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March 11, 2008

BY HAND

The Honorable Meenakshi Srinivasan
Chair
NYC Board of Standards and Appeals
40 Rector Street - 9th Floor
New York, New York 10006

**Re: Congregation Shearith Israel ("CSI")
6-10 West 70th Street/99 Central Park West
74-07-BZ /CEQR No.: 07BSA071M**

Dear Madam Chair:

This letter is written in response to comments by the Board during the February 12, 2008 Board of Standards & Appeals (the "Board" or "BSA") hearing (the "Second BSA Hearing") in connection with CSI's variance application (the "Application") and includes the response to the Board's comments and the following documents and plans:

1. Letter dated March 11, 2008 from Jack Freeman, Freeman Frazier & Associates, Inc., which: (1) reviews the estimated property value of the residential portion of CSI's site, utilizing the as of right zoning floor area determined by assuming the building lot to be a single split zoning lot; and (2) examines financial feasibility of several additional alternatives.
2. Letter dated March 11, 2008 from Julie Cowing, AKRF, which responds to the Board's request for evaluation of environmental effects, if any, in connection with the proposed multi-function room and toddler program.
3. CSI Proposed Program Usage Chart: Floors 2-4, which provides floor by floor classroom square footage, program, hours and class size for each classroom.
4. A copy of our letter dated March 4, 2008 responding to a letter from Lebow & Sokolow dated February 21, 2008 which requested, inter alia, that we provide the opposition with a copy of the illustration used by Charles Platt as a visual aide at the Second BSA Hearing for his verbal response to the Board's inquiry regarding the possible location of an outer court which could retain the operability of three

additional lot line windows along the lot line wall of 18 West 70th Street. The Revised PBDW Plans dated March 11, 2008 submitted with this letter represent the modification of the Application to provide for an outer court on Floors 6-8. The illustration submitted with this letter, which has no such official purpose, is provided solely to respond to Mr. Lebow's request.

5. Four Sanborn Map pages, identifying buildings divided by or adjacent to the R10A/R8B district boundary between West 65th Street and West 85th Street 125' west of Central Park West (see below analysis on "soft site" development potential for underdeveloped residential lots divided by the district boundary).
6. Revised PBDW Plans dated March 11, 2008:
 - P-1 rev. (Proposed Site Plan, Zoning Calculations, and Base Plane Calculations)
 - P-2 rev. (Proposed Floor Area Schedule)
 - P-4A rev. (Proposed Lot Line Window Diagram)
 - P-13 rev. (Proposed Residential Sixth and Seventh Floors)
 - P-14 rev. (Proposed Residential Eighth Floor)
 - P-15 rev. (Proposed Residential Penthouse)
 - P-15A (Proposed Roof Plan)

BOARD COMMENTS

A. Potential for Residential "Soft-Site" Development Along District Boundary Line

The Applicant's previous December 28, 2007 submission included analysis of the building heights of other community facility institutions located along the nearly one-mile long R10A/R8B district boundary line between West 65th Street and West 86th Street to determine the potential precedent, if any, of the Board's approval of the height and setback objections on the future development along the R10A/R8B district boundary along Central Park West. Approximately twenty residential zoning lots were also examined to determine whether they shared CSI's singular and unique condition, which is defined by the existence of a substantial amount of zoning floor area available for transfer as a matter of right throughout the zoning lot coupled with the presence of an existing obsolete, underperforming structure located directly on the R10A/R8B district boundary. No such analogous singular and unique condition for a community facility or residential site was found to exist within the defined north-south R10A/R8B expanse.

In response to the Board's current request for analysis specifically targeting potential residential "soft-sites" that are at least fifty percent underdeveloped, seventeen zoning lots were examined. No such underdeveloped residential "soft sites" exist along the R10A/R8B district boundary between West 65th Street and West 86th Street. Predominantly, the residential buildings are either overdeveloped at a greater than 10.0 FAR with footprints divided by the district boundary line, or overdeveloped at a greater

than 10.0 FAR with a adjacent to this same boundary line. A north to south analysis along the R10A/R8B boundary line yields the following results:

Residential Buildings Divided by or East of the R10A/R8B District Boundary

- 251 CPW (Block 1199 Lot 29): Twelve storey residential building with FAR 8.37 (under-built by less than fifty percent); remaining midblock along West 85th Street is occupied by residential brownstones.
- 247-249 CPW (Block 1198 Lots 34, 35 & 36): Three residential brownstones with FAR 2.43, 3.34 and 3.17; over-built CPW residential high rise is located along southerly-most lot line (see, 241 CPW).
- 241 CPW (Block 1198 Lot 29): Twenty storey residential building with FAR 14.46; four storey brownstone is located along western lot line.
- 239 CPW (Block 1197 Lot 36): Fifteen storey residential building with FAR 12.58; four storey FAR 3.39 brownstone is located along western lot line (3 West 83rd Street).
- 227 CPW (Block 1196 Lot 35): Six storey residential building with FAR 5.41 (under-built by less than fifty percent); westerly lot line is adjacent to an expanse of twelve brownstones; southern lot line is adjacent to an overbuilt CPW residential high rise (see 225 CPW).
- 225 CPW (Block 1196 Lot 29): Sixteen storey residential building with FAR 12.09; westerly lot line is adjacent to an expanse of seven brownstones.
- 211 CPW (Block 1195 Lot 29): Twenty storey through-block residential building with FAR 14.89.
- 151 CPW (Block 1128 Lot 29): Twelve story residential building with FAR 9.88 (under-built by FAR .02, or less than fifty percent); a series of four brownstones are located adjacent to the western lot line.
- 145 CPW/San Remo (Block 1127 Lot 29): Twenty-eight storey through block FAR 14.59 residential building; entire square block (with the exception of along Columbus Avenue) is lined with residential brownstones.
- 135 CPW (Block 1126 Lot 29): Twelve storey through block FAR10.63 residential building; brownstones located along western lot line.

- 121 CPW/The Dakota (Block 1125 Lot 25): Thirteen storey through block FAR 7.58 residential building (under-built by FAR 2.42, or less than fifty percent).
- 115 CPW/The Majestic (Block 1124 Lot 27): Thirty storey through block FAR 13.43 residential building; residential tower with FAR 17.51 located along its northwestern lot line is overbuilt by FAR 7.51; residential building with FAR 6.69 located along its southwestern lot line is overbuilt by FAR 2.69.
- 101 CPW (Block 1123 Lot 29): Eighteen storey through block FAR 13.92 residential building; entire square block (with the exception of along Columbus Avenue) is lined with residential brownstones.
- 91 CPW (Block 1122 Lot 29): Fifteen storey FAR 13.03 residential building; residential building with FAR 7.27 located along its western lot line is overbuilt by FAR 3.27.
- 88 CPW (Block 1121 Lot 36): Twelve storey FAR 9.36 residential building (under-built by FAR .64 or less than fifty percent).
- 80 CPW (Block 1121 Lot 29): Twenty-four storey FAR 13.34 residential building.
- 75 CPW (Block 1120 Lot 29): Fifteen storey FAR 11.67 residential building; residential building with FAR 14.08 located along its western lot line is overbuilt by Far 8.06.

As shown above, none of the residential zoning lots which are either divided by or east of the R10A/R8B district boundary line qualify as “soft sites” which underdeveloped by greater than fifty percent. Accordingly, approval of this Application will neither serve as a precedent for development of larger residential buildings or for special treatment of residential buildings located directly on zoning district boundaries unless those zoning lots are also improved with dysfunctional buildings which must either be altered or replaced. In conformity with our previous December 28, 2007 conclusions, there is negligible evidence to support precedence which could be garnered by future developers.

B. Impact on CSI’s Program and Classrooms Without the Rear Yard Variance

In response to the Board’s request for information on program and classroom impact with respect to provision of a 30’ rear yard (rather than the currently requested 20’ rear yard), the project architects determined that approximately 494 sf per floor (640 gsf), or 1,482 sf overall on floors two, three and four would be lost, which represents a twenty-five percentage loss in total classroom square footage. This critical square footage loss affects three classrooms on each floor and seriously compromises CSI’s program in the following manner:

- Second Floor Toddlers' Program: The 494 sf/thirty-five percent reduction in the three southerly classrooms will decrease the number of toddlers that the program will be able to accommodate by approximately fourteen children.
- Third Floor Classrooms: The 494 sf/thirty-five percent reduction in the three southerly classrooms negatively impact CSI's Hebrew School, Youth Group and Youth Tutoring Program. The grade 6-7 and grade 4-5 classrooms will each be reduced by thirty-four percent of their respective square footage; and the grade 1-3 classroom will be reduced by thirty-eight percent of its square footage.
- Fourth Floor Classrooms: The fourth floor provides only three classrooms in total, thus the 494 sf reduction represents a thirty-five percent loss of its total classroom square footage, which negatively impacts CSI's Adult Education Program and Youth Group and Youth Tutoring Program. The two westerly adult education classrooms will both be reduced by thirty-four percent of their respective square footage and the grade 9-10 classroom will be reduced by thirty-eight percent of its square footage.

CSI has worked carefully with its project architects to develop the proposed building in a manner that meets its programmatic requirements, which include serving existing members and the institution itself as CSI's natural life-cycle evolves with respect to the prospective new members, while at the same time minimally impacting the adjacent buildings. This can only be achieved with approval of the 20' rear yard waiver which will permit CSI's program to flourish as described in the Application submissions and during presentations to the Board.

C. Impact on Adjacent Building's Lot Line Windows With Proposed Upper Level Court Alternative

The revised Plans submitted with this letter provide, as directed by the Board, a fully compliant outer court affecting floors 6-8 which will retain the operability of three more lot line widows on the east lot line wall of 18 West 70th than the building as originally proposed. In addition to benefiting those lot line windows, this modification has the following consequential effects:

1. It reduces the sixth, seventh and eighth floor floorplans by 165.37 sf each and the ninth floor floorplan by 58.07 sf.
2. It reduces the net sellable floor area in the proposed building by 556.2 sf, with a consequent reduction in sales proceeds but without any material savings in construction costs, thereby reducing the rate of return.
3. It reduces the extent of the required rear wall setback variance in the R8B portion of the site by twenty-five percent as now less bulk will be located within the noncompliant zone.

MISCELLANEOUS

Both the Applicant and the Board received copies of a letter dated March 7, 2008 from Alan Sugarman to Community Board 7 Chair Helen Rosenthal requesting certain documents. The letter recites my testimony at the February 12th hearing in which I made reference to "private" meetings which I attended with the Community Board 7. To clarify, I used the word "private," perhaps ineloquently, to differentiate the Board's public hearing meetings. There were two such "private" meetings at the Board offices, which Jack Freeman and I attended at the invitation of the Chairs of the Board's Land Use Committee to meet with Committee members to provide follow-up responses to their specific questions raised at the previous public hearing. While there was a re-distribution of copies of the Applicant's responses to the Notices of Objections which were already in the record, no additional materials were used or submitted to the Committee during the course of these meetings.

CONCLUSION

With this submission, the Applicant is hopeful the Board will have all of the information it needs to make each of the requisite findings in ZRCNY Sec. 72-21. On behalf of the Trustees of Congregation Shearith Israel, we gratefully appreciate the careful consideration the Board has given to this Application over the past months. Please feel free to contact me should you have any questions or require further information.

Very truly yours,



Shelly S. Friedman

Enclosures

- cc: Hon. Helen Rosenthal, CB 7
Hon. Gail A. Brewer, City Council Member
Hon. Scott Stringer, Manhattan Borough President
Mr. Alan Geiger, Department of City Planning, BSA liaison
Mr. Ray Gastil, Director, Manhattan Office, Department of City Planning
David J. Nathan, Esq.
Peter Neustadter
Dr. Alan Singer
Landmarks West!
Mark Lebow, Esq.
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