



Board of Standards and Appeals

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MEENAKSHI SRINIVASAN
Chair/Commissioner

October 12, 2007

Shelly S. Friedman, Esq.
Friedman & Gotbaum, LLP
568 Broadway, Suite 505
New York, NY 10012

BSA Cal No: 74-07-BZ
CEQR No: 07BSA071M
Premises: 6-10 West 70th Street, Manhattan

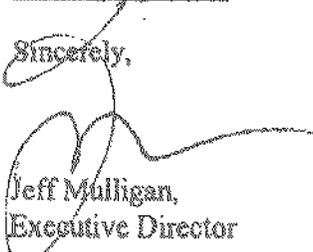
Dear Mr. Friedman:

Attached is a **Second Notice of Objections** for the above referenced BZ application which raises issues that need to be addressed before these applications may be calendared by the Board for a hearing. The Board desires to process applications on a timely basis and requests that applicants notify the Board if they are unable to make a complete submission within sixty (60) days. Failure to respond in a timely manner could lead to the dismissal of the application for lack of prosecution.

Each of the following objections should be addressed point-by-point. A copy of all materials sent in response to these objections must also be submitted to the applicable Community Board(s), Borough President, City Council member, Borough Commissioner of the Department of Buildings, Borough Director of the Department of City Planning (DCP) and to the BSA Liaison at the DCP, Mr. Alan Geiger. Applicants are required to notify each of these entities each and every time a submission is made to the Board of Standards and Appeals. Proof of proper notification may be provided by return receipts, copies of transmittal letters, carbon copy (cc's) lists or other comparable proofs.

For further information regarding these requirements, or for information relating to the following objections, please call Jed Weiss, Senior Examiner at (212) 788-8781 or email him at jweiss@dcas.nyc.gov. For detailed instructions for completing BSA applications, please visit www.nyc.gov/bsa

Sincerely,


Jeff Mulligan,
Executive Director

New York City Board of Standards and Appeals

Second Notice of Objections

74-07-BZ / 07BSA071M

Premises: 6-10 West 70th Street, Manhattan
Applicant: Shelly S. Friedman, Esq., Friedman & Gotbaum, LLP

Date: October 12, 2007

STATEMENT OF FACTS AND FINDINGS

1. Page 1: As previously requested within Objection # 1 of the First Notice, please explicitly state the number of proposed stories (9) within the introductory section.
2. Page 3: Within the second paragraph, please change "...rear yard exceedances for the third and fourth floors" to "...rear yard exceedances for the second, third, and fourth floors."
3. Page 13: When describing the existing school space for Beit Rabban, please specifically state how many classrooms and square footage are devoted to this tenant school.
4. Page 21: Please replace the second sentence of the first full paragraph with the following:
"While the Synagogue provides a full cellar level and a small sub-cellar, the demolition and replacement of the Community House will permit excavation of Lot 37 to provide both a sub-cellar and cellar level for the proposed building."
5. Page 23: Please revise the floor-by-floor table as follows:
 - o Analyze the entire zoning lot (both lots 36 and 37)
 - o Provide a "total" row noting the total square footage for each program element
 - o Provide "existing" and "proposed" conditions within separate columns
6. Page 23: Objection # 12 of the First Notice has not been adequately addressed. It is stated that "[t]hese new office areas will be utilized by CSI's new assistant Rabbi; program director, secretary and assistant; archivist and tour director." However, it is later stated within the endnote on this page that "staff is increased from approximately 12 to 16 persons. Given the apparent discrepancy of these two statements, please provide a precise written description of all existing and proposed staff members. Additionally, please state whether or not CSI anticipates employee growth.
7. Page 27: Within the "Lot Coverage in R10A and R8B" section, please change "...corner lots within 100 ft. of a corner" to "lots within 100 ft. of a corner."

8. Page 28: Within the final sentence of the "Rear Yard in R10A and R8B" section, please change "...provide a fully compliant rear yard" to "...do not further encroach into the required rear yard."
9. Page 29: Within the first sentence of the "Rear Setback" section, please change "rear lot line" to "rear yard line."
10. Page 29 & 30: Also within the "Rear Setback" section, please change "This 3.5 ft. setback differential resulted in the issuance of DOB objection #7" to "The proposed base height above the permitted 60' and the proposed rear setback at less than the required 10' resulted in the issuance of DOB Objection # 7."
11. Page 30: Please remove the final sentence of the "Rear Setback" section. The discussion of the ground floor level which is allowed to be built full to rear lot line as a permitted obstruction is not germane to this section.
12. Page 31: For the suggested "(c) finding," as previously requested by Objection # 23 of the First Notice, please describe existing built conditions along both West 70th Street block-fronts between Central Park West and Columbus Avenue.

AS-OF-RIGHT CONDITIONS DRAWINGS

13. As-of-right schemes 'A' and 'B' both appear to violate the rear yard and thus are not "as-of-right." The rear portion of the building within the required rear yard appears to exceed one-story and thus does not qualify as a permitted obstruction pursuant to ZR § 24-33. Please revise these drawing sets to show a compliant rear yard.
14. Please re-label all as-of-right drawings so as each drawing set has its own unique identifier (e.g., AOR-A-3, AOR-B-3, and AOR-C-3).
15. Scheme C (Residential Scheme): This as-of-right scenario does not maximize floor area that can be accommodated within the R8B zoning envelope. Instead of showing a six-story building with five stories below the 60' maximum base height, please reduce the floor-to-ceiling heights and show a seven-story building with five stories up to the 55' minimum base height and two floors above.

PROPOSED CONDITIONS DRAWINGS

16. Drawing P-4 ("Proposed Areas of Non-Compliance"): A legend is provided on this sheet for four discrete non-complying elements (building height, base height, and front and rear setback); however the drawing only shows the area of non-compliance for building height. Please revise this drawing by graphically showing all areas of proposed non-compliance.
17. Please provide an illustrative elevation drawing showing a comparison of lot line windows on adjacent building(s) that would be blocked under an as-of-right and the proposed scenario.

"LESSER-VARIANCE" DRAWINGS

18. Objection # 30 has not been complied with. Please provide a full plan set for a lesser-variance scenario that shows compliant building height, base height, front and rear setback but non-complying rear yard and lot coverage.

FEASIBILITY STUDY

19. Please analyze the revised as-of-right scenarios ("Scheme A" and "Scheme B") as described by Objection # 13.
20. Please analyze the revised "Scheme C" (as-of-right residential scenario) as described by Objection # 15 of the Second Notice.
21. Please analyze the "lesser-variance" scheme as described within Objection # 30 of the First Notice.
22. The response given to Objection # 36 of the First Notice is not satisfactory. It does not directly respond to the overall point that because the development site, although partially located within an R10A district, is primarily zoned R8B and located entirely within an historic district, and thus cannot reasonably utilize additional floor area from the R10A district. Therefore, it is not appropriate to adjust upward the vacant land sales comparables for zoning.