

Land Use Committee Minutes
Richard Asche, Page Cowley, Land Use Co-Chairpersons
November 19, 2007

1. **6-10 West 70th Street (Central Park West.)** Application to the Board of Standards & Appeals by Congregation Shearith Israel for a variance to waive lot coverage (R8B & R10A portion), rear-yard-interior lot (R8B & R10A portion), building & base eight setback (R8B portion), and rear setback (R8B portion) in order to construct an 8-story (plus penthouse) mixed-use building.
 - A. The meeting was called to order by Helen Rosenthal and chaired by Richard Asche and Page Cowley. This was the second meeting on this application. The meeting agenda was presented to explain the format and protocol to permit Board and Committee members to discuss the project resulting in a resolution. Notes had been distributed to Committee and Board members prior to the meeting to use as a guide.
 - B. An overview of the project was presented by Shelly Friedman, the land use attorney for the project. This summarized the status of the project since the Community Board last reviewed the project prior to submission to the New York City Landmarks Preservation Commission (LPC). Mr. Friedman gave a summary of the planning and zoning issues that affect the project and the variances that are required to achieve the design as approved by the LPC. This was followed by a brief presentation of the architectural design by Ray Dovell of Platt Bayard Dovell & White using a PowerPoint and a model to illustrate why the variances are needed and where they are located with respect to the R10A and R8B portions of the site.
 - C. These variances are currently being considered by the Board of Standards & Appeals (BSA) which has received a response and clarifications to the BSA letter (dated October 12, 2007). The project is now calendared for a hearing on November 28 at 1:30 PM, 40 Rector Street, 6th Floor Hearing Room "E".
 - D. The modifications to the proposed development included the following:
 - Eliminated the upper penthouse thereby reducing the height by one floor.
 - The terracotta was substituted for brick in a similar color and no terracotta would be used on the facade.
 - The cornice line of the new building was lowered to align to the adjacent apartment house to the west.
 - A vertical spandrel was added at the entrance to emphasize the corner rather than a transition from glass to brick over the cantilevered entrance
 - A column was added below the vertical spandrel element.
 - E. Before inviting members of the public to make their comments, Richard Asche reviewed the work of the Committee relating to this matter regarding the "findings" that need to be met to achieve hardship the members of the public were invited to make comments. The topics are summarized below:
 - Setting precedent using whereby non-profits use undeveloped air rights as an "economic engine" to fund projects rather than by conventional internal means.
 - Inappropriateness of the condos constructed at the expense of the neighborhood.
 - Closing up of lot line windows on the adjacent property for condos – both on the party wall and at the adjacent courtyard.
 - Filling in rear yards at the expense of the community.

1. Changing Depth of the setback:

Land Use Members: In favor- 1, Opposed - 6, Abstained – 0, Present not voting – 0.

Board Members: In favor - 0, Opposed - 4, Abstained – 0, Present not voting – 0.

- **Finding D** – “... that the practical difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner;”

1. Height and Street Wall setback:

Land Use Members: In favor- 0, Opposed - 7, Abstained – 0, Present not voting – 0.

Board Members: In favor - 0, Opposed - 4, Abstained – 0, Present not voting – 0.

- **Finding E** – “... the variance, if granted, is the minimum variance necessary to afford relief.”

Land Use Members: In favor- 0, Opposed - 7, Abstained – 0, Present not voting – 0.

Board Members: In favor - 0, Opposed - 4, Abstained – 0, Present not voting – 0.

A motion was made to accept the format and this would be memorialized in a resolution to be prepared by those present and edited by Richard Asche.

There being no further business the meeting was adjourned.

Respectfully submitted by Page Cowley, Co-chairperson, LU Committee, and Elizabeth Starkey

Present: Land Use: Richard Asche, Page Cowley, Hope Cohen, Jeffrey Siegel, and Tom Vitullo-Martin.

Board Members: Helen Rosenthal, Chairperson, Sheldon Fine, Klari Neuwelt, Lenore Norman, Madge Rosenberg, Charles Simon, Elizabeth Starkey