

# Craig Morrison AIA

139 Fulton Street

Suite 203

New York, New York 10038

(212) 513-0409

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Hon. Meenakshi Srinivasan, Chairperson  
New York City Board of Standards and Appeals  
40 Rector Street  
New York, New York 10007

Subject:       BSA 74-07-BZ  
                  Congregation Shearith Israel  
                  6-10 West 70<sup>th</sup> Street/99 Central Park West  
                  Block 1122 Lots 36, 37–Manhattan

To the Honorable Chair and Members of the Board of Standards and Review:

This letter is being provided in opposition to the application of the Congregation Shearith Israel (CSI) for variances which would allow CSI to build outside of its As-Of-Right zoning envelope. I have reviewed the information provided by CSI and conclude that CSI has sufficient space to accommodate its programmatic needs without need for a variance.

## **I       METHODOLOGY**

1. I have prepared a composite drawing to show each of the classrooms on Floors 2 through 4 based upon the As-of-Right scheme A dated October 22, 2007, as prepared by CSI's Architect. This drawing is attached hereto as Opp. Ex. GG-11. I have numbered the classrooms on Floor 2 as Rooms 2-1 through 2-5, the classrooms on Floor 3 as Rooms 3-1 through 3-5, and the classrooms on Floor 4 as Rooms 4-1 through 4-2. Based upon my analysis and that of Jay Greer of the descriptions of programmatic needs, with which I concur, it is my opinion that there is sufficient space to accommodate the Applicant's programmatic needs in the classrooms shown on these floors.
2. In preparing Opp. Ex. GG-11, which identifies the classrooms on Floors 2 through 4 in the As-of-Right scheme, I also included composite drawings of the subbasement through 6<sup>th</sup> floors which reveal ample space in the entire zoning site to accommodate the Applicant's programmatic needs.
3. I prepared another version of this drawing, labeled Opp. Ex. GG-5, on which I have highlighted all areas on the entire zoning lot that are potentially usable for programmatic needs. This drawing is accompanied by a tabular description of these spaces labeled Op. Ex. GG-4. Opp. Ex. GG-5 is based upon the Applicant's As-of-Right Scheme A drawings dated October 22, 2007.

4. To accompany Opp. Ex. GG-5, I prepared larger scale versions GG-6 through GG-9 on which I labeled each of the spaces using the same labels in the table submitted as Opp. Ex. 4.
5. These drawings reflect my analysis and conclusion that the Applicant can satisfy all of its programmatic needs within the As-of-Right A scheme.
6. In order to have a context for the Applicant's request for variances to extend floors 2, 3, and 4, I searched among the Applicant's drawings for those that show areas of variance. I located sections but no plans. Accordingly I prepared composite plans showing the variances on these three floors. The composite is labeled Opp. Ex. GG-10. On the right side are highlighted the areas on floors 2, 3, and 4 for which variances are requested. On the left side are highlighted other areas on those three floors that could be used for programmatic needs.
7. In my previous statement I referred to spaces needed to provide access and circulation for persons with physical disability. Only a very small portion of the proposed building is required to meet those needs—lobby space on the first and cellar floors and elevator corridors on floors 2, 3, and 4. To illustrate and clarify this point I have marked on the Applicant's plans the areas required for accessibility. This is shown as Opp. Ex. GG-12. In total approximately 1552 square feet relate to accessibility needs.

For reference:

GG-1-3	Applicant's CSI PROPOSED PROGRAM USAGE CHART: FLOORS 2 - 4 March 11
GG-4	Opposition- Table of spaces available not on applicant's March 11 chart
GG-5	Drawing of spaces available
GG-6-9	Drawings of spaces available 2 to each page
GG-10	Drawing comparing AOR and proposed schemes, floors 2 through 4
GG-11	Classrooms in AOR floors 2 through 4
GG-12	Access and circulation composite, floors SB through 6.

## II SUMMARY–SPACE REQUIREMENTS FOR PROGRAMMATIC ACTIVITIES

The Congregation's analysis of space available for core mission activities is vastly understated. CSI's summary chart (exhibit GG-1-3), which addresses floors 2, 3, and 4, ignores additional available space on those floors as well as significant space on the other five floors of the combined existing synagogue and proposed community building. These spaces are outlined in exhibit GG-4 and explained as follows:

### SUBBASEMENT (exhibit GG-6)\*

The proposed multi-function room (sub-a) in the new building provides 6640 square feet of potential programmatic space. None is included in CSI's analysis.

#### CELLAR (exhibit GG-6)\*\*

The proposed babysitting room (cel e) and residential elevators and storage space (cel-a) in the new building provide 966 new square feet, the existing Levy Auditorium and its surroundings (cel-b, cel-c, cel d) an additional 4323 square feet of existing programmatic space that will continue in that use. CSI acknowledges none.

#### FIRST FLOOR (exhibit GG-7)\*\*

On the first floor of the new building the rabbi's office (1-B, 218 square feet), the archives space (1-G, 537 square feet) and the small synagogue extension (1-C, 1237 square feet) are available for tutoring and other programmatic uses. The proposed residential lobby and elevators (1-A, 660 square feet) could also become programmatic space in an entirely mission-related building.

In the existing synagogue the Elias Meeting Room (1-E, 768 square feet) and the rabbi's study (1-F, 163 square feet) will remain as programmatic space.

The existing main worship space and small synagogue have been excluded from this discussion as their continued worship use is unquestioned.

#### SECOND FLOOR (exhibit GG-7)\*\*

The residential elevators (2-B) occupy 179 square feet. Up to 240 additional square feet could be freed by reducing the excessive amount of toilet rooms.

In addition, the full second floor of the Parsonage (2-A), 936 square feet are available for programmatic use.

#### THIRD FLOOR (exhibit GG-8)\*\*

The Third Floor is identical to the second. 1355 unacknowledged square feet are available in the areas devoted to residential elevators (3-A, 179 square feet), excessive toilets (240 square feet) and the Parsonage (3-B, 936 square feet).

#### FOURTH FLOOR (exhibit GG-8)\*\*

The Fourth Floor differs materially from the Second and Third Floors. Like them, 975 unacknowledged square feet are available in the areas devoted to residential elevators (4-B, 179 square feet), excessive toilets (240 square feet) and the Parsonage (4-C, 556 square feet). An additional, 1244 square feet are devoted to a residence for the building superintendent (4-A), a non-programmatic use.

**FIFTH FLOOR (exhibit GG-9)\***

The as-of-right envelope as depicted by CSI's architects allows for fifth and sixth floors that are proposed as income-producing. As this use is extraneous to the Congregation's programmatic needs, these spaces are available to fulfill programmatic functions. The fifth floor (5-A) provides 4512 square feet of potential programmatic space.

**SIXTH FLOOR (exhibit GG-9)\***

The as-of-right sixth floor, like the fifth, allows for programmatic space as needed. On the sixth floor (6-A) the available area is 3082 square feet.

**III SUMMARY SPACE REQUIREMENTS FOR SYNAGOGUE ACCESS**

CSI has noted correctly the need to provide access to the existing synagogue for people with physical disabilities. This can be accomplished by modifying or replacing the existing elevator as shown (Exhibit GG-12). The revised elevator and its surrounding lobby space would require no more than 288 square feet in the cellar, 832 square feet on the first floor and 144 square feet each on the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> floors.

**IV SUMMARY AND TOTALS**

CSI has presented to the BSA (Exhibits GG-1 through GG-3) an acknowledgment that 6055 square feet of programmatic space are available in an As-of-Right building. Although this number is overstated by the 1920 square feet that constitute a rear yard encroachment (see Exhibit GG-10), additional areas (Exhibit GG-5), omitted from CSI's presentation, provide a total actual available space of 33,685 square feet.

The following floor-by-floor summary outlines actual space availability versus that acknowledged by CSI:

**Sub-Basement**

Acknowledged by CSI	0
Unacknowledged by CSI	6640
Total Additional Available	6640

**Cellar**

Acknowledged by CSI	0
Unacknowledged by CSI	4707
Total Additional Available	4707

First Floor		
Acknowledged by CSI		0
Unacknowledged by CSI		3046
Total Additional Available		3046
Second Floor		
Acknowledged by CSI		2237 (overstated by 640)***
Unacknowledged by CSI		1355
Total Available		2952
Third Floor		
Acknowledged by CSI		2410 (overstated by 640)***
Unacknowledged by CSI		1355
Total Available		3445
Fourth Floor		
Acknowledged by CSI		1408 (overstated by 640)***
Unacknowledged by CSI		2219
Total Available		3125
Fifth Floor		
Acknowledged by CSI		0
Unacknowledged by CSI		4512
Available		4512
Sixth Floor		
Acknowledged by CSI		0
Unacknowledged by CSI		3082
Available		3082
TOTALS		
Total Available		30,603
Total Unacknowledged		26,468
Total Acknowledged		6055 (overstated by 1920)

This clearly illustrates that an as-of-right building provides adequate space to contain all of CSI's program-related uses in a commodious and comfortable manner and that no variance from the accepted zoning restrictions is warranted.

## V CONCLUSION

The New York City Building Code requires a minimum of 20 square feet per occupant for classroom space, an amount increased in increments to up to 50 square feet per occupant for day-care facilities. (Exhibit JJ-22) With a total available programmatic space of 30,603 square feet CSI can thus legally accommodate over 1500 occupants. Even doubling the occupancy standard to 40 square feet per average occupant there is sufficient space to accommodate up to 750 occupants.

CSI claims an occupant load of 60 children in its toddler program, up to 50 in its Hebrew School and additional adults in occasional meetings that do not occur simultaneously with the Hebrew School sessions. There is no question that an As-of-Right facility will be more than adequate to fulfill CSI's programmatic needs not only adequately, but commodiously and elegantly.

Respectfully submitted,

Craig Morrison AIA

#### NOTES

\*areas stated on sheet P-2, Proposed Floor Area Schedule, Platt Byard Dovell, architects, dated October 22, 2007

\*\*areas scaled from small-scale drawings by Platt Byard Dovell, architects using graphic scales provided on those drawings. May be subject to slight variation.

\*\*\*area overstated by 640 square feet of rear yard encroachment.