residential sellable area requires an investment of \$33,688,000 on a net project value of \$39,606,000. This is a 6.55 percent rate of return, which Freeman Frazier posits to be minimally sufficient consideration as an investment opportunity.

COMMUNITY #45. Page 25, Conclusion of Discussion re (b). In this scenario with a profit of \$5,149,00, CSI would receive a cash payment of \$18,944,000. If CSI acted as its own developer, as it represented to the Community Board, then it would receive cash in the amount of \$24,093,000. Please explain.

The variance, if granted, will not alter the essential character of the neighborhood or district in which the zoning lot is located; will not substantially impair the appropriate uses or development of adjacent property; and will not be detrimental to the public welfare. ZRCNY Sec. 72-21 9 (c)

The Variance, if granted, will not alter the essential character of the neighborhood or the

historic district; nor will it either substantially impair the appropriate uses or development of the adjacent properties or be detrimental to the public welfare. It is indisputable that a diversity of uses has been what has distinguished New York City neighborhoods and the Upper West Side is no exception. Approval of this Application will add 8,843.56 sf of Use Group 3 Use to CSI's current total of 38,838.10 sf, or an approximately 23 percent increase.

COMMUNITY #46. Page 25, Discussion re (c), line 6. Please describe the increase in usage of a fully developed day school and banquet hall and the impact on the neighborhood. Please explain how a relatively small school use somehow was increased in student usage from the 1954 certificate of occupancy and what regulatory review was provided in approving this increase.

It will add 23,066.93 sf of Use Group 2 residential use to a block developed with hundreds of thousands of feet of residential use. There will be no significant environmental consequences attributable to adding this minimal amount of square footage to the existing condition, which already includes the Synagogue, Parsonage and Community House. Moreover, at eight stories and one penthouse, the New Building will be a minor addition to the streetscape. It is dwarfed by the 13-storey 91 CPW

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to its south and the 15-storey 101 CPW to its north (both developed in excess of FAR 13) and has been limited by the LPC to the same height as 18 West 70th to its west. Viewed from the east in Central Park, it will rise but a few stories over the pitched roof of the Synagogue.

COMMUNITY #47. Page 26, before first full paragraph: In 2003, LPC was provided with limited shadow studies showing the impact of the proposed 14 story building upon the West 70th street. After the quick rejection of the proposal by LPC, even though it has a completed shadow computer model, CSI has consistently failed to provide shadow studies of West 70th street, showing the impact comparing the as of right to the proposed building. Please explain why member of the community should not be provided with these studies before the application for the building is considered. Please explain why owners of building on the north side of West 70th Street should not have CSI provide shadow studies to show the impact on their building.

With regard to the New Building's impacts on the landmarked Synagogue and the historic district, the LPC has spoken definitively on the acceptability of the new design as appropriate regarding both urban design and preservation values. CSI has worked hard to earn the LPC's acclimation and enthusiasm for the New Building and believes the LPC Certificate of Appropriateness should be considered the final word on its impact regarding urban design and historic preservation. With regard to CST's rear and side property line neighbors, the interior rear yard and rear yard setback waivers will have minimal impact. To the extent that construction at the ground floor will extend to Lot 37's southern lot line, it must be recalled that full lot coverage up to 23 ft above mean curb elevation is permitted as a matter of right on interior lots (or portions of zoning lots deemed interior lots) for qualifying community facilities. The rear yard waiver is required for floors 2 through 4 because a 20 ft rear yard is provided instead of 30 ft. Noncompliances with rear yard and rear yard setback requirements for the relatively small portion of this zoning lot deemed an interior lot are more than adequately compensated by the fact that yard conditions of the existing adjacent buildings, are both idiosyncratic and deep, producing distances between rear walls of up to 120 ft.

COMMUNITY #48. Page 26, Before heading " **The Practical Difficulties:** In addition, please note the number and location of windows in the alcove (or inset) in 18 West 70 street, which will have light and air affected for both the as-of-right, lesser variance (see BSA Objections # 30-31) and proposed scenarios.

The practical difficulties or unnecessary hardships are inherent in the zoning lot and were not created by the Applicant or its predecessor in title. ZRCNY Sec 72-21(d)

CSI acquired Lot 36 in 1895 and Lot 37 in 1949. Both were purchased specifically for

development of the Synagogue and Community House, respectively. Conditions since the last

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alterations to the property in 1954 now impose economic hardships that could not have possibly been envisioned at the time the buildings were developed. Accordingly, neither the current nor the past Trustees have taken any steps leading to or increasing the extent of the conditions that result in the objections giving rise to this Application.

COMMUNITY #49. Page 27, First Continuing Paragraph: Please explain if the access issues alleged throughout the Statement was not completely resolved with the 1954 construction which added a lobby and an elevators addressing these issues, why in the last two years CSI has invested over \$500,000 in renovations to the existing building which did not address these alleged mission critical urgent problems? Is not CSI's decision not to remedy these issues within the existing building a self-imposed condition, unrelated to any conditions inherent in the zoning lot.

Within the intent and purposes of this resolution the variance, if granted, is the minimum variance necessary to afford relief. ZRCNY Sec. 72.21(e)

The Application provides nothing more than the waivers necessary to resolve CSI's religious, institutional and cultural programmatic difficulties. Specifically, the waivers are those minimally necessary to permit the New Building envelope to provide, in part: (1) the minimally necessary number of classrooms and the minimally necessary number of offices; both of suitable size, design and quality required, (2) a modest increase in the size of the Little Synagogue, (3) a multi-function room with ancillary kitchen facilities of suitable size and configuration for the many functions -- social, religious and educational -- any religious institution is called upon to provide, (4) archival facilities such that CSI's papers and relics can be brought back from an off-site facility and integrated into the religious, educational and cultural missions of CSI, (5) the incorporation in the New Building of a system of circulation designed to provide improved and barrier-free access to the sanctuaries in the Synagogue, and (6) the addition of residential units at floors 5 through 8 (plus penthouse) levels, representing a small amount of the unused zoning floor area available after the new community facility floor area is taken into account.

These programmatic elements described above must occupy a specific floor area and floor

area configuration, which in the aggregate result in the New Building's development in a manner which requires the waivers described above. The waivers requested in this Application

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have been carefully reviewed so as to assure they both qualitatively and quantitatively represent the smallest necessary waiver to address each of the programmatic hardships.

Without the waivers requested in this Application, CSI will not be able to build a Community House in a manner which addresses the access deficiencies of the Synagogue, nor can it hope to provide better classrooms, offices, and specialized facilities that are critical to the continuation of its religious, educational and cultural missions. In every category the demand for these programmatically required elements is increased, and CST considers it essential to provide these services without compromising the landmarked Synagogue building.

COMMUNITY #50. Page 28, First Full Paragraph: Please explain why a variance as to the 40 foot separation alone would not resolve all of the access, circulation, and barrier-free issues alleged in this CSI statement.

CONCLUSION

CSI has one of the longest histories of any existing religious institution in the City of New York, of attending to the needs of its congregants and the community. From the basement where it held its first services in 1654 through to the construction of the Community House in 1954, CSI has proceeded slowly and carefully to provide worship and cultural space. While this is its fifth location, a change of real estate venue averaging once every 75 years can hardly be considered aggressive. It has been in its present house of worship since 1896. Since that time its only expansion has been in 1954, at which time it combined the two rowhouses to form the current Community House. Now, 53 years since taking its last measures to adjust its space for programmatic purposes, it needs to do so again. It began those measures in 2001 with a \$9 million restoration of the Synagogue, raised entirely from within the Congregation.

COMMUNITY #51. Page 28, Conclusion: Please provide a detailed description of the sources and application of funds for the \$9 million restoration, and as well explain the recorded covenant from the Marty and Dorothy Silverman Foundation dated February 2003 on the property and the financing it reflects. Please explain the allocation in annual membership dues and fees attributable to building acquisition and finance costs. Please describe the contributions for the restoration received from major donors, trustees and donors who are descendants of earlier members of the Congregation.. If unwilling to disclose this information, please omit all references to the cost of restoration from the Application and accompanying exhibits

That work continues, under such strict (and self-imposed) preservation guidelines that it has been the

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subject of glowing reviews by such local entities as the Landmarks Conservancy and such foreign interested parties as the Vatican, which has sent a delegation to observe the work.

Having begun the work to preserve this sacred site with a world-class restoration, CSI must now address with equal conviction the gap between what its facilities can provide and its programmatic goals. The gap is presently wide, but through careful analysis a plan has emerged that leaves the Synagogue untouched but requires that CSI utilize 42,989.39 sf of the 121,789.75 sf (35 percent) of unused floor area available to it on its zoning lot to redress these deficiencies. The successful deployment of that floor area resolves a complex matrix of Synagogue circulation issues, educational issues and administrative issues. Successful deployment includes the construction of 23,066.93 sf of new residential space, a small fraction of the available floor area intended to subsidize the endeavor. This successful deployment cannot occur without the approval of this Application.

On the basis of the foregoing statements, the Applicant respectfully requests that the Board make the requisite findings and grant the requested variances.

Respectfully submitted,



Shelly S. Freidman, Esq.
FRIEDMAN & GOTBAUM, LLP

Dated: New York, New York
March 30, 2007

BSA COMMENTS TO OTHER APPLICATION DOCUMENTS:

BSA #-24.EXISTING CONDITIONS DRAWINGS : EX-3 & EX-4 (Section Drawings): Please substantially enlarge each drawing within the 11x17 sheet and show floor-to-ceiling heights. Additionally, please remove the illustrative as-of-right envelope outline from these drawings.

COMMUNITY #52. EXISTING CONDITIONS DRAWINGS : Please provide enlarged and annotated details and cross-sections showing all elevators, stairs, and access points between the existing community building and the Synagogue and Parsonage.

BSA #-25.AS-OF RIGHT CONDITIONS DRAWINGS: It appears that the "as-of-right" scenario would still require a BSA waiver for ZR § 23-711 (Standard Minimum Distance Between Buildings) given that it contains residential use (see Objection # 21). Please clarify.

COMMUNITY #53. AS-OF RIGHT CONDITIONS DRAWINGS: AOR-2. Please provide an additional table showing the proposed floor area schedule, which includes only information relating to the proposed building and not for the entire zoning lot, such as the following table:

AS OF RIGHT SCHEME DRAWING AOR-2							
	R8B - Community	R10A- Community	R8B- Residential	R10A- Residential	Community	Residential	Total Per Floor
C2	4,723.50	1,918.10			6,641.60	0.00	6,641.60
C1	3,247.68	1,602.44	1,447.82	315.66	4,850.12	1,763.48	6,613.60
Below Grade Total	7,971.18	3,520.54	1,447.82	315.66	11,491.72	1,763.48	13,255.20
					0.00	0.00	0.00
1 (20 ft. tall)	3,670.36	1,918.10	1,053.14	0.00	5,588.46	1,053.14	6,641.60
2	2,880.01	1,918.50	433.49	0.00	4,798.51	433.49	5,232.00
3	2,890.01	1,918.50	423.39	0.00	4,808.51	423.39	5,231.90
4	2,916.00	1,918.50	397.50	0.00	4,834.50	397.50	5,232.00
5			3,315.50	1,198.50		4,514.00	4,514.00
6-PH			2,138.50	943.50		3,082.00	3,082.00
Above Grade Total	12,356.38	7,673.60	7,761.52	2,142.00	20,029.98	9,903.52	29,933.50
							0.00
							0.00
							0.00
Total	20,327.56	11,194.14	9,209.34	2,457.66	31,521.70	11,667.00	43,188.70
Adjustment For Developable Sq. Ft. First Floor					5,588.46	1,053.14	6,641.60
Adjusted Total Developable Sq. Ft.					25,618.44	10,956.66	36,575.10
PerCent					70%	30%	100%

BSA #-26.AS-OF RIGHT CONDITIONS DRAWINGS: AOR-3 & AOR-4 (Section Drawings): Please substantially enlarge each drawing within the 11x17 sheet and show floor-to-ceiling heights

BSA #-27.AS-OF RIGHT CONDITIONS DRAWINGS: Drawing AOR-14: Please label the proposed (as-of-right) building and existing, adjacent buildings accordingly.

PROPOSED CONDITIONS DRAWINGS:

COMMUNITY #54. PROPOSED CONDITIONS DRAWINGS: P-2. Please provide an additional table showing the proposed floor area schedule, which includes only information relating to the proposed building and not for the entire zoning lot, such as the following table:

FROM PROPOSED SCHEME DRAWING P-2							
Use	R8B - Community	R10A- Community	R8B- Residential	R10A- Residential	Community	Residential	Total Per Floor
C2	4,723.50	1,918.10			6,641.60	0.00	8,559.70
C1	3,247.68	1,602.44	1,447.82	315.66	4,850.12	1,763.48	9,979.52
Below Grade Total	7,971.18	3,520.54	1,447.82	315.66	11,491.72	1,763.48	18,539.22
					0.00	0.00	0.00
1 (20 ft. tall)	3,670.36	1,918.10	1,053.14	0.00	5,588.46	1,053.14	6,641.60
2	3,409.50	1,368.50	374.00	0.00	4,778.00	374.00	5,152.00
3	3,409.50	1,368.50	374.00	0.00	4,778.00	374.00	5,152.00
4	3,409.50	1,368.50	407.00	0.00	4,778.00	407.00	5,185.00
5			3,315.50	1,198.50	0.00	4,514.00	4,514.00
6			3,315.50	1,198.50	0.00	4,514.00	4,514.00
7			3,315.50	1,198.50	0.00	4,514.00	4,514.00
8			3,315.50	1,198.50	0.00	4,514.00	4,514.00
PH			2,423.30	379.49	0.00	2,802.79	2,802.79
Above Grade Total	13,898.86	6,023.60	17,893.44	5,173.49	19,922.46	23,066.93	42,989.39
					0.00	0.00	
					0.00	0.00	
Total	21,870.04	9,544.14	19,341.26	5,489.15	31,414.18	24,830.41	61,528.61
Adjustment For Developable Sq. Ft. First Floor					5,588.46	1,053.14	6,641.60
Adjusted Total Developable Sq. Ft.					25,510.92	24,120.07	49,630.99
PerCent					51%	49%	100%

BSA #-28. PROPOSED CONDITIONS DRAWINGS: P-3 & P4: Please correct the title of the drawings by replacing "street wall sections" with "Areas of Non-Compliance."

COMMUNITY #55. PROPOSED CONDITIONS DRAWINGS: Please provide enlarged and annotated details and cross-sections showing all elevators, stairs, and access points between the proposed community building and the Synagogue and Parsonage. This comment applies as well to the lesser-variance and as-of-right drawings.

BSA #-29. PROPOSED CONDITIONS DRAWINGS: Please provide new section drawings which show floor-to-ceiling heights.

"LESSER-VARIANCE" DRAWINGS:

BSA #-30."LESSER-VARIANCE" DRAWINGS: Please provide a full plan set of lesser-variance drawings that show compliant height and setback (objections for ZR § 23-633 and ZR § 23-663 are removed) that seeks to accommodate CSI's programmatic needs and excludes the proposed tenant school space; the remaining floor area shall be used for residential use.

BSA #-31."LESSER-VARIANCE" DRAWINGS: Please provide a full plan set for a complying, 4.0 FAR residential building on Lot 36 that includes a BSA waiver for ZR § 23-711 (Standard Minimum Distance Between Buildings).

BSA ZONING ANALYSIS:

BSA #-32.BSA ZONING ANALYSIS: Under "Maximum Permitted" column, please confirm the maximum allowable FAR as "8.38." Provided that the area within the R10A district measures 125' x 100'6" = 12,562.5 sf (72.7% x 10.0 FAR) and that area within the R8B district measures 47' x 100'6" = 4723.5 (27.3% x 4.0 FAR), the maximum allowable FAR, as averaged pursuant to ZR § 77-22, appears to be 8.36. Please verify this analysis and revise all relevant zoning calculations accordingly.

BSA #-33.BSA ZONING ANALYSIS: Under Applicable ZR Section for "No. Parking Spaces," please change ZR § 13-42 to § 1312 (for UG 2) and § 13-133 (for UG 4). Pursuant to these sections, residential parking spaces cannot exceed 35% of dwelling units and community facility parking cannot exceed one space per 4000 sq. ft of floor area. Please verify this information and revise the "Maximum Permitted" column accordingly.

DEPARTMENT OF BUILDINGS (DOB) OBJECTIONS:

BSA #-34.DEPARTMENT OF BUILDINGS (DOB) OBJECTIONS: Please provide evidence that the DOB issued their current objections based on the current proposal before the BSA.

COMMUNITY #56. Please provide the complete sets of drawings provided to the LPC in 2003, 2005, and 2006.

FEASIBILITY STUDY:

BSA #-35.FEASIBILITY STUDY: Although it is recognized that Congregation Shearith Israel has not-for-profit status, for the purpose of this study, please ascribe standard market-rate rents for community facility space based on comparables rents in the vicinity of the subject site for both the as-of-right and proposed scenarios.

BSA #-36.FEASIBILITY STUDY: It is noted that all comparable properties analyzed to determine the subject site's value (Schedule C, Page 10-12) are all downward adjusted for "inferior zoning" (the subject site has split zoning - R8B and R10A - and the comparables are all located in R8 or R8 equivalent districts). Please note that for developments in contextual districts, each portion of the zoning lot shall be regulated by the height and setback applicable to the district in which such portion of the zoning lot is located. Further, it is noted that the subject site is located within an historic district which applies further regulation on the height of any development of this site. Given this information regarding height and setback controls, it does not appear that additional floor area above 4.0 FAR could be utilized on this site (please note that the as-of-right plans show an FAR of 3.23 or 5,513.60 sq. ft. on the R10A zoned portion of Lot 36). Therefore, it does not appear that the subject site's partial location within a 10.0 FAR district (R10A) should warrant any downward adjustment for comparable properties zoned R8, R8B or C6-2A. Please revise this analysis.

BSA #-37.FEASIBILITY STUDY: Provided that the alleged hardship claim for the development site (Lot 36) is an inability to accommodate CSI's programmatic needs on Lot 37, please analyze a complying, fully residential development on Lot 36 as requested within Objection # 31. This analysis is requested for the purposes of gauging what the economic potential of the development site would be without the alleged hardship.

BSA #-38.FEASIBILITY STUDY: Please analyze the "lesser variance scenarios" as described in BSA Objections # 30 and # 31.

COMMUNITY #57. FEASIBILITY STUDY: Please provide the complete project cost for the residential and community space including soft and hard costs. Also provide a cash analysis wherein the cash receipt based upon land value is added into the return on investment below the line, assuming CSI acts as its own developer.

COMMUNITY #58. FEASIBILITY STUDY: Please provide tables and computations for return on investment in which the land cost is allocated based upon residential and community use, and is not all assigned to the residential use.

COMMUNITY #59. FEASIBILITY STUDY: For comparative purposes, provide tables and computations for return on investment as if the entire 37,899 sq. ft. of potential residential zoning floor area were developed as residential space.

CEQR REVIEW / EAS

COMMUNITY #60. CEQR REVIEW / EAS: Please provide photographs of adjoining buildings faces in their entirety as required by BSA rules and also describe with numerical information the windows in 18 West 70th Street affected in any way by the proposed as compared to as-of-right construction.

CEQR REVIEW / EAS

BSA #-39.CEQR REVIEW / EAS :Methodology for Project Site: It is inappropriate to analyze only the proposed new building on the subject zoning lot. Please revise the EAS to reflect the entire zoning lot (existing synagogue and proposed new building).

BSA #-40.CEQR REVIEW / EAS :Methodology for "No-Build" / "Build" Scenarios: Provided that the feasibility study, submitted as part of this application, asserts that an as-of-right development is not economically feasible, it does not appear to be a reasonable assumption to project new, complying development on Lot 37 by the Build Year of 2009. Please either provide a thorough and rational justification for this approach or revise this EAS's methodology by analyzing existing conditions on the entire zoning lot for the "no-build" scenario.

EAS Form:

BSA #-41.EAS Form: Part I, No. 8: Please update this section to reflect the Certificate of Appropriateness granted by the Landmarks Preservation Commission for the subject proposal.

BSA #-42.EAS Form: Part I, No.13b: Please verify the gross square footage sums listed for "Project Square Feet To Be Developed" (please be sure to include cellar space) and for "Gross Floor Area of Project" (be sure to include the existing Synagogue building and all cellar space).

BSA #-43.EAS Form: Part II, No.3: Please amend the site data for "Community Facility" by including both existing buildings on the subject zoning lot.

BSA #-44.EAS Form: Part II, No.4: There does not appear to be any existing parking spaces on the subject property. Please revise "Existing Parking" section accordingly.

BSA #-45.EAS Form: Part II, No.10: Under "Proposed Land Use," please verify the gross square footage of each building. Be sure to include the existing Synagogue and all cellar space).

BSA #-46. EAS Form: Part II, No.11: No parking is proposed; please revise this section accordingly.

Technical Analysis

BSA #-47.Technical Analysis Land Use, Zoning & Public Policy:

- a) Please provide a fuller narrative of the existing zoning district (R10A & R8B) in terms of use, bulk, and parking regulations. Please discuss nearby zoning districts also in terms of their use, bulk and parking regulations.
- b) With regards to "public policy," please discuss whether the site is located within New York City's Coastal Zone Boundary, an Historic District, an Urban Renewal Area, a 197a Community Development Plan or a proposed rezoning area.

BSA #-48. Technical Analysis Shadows: In accordance with CEQR Technical Manual sections 322 and 400 within Chapter E "Shadows," please provide a fuller description of existing activities/programming and shade tolerance of existing vegetation in the portion of Central Park where new incremental shadows are projected.

COMMUNITY #61. CEQR REVIEW / EAS: In addition to shadow studies of Central Park, please provide shadow studies showing the comparable impact of the as-of-right and proposed buildings on West 70th Street and upon the rear building of West 69th Street. Please explain why it is applicant's position that light and air at the street level is not a relevant factor as to a 72-21 variance.

COMMUNITY #62. CEQR REVIEW / EAS: Please provide information respecting the impact of use of the project for banquet hall purposes including traffic, parking, traffic interruption and honking horns, and garbage storage and disposal. Provide the same information as to the expanded school uses.

COMMUNITY #63. Please describe the current on-street no parking zone established for the Congregation and whether the Congregation intends to request a further on-street no parking zone