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June 17, 2008

The Honorable Meenakshi Srinivasan
Chair
New York City 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 responds to comments raised in the statement provided by Alan D. Sugarman, Esq., dated June 10, 2008 regarding the Environmental Assessment Statement (EAS) prepared by AKRF, Inc. and submitted to the Board in May 2008. Each comment is summarized below, with the response to the comment immediately following.

General Comments

Comment: The study has no reference whatsoever to the fact that all of the proposed scenarios submitted on May 13, 2008 block or impact windows in 18 West 70th Street. No mention whatsoever was made of this serious impact.

Response: The EAS describes the effects of the proposed project according to the methodology of the *City Environmental Quality Review Technical Manual*. That methodology does not call out elimination of lot-line windows as an environmental impact.

Comment: The study discusses the CSI toddler program at exquisite length, but completely ignores the even larger Beit Rabban school, and the fact that a school will grow even larger in the future. There is no mention of the school bus traffic that is a constant disruption.

Response: The EAS describes the existing school that operates on the project site (for example, see page 4 of the form, which lists 165 students as present in the current condition; see also Table 1 on page 7f, which shows the 165 students as present in the future condition as well). An expansion to the school is not proposed as part of the proposed action. The

existing school bus traffic would not change as a result of the proposed action and therefore no change in traffic is described in the EAS.

Comment: As to the banquet hall, the study ignores traffic from the standard catering trucks bringing food and equipment. With a capacity of 350, this will be a substantial impact every weekend. For garbage, the Applicant still has not addressed the problem.

Response: The delivery trucks associated with increased events at the synagogue with the proposed project would not add significantly to traffic during any peak hour. They would arrive at a separate time than any trips associated with event attendees.

The EAS describes the alternatives being considered for handling garbage from events at CSI (see pages 7e and 7f).

Comments on Shadows

Comment: The shadow study provided for Central Park is an irrelevancy – no opponent has mentioned this issue at any time.

Response: The shadows assessment was conducted following the methodology set forth in the *CEQR Technical Manual.* That methodology calls for an assessment of new shadows that would be cast on publicly accessible open spaces, such as Central Park.

Comment: The new street shadow views refer to incremental shadows, but do not show the non-incremental version and what it is incremental from.

Response: The text that accompanies the shadow diagrams describes the methodology used for the shadow study. On page B-1 and again on page B-11, it describes that the analysis considers the effects of new shadow that would be cast by the project as an increment beyond the shadows cast by existing buildings. This is the standard practice for a shadows assessment provided in accordance with CEQR methodology.

In accordance with this methodology, the shadow diagrams show existing shadows cast today by existing buildings, including the existing building on the project site. Existing buildings and streets are shown in white. Existing sidewalks and backyard spaces are shown in a caramel color. Central Park is shown in green. Existing shadows (i.e., those cast by existing buildings) are shown in gray as they cross white areas (i.e., existing buildings and streets) and in brown as they fall across caramel areas (i.e., sidewalks and backyards). Existing shadows on Central Park are shown in dark green.

The proposed building is shown in purple, and the incremental shadows cast by the proposed building – i.e., the new shadows that would be added beyond the existing shadows already cast – are shown in dark gray with a black outline.

Comment: The new shadow study provides no information as to the existing, as-of-right, and proposed building being modeled. So, the model cannot be analyzed. The study does not identify the drawings on which the study is based.

Response: As described on page B-11 of the EAS (in the section entitled, "Detailed Analysis of New Shadows on Nearby Streets and Buildings"), the shadow diagrams show the existing shadows and the new (incremental) shadow that would be added by the proposed

building. The drawings used for the study are plan and axonometric views of the project block and surrounding area showing the existing building shapes with the proposed building's massing overlaid on the existing grid. The drawings were developed based on information purchased from Fugro EarthData. The Fugro EarthData information consists of a three-dimensional model of Manhattan that was created using topographic information and high-resolution aerial photography. According to Fugro EarthData, the model is accurate to within one meter. The three-dimensional information for the proposed New Building was provided by the project architects and reflects the current proposal for the project.

Comment: The new shadow model views do not have compass roses, so it is not possible to verify if the model takes into account the fact that Central Park West does not run true north south.

Response: Compass points were inadvertently omitted from the drawings. True north is aligned with the sides of the drawing – i.e., the drawing is oriented so that true north is the top of the page. This is the reason that the street grid on the page is shown at an angle, since Manhattan's street grid does not align with true north-south.

Comment: It is not possible to differentiate shadows case by the existing, as-of-right, and proposed buildings. If existing shadows were shown, it would be easy to validate or invalidate the study by comparing with actual photographs previously submitted by opponents in this proceeding.

Response: As noted above, the shadow diagrams show the existing shadows and the new (incremental) shadow that would be added by the proposed building. The existing shadows are those shown on the diagrams in a lighter color and the incremental shadows are those shown in dark gray with a black outline (see the discussion above for a more specific description). Please note that no calculations were made for the as-of-right building. All analyses in the EAS, including the shadows analyses, compare the existing condition to the proposed building. This is a more conservative approach for the shadows analysis, because it results in a larger incremental shadow due to the proposed project than would a comparison with an as-of-right building.

Comment: In earlier submissions, AKRF claimed that because of shadows from existing surrounding buildings (i.e., 91 CPW) there was little impact from a proposed building compared to an as-of-right building. The new AKRF study does not make this claim any more, calling into question their professionalism in making it previously.

Response: The earlier study cited (the letter from AKRF dated December 19, 2007) was a discussion of the potential area where new project shadows cast by the proposed building might fall. Similar to the analysis provided in May 2008, the discussion compared existing (not as-of-right) shadows to the shadows of the proposed project. The new analysis, for which shadow diagrams were prepared, demonstrates through the diagrams that there would be little impact from the proposed building compared to the existing condition. In the conclusion (see page B-12), the May 2008 analysis concludes, "Overall, the new shadows cast by the proposed New Building would be an insignificant addition to the existing shadows already cast by other buildings in the area and would not adversely affect

Central Park or the neighborhood character of the area around the Project Site." The new study does not contradict the prior information provided in December 2007.

Comment: The new AKRF study at B-11 admits that shadows cast by the New Building would be similar in length to those cast by the adjacent building at 18 West 70th Street. What the study did not say, but should have said, is that the shadows cast by an as-of-right building should be similar to those cast by the row houses since the height and setback of the mid-block zoning were consistent with the row house heights and setback. Yet the AKRF studies show an almost non-existent shadow between the fully set-back as-of-right 75-foot building and a 105-foot building with no setbacks. This is not credible and inconsistent with actual photographs.

Response: As described in the shadows analysis and noted above, the shadows analysis compares shadows cast by existing buildings, including the existing building on the project site, to those with the proposed project in place. This is more conservative than comparing the proposed building with an as-of-right building. Even so, only small incremental shadows would be cast by the new building.

Comment: The proposed building will in fact create a wall of shadows in the winter months along West 70th Street and will eliminate the sunlight and spatial openness that the mid-block zoning was intended to protect.

Response: The shadow diagrams demonstrate that this statement is incorrect.

We would be happy to provide additional information requested by the Board to assist in the review of the environmental effects of this proposal.

Sincerely,

AKRF, INC.

Julia P. Cowing, AICP
Senior Vice President

cc: S. Friedman, L. Cuisinier