

O
P
P
O
S
I
T
I
O
N

E
X
H
I
B
I
T

Filed July 29, 2008 Greer Letter 6-24-2008 Revised

NN

JAMES A. GREER, II
25 CENTRAL PARK WEST, #4B
NEW YORK, NY 10023

June 24, 2008

BY HAND DELIVERY

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

Subject: Congregation Shearith Israel
6-10 West 70th Street
New York, New York
74-07-BZ

Dear Chairperson Srinivasan:

At the Board's November 27, 2007, hearing there was a lengthy colloquy (see Exhibit 1-1 attached to this letter) between you and other members of the Board on the one hand and CSI's counsel on the other in which counsel was asked and agreed to provide written clarification respecting CSI's use of the proposed Community House for its educational program and the space needs of its tenant school, Beit Rabban, and the relationship of the two. In purported response CSI made a lengthy, formal submission on December 28, 2007.

At its February 12, 2008 hearing, you and your colleagues expressed your dissatisfaction with that submission. See Tr. at page 11, lines 230-246. (See Exhibit 1-2). On March 11, 2008 CSI filed a further submission in purported response to the Board's February 12, 2008 request. At the BSA's April 15, 2008 hearing, you repeated your request, asking for a "revised set of papers that clearly outlines... [CSI's] arguments ... [in] a stand-alone document which explains all this information that we've seen up till now and how this project has changed at one place so it means, really, discussion of the facts as well as the discussion of the findings." Tr. at pages 20 -21, lines 437-44. (See Exhibit 1-3.) CSI's representative noted that there "was some question about the programmatic; the program implications for this, that you mentioned when I first came up to the podium. I Tr. at page 21, lines 443-444. You responded "that includes that as well." Tr. at page 21, lines 446-447. (See Exhibit 1-3.)

On May 13, 2008, CSI filed yet another voluminous submission in purported response to your request and, in reply to opponents' objections filed on June 10, 2008, supplemented their May 13, 2008 filing on June 17, 2008. As discussed below, CSI's latest filings respecting its programmatic needs for classroom space are incomplete, inaccurate, inconsistent, imprecise and generally unresponsive to your request for precise information about the relationship between CSI's programmatic classroom needs and those of Beit Rabban, its unrelated tenant school.¹ The latest filings continue CSI's deliberate attempts to obfuscate the record.

¹Other representatives of the opponents will discuss the patent inadequacies of CSI's latest filings as they relate to financial and non-programmatic needs.

The DISCUSSION that follows and the accompanying exhibits are intended to record some of CSI's more egregious efforts at obfuscation. They are illustrative and not exhaustive.

DISCUSSION

A. CSI's Submission Respecting its Programmatic Needs for Classroom Space is Incomplete:

1. CSI has only filed information about the classroom capacity of the proposed building. See CSI PROPOSED PROGRAM USAGE CHART: FLOORS 2-4, Friedman & Gottbaum's May 13, 2008 Statement in Support ("F&G 5.13.08 Statement") at pages 54-56 attached as Exhibit 2 and hereinafter referred to as "the CHART."² CSI has not filed any information about the actual student usage of the proposed classroom space.

2. The CHART does not even provide complete, accurate information about the size of the classes that might be using the various classrooms and is presented in such a way as to make it difficult to determine whether there is any potential conflict between programs over a particular classroom. To the extent that this information exists, it is scattered about in various places in the voluminous CSI filings. In hopes of illuminating this point opponents have prepared the attached Exhibit 4, which recasts the information in the CHART and adds related information from elsewhere in CSI's submissions. It makes clear that CSI will use very little of the space for its non-toddler programs. Even if it could find 60 toddlers and there was no other demand for the space, CSI would still use only a minor fraction of the space the proposed building would provide.

3. CSI has not filed any information at all respecting classroom space or actual student usage of that space in an as-or-right ("A-O-R") building.

4. CSI has filed no information at all respecting the amount of classroom space or the actual student usage of the space in the temporary trailer CSI states was installed in 2007. See F&G 5.13.08 Submission at p. 12 attached as Exhibit 5.

5. The table on page 30 of the F&G 5.13.08 Submission attached as Exhibit 6-1 shows 1017.57 sf of "Baby Sitting" space on the 1st floor of the proposed building. Drawing P - 8 dtd 10.22.07 (attached as Exhibit 6-2) shows no such space.

6. Drawings PROG P-9, PROG P-10 and PROG P-11 all dtd 12.26.07 and filed as part of Exhibit D to F&G's 12.28.07 Statement in Support (attached as Exhibits 7-1, 7-2, and 7-3), contain notes and diagrams that provide substantial, relevant information about CSI's program but are not included in F&G's 5.13.08 submission. One piece of such information is that "Beit Rabban and CSI will share [the six 2nd floor classrooms] as mutual programs require] and that "Beit Rabban will occupy [the six 3rd floor classrooms 8 AM-5PM Mon-Fri (except Thursday afternoon)." Notably, these drawings do not reveal how many Beit Rabban students will be occupying the proposed building.

² CSI filed an identical chart with its March 13, 2008 submission. (Attached as Ex. 3.)

8. F&G's 5.13.08 Statement at page 12 (attached as Ex. 8) repeats prior statements that its "tenant day-school, Beit Rabban, enrolls 125 children.... but nowhere does F&G reveal how many Beit Rabban Students will occupy the proposed building."

9. Drawing rev. P-10 dtd 5.13.08 (attached as Ex. 9) shows only the grades assigned to the six proposed 3rd floor classrooms. Similarly, Drawing rev P-9 dtd 12.26.07 (attached as Ex. 10) identifies only the ages of the children "Ages 2 and up) assigned to one of the six 2nd floor classrooms. The other five classrooms on that floor are simply labeled "Toddler Classroom." There are no indications on these drawings or in the CHART (Ex. 2) as to how many children will actually be using any of the six 2nd floor classrooms.

10. The ARKF EAS dtd 5.12.08 (updated 6.04.08) (attached as Ex.11) lists on page 4 in Item 6 – "Current Users - No. and type of non-residents who are not workers 165 students³; 20 toddlers."

11. However, the ARKF EAS dtd 5.12.08 (updated 6.04.08) in Section 16 on page 6 (attached as Ex. 12) lists under "Proposed Users" - "No. and type of non-residents who are not workers" - "165 students and 60 toddlers."

12. The ARKF EAS dtd 5.12.08 in Table 1 on page 7f (attached as Ex. 13) refers to "Private School Students 165" and "Expanded Toddler Program 60."⁴

13. The F&G 5.13.08 Statement does not specifically mention the CSI Youth Group. The CHART in Exhibit 2 refers to the CSI Youth Group but does not reveal how many children are in that group or what their ages are. Notes in the Drawings PROG E-9 and EX-10 and PROG P-11 dtd 10.22.07 (copies attached as Ex. 14-1, 14-2, and 14-3) and filed as part of Exhibit D to F&G's 12.28.08 Statement all refer to "15-35 children" However, none of these drawings are included in F&G's 5.13.08 Statement.

B. CSI's Submission Respecting its Programmatic Needs for Classroom Space is Inaccurate and Inconsistent:

1. The total square footage of all the proposed classrooms as shown in Exhibit 2 is 6055.05 sf. The total square footage for proposed classroom space shown in the table in Exhibit 4 is 5136 sf.

2. The table in Exhibit 4 shows 1443 sf of "OFFICE" space of the proposed building. The PROGRAM USAGE CHART in Exhibit 2 does not show any office space. Drawing rev. P-10 dtd 12.26.07 (attached as Exhibit 15) shows only one, small interior office.

3. The table in Exhibit 4 shows no office space on the 2nd floor of the proposed building. However, drawing rev P-9 dtd 12.26.07 (attached as Exhibit 16) shows two medium-sized interior offices.

³ The 165-student number here is clearly wrong.

⁴ The AKRF EAS dtd 5.12.08 describes the Toddler Program at page 7b (attached as Ex.12A) but omits any description of the "Private School."

C. CSI's Submission is Imprecise in Respect of the Numbers of Students Participating in Most of its Educational Programs.

1. Except in one instance, F&G's 5.13.08 Statement gives no precise information about the actual numbers of students in its adult educational programs. As shown on page 25 of the F&G 5.13.08 Statement (attached as Ex. 17), there is a specific number of students for only one adult program that meets one Monday evening per month. All the remaining adult programs give only broad ranges for the numbers of students involved.

2. Similarly, F&G's 5.13.08 Statement recites at page 23 (attached as Ex. 18) that "CSI's Hebrew School currently serves approximately 35-50 students...."⁵

3. Likewise, Drawing PROG P-9 (Exhibit 7-1) contains a note that the Toddler Program has "20-60 Children."

4. Although not directly related to CSI's programmatic classroom needs the note on Drawing PROG P-8 dtd 10.22.07 and filed as part of Exhibit D to CSI's 12.28.07 submission (attached as Ex. 19) states that attendance at the Synagogue services on Saturdays and 13 Holidays numbers 200-250. The F&G Statement in Support dtd 5.13.08 states at page 20 (attached as Ex. 20) that "Saturday services attract up to 500 worshippers."

D. CSI's Submission is Unresponsive to the BSA's Requests for Precise Information about the Relationship Between its Programmatic Needs for Classroom Space and those of Beit Rabban, its Unrelated Tenant School.

1. F&G's 5.13.08 Statement at page 12 (attached as Ex. 21) is an abbreviated version of pages 11-12 of its 10.22.07 Statement (attached as Ex. 22). Most notably, it omits the previous description respecting the extent of Beit Rabban's use of space in the existing community house. Both Statements note that Beit Rabban enrolls 125 students. However, the 5.12.08 AKRF EAS page 7f (Ex. 13) refers to "Private School Students 165."⁶ Nowhere does F&G comment on this statement, even though opponents pointed out at the April 15, 2008 hearing that CSI's proposed building was designed to provide enough space to accommodate more than that many students and was far in excess of the space required to accommodate CSI's own educational programs. See my April 15, 2008 letter to you and its charts and tables. (Opponents Ex. LL attached as Ex. 23.) Exhibit 5 makes this point even more clearly.

⁵ Comparison of the notes in Drawings PROG E-9 and EX -10 dtd 12.26.07 and filed as part of Exhibit D to F&G's 12.28.07 Statement (See Ex. 14-1, 14-2) and Drawing PROG P - 10 (see Ex. 7-2) shows that the numbers of Hebrew School students in are expected to be the same in the proposed building as those in the existing building.

⁶ Curiously, the AKRF EAS also contains two other identical references to 165 students – one erroneous one under "Current Users" (Ex. 11) and the other under "Proposed Users" (Ex. 12). Ex. 11 and 12 both include references to "60 toddlers." This raises the obvious question as to how the proposed community house could accommodate 225 children. F&G's 10.25.07 Statement at page 11 (attached as Ex. 22 at p. 11) merely states "CSI anticipates that Beit Rabban will lease comparable space in the New Building." As noted in paragraph A. 7, *supra*, a cryptic note on both Drawing PROG P-9 (2nd Floor Proposed) (Exhibit 7-1) states "Beit Rabban and CSI will share classrooms as mutual programs require."

In a desperate attempt to contradict the abundant evidence in the record of this proceeding that the proposed building and related work in the Synagogue cellar and 1st floor will provide far more classroom space than CSI's program would ever require, Counsel for Applicant states in the first paragraph on page 3 of his June 17, 2008 letter to the BSA (attached as Ex. 24) that "...[the BSA] has heard testimony from the Synagogue's Rabbi and its chief educator that were there no tenant the religious and educational needs of the Synagogue would still require that it apply for the classroom space requested in this application." In fact, careful examination of the November 27, 2007 testimony of the Rabbi and his chief educator (Transcript at pages 12-15, attached as Ex. 25) reveals that they said no such thing but, other than discussing their planned expansion of the Toddler Program and making some general references to their adult education, were vague as to the extent of their future needs for classrooms.

E. CSI's Voluminous Submissions are Deliberate Attempts to Obfuscate the Record of this Proceeding.

As the foregoing sections amply demonstrate, throughout this proceeding applicant CSI has failed completely to provide coherent, complete, consistent, and accurate information concerning its programmatic needs so as to permit the Board to make the 72-21 findings.

- The information it has provided is not coherent, because the information is not provided in a single set of drawings and documents. In this connection, see Exhibit 7.
- The information is not complete, because the Applicant has not provided, among other things, complete, accurate information concerning Beit Rabban and its classroom and related space needs.
- The information is not complete because what little information that is provided for the existing and proposed buildings, is not in the same format as other information concerning the as-of-right scheme.
- The information is incomplete because it is not provided, if at all, in a consistent manner for the existing, as-of-right, and proposed scenarios. This manner of presenting information prevents making valid comparisons of the three scenarios. Thus, the BSA has no basis for making the complete, accurate, consistent evaluation that is required to make the 72-21 findings that are required before it may properly grant any variance.
- Much information is misleading. At times a capacity chart is presented as if it is showing actual usage. The applicant uses phrases such "up to" and ranges to disguise the misleading nature of the information.
- The narrative exaggerates or misdescribes the information on the drawings and tables. Because the sources of information are so sprinkled among documents and across different filings, it is difficult, if not impossible, to detect such exaggerations and misdescriptions.

Considering the reputation of its lawyers and that more than 15 months have elapsed since CSI filed its application with the BSA, it is astonishing that the record of this proceeding should be so confused unless it was the result of a deliberate effort on CSI's part. Unhappily, the Board seems not merely to have tolerated this behavior but may have even participated in it.

In his June 17, 2008 letter to the Board, CSI's counsel in the first paragraph on page 3 (see Ex. 26) suggested that the "unprecedented amount of material it has provided "to the BSA has been in response to the Board's requests. At yesterday's executive session Vice Chairman Collins essentially confirmed this and gave it as the reason for all the numerous inconsistencies in the record that opponents have pointed out. Whatever the cause of these inconsistencies, the resulting record is so deficient that it will not support a decision by the Board that grants any of the requested variances that are predicated on arguments of programmatic need.

Even if the BSA grants the rear yard variances as being based on CSI's programmatic need, there is no such basis for it to grant the height and related variances. Commissioner Ottley-Brown appeared to recognize that at yesterday's executive session when she made the astonishing request that CSI delete the following sentence from page 30 of its 5.13.08 Statement (attached as Ex. 27):

"Finally, the addition of residential use in the upper portion of the building is consistent with CSI's need to raise enough capital funds to correct the programmatic deficiencies described throughout this application."

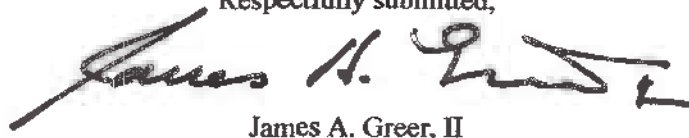
CSI has been making very similar, if not identical, representations since it began the LPC proceedings and has reiterated them consistently throughout this BSA proceeding, even though Board in its November 27, 2007, and February 12, 2008 hearings tried to make clear it was unreceptive to CSI's argument in this regard. The Board in its February 12, 2008 hearing advised CSI to separate the community house portion of the proposed building from the residential portion. It now is abundantly clear that throughout this proceeding the Board has been making a consistent, determined effort to help CSI rationalize its need for variances in ways that would enable the Board to grant as much of CSI's request as possible and ignore any evidence that stood in its way. This is not an appropriate role for the Board or any other government agency that wishes to have the respect of the public it's supposed to serve.

Finally, I would remind the Chair that at the November 27, 2007, she undertook to have Counsel for applicant "clarify" his statements at the meeting of the Land Use Committee of Community Board 7 that "the Shearith Israel proposal had the support of the Bloomberg Administration." See Tr. page 70, lines 1558-1568. (Attached as Ex. 28). This was in response to a statement from Ms. Linda Blumkin, who appeared in opposition to the proposal and asked "whether anything we say matter[s] from this point on?" (Ibid.) The discussion at yesterday's executive session of the Board strongly suggests to me that the answer is a resounding "No." However, the Board still has a chance to prove me wrong, and I devoutly hope they will take it.

CONCLUSION

There is no evidence in the record that CSI's claimed needs for classroom space for religious or educational purposes meet any of the five findings required to justify the granting of the requested rear yard variances. Therefore, the Board should deny CSI's request for rear yard variances.

Respectfully submitted,



James A. Greer, II

Attached: Exhibits 1-28

**EXHIBITS TO JUNE 24, 2008 LETTER FROM
JAMES A. GREER, II TO HON. MEENAKSHI SRINIVASAN,
CHAIR, NEW YORK BOARD OF STANDARDS AND APPEALS**

1. Extracts from transcript of the BSA hearings held November 27, 2007 (pages 10, 16, 17, 18 Ex. 1-1)), February 12, 2008 (page 11 at lines 238-247(Ex. 1-2)), and April 15, 2008 (pages 20-21) at lines 437-450 (Ex. 1-3)), containing the BSA's several requests for information about CSI's programmatic classroom needs.
2. CSI PROPOSED PROGRAM USAGE CHART: FLOORS 2-4. F&G S 5.13.08 Statement at pages 55-57. Does not include comparably formatted versions for existing and as-of-right scenarios. Although titled as a program usage chart, it is actually a chart of classroom capacity. Fails to provide any information about Beit Rabban classroom usage. Does not include the usage referred to in December 21, 2007 Proposed Programmatic Need Drawings and the various narratives. Close analysis with other information provided by Applicant shows that CSI currently uses and in future will only use a minor part of the available classroom space.
3. CSI PROPOSED PROGRAM USAGE CHART: FLOORS 2-4, F&G 3.11.08 Statement (identical to Exhibit 2.)
4. Reformatted Information- CSI PROPOSED PROGRAM USAGE CHART: FLOORS 2-4.
5. F&G 5.13.08 Statement, p.12- CSI's fails to disclose space/students in the temporary trailer.
- 6-1. Table on page 30 of F&G's 5.13.08 Statement showing "baby sitting" space on 1st floor of proposed building that does not appear in Drawing P-8.
- 6-2. Drawing P-8 dated 10.22.07.
7. - Drawings PROG P-9 (Ex. 7-1) (dtd 12.26.07) PROG P-10 (Ex. 7-2) (dtd 12.26.07), PROG P-11(Ex. 7-3) (dtd 10.22.07 but filed on 12.27.07): notes/charts show details of CSI programs that are not included with F&G's 5.12.08 filing.
8. F&G 5.13.08 Statement page 12 # of Beit Rabban students not revealed.
9. Drawing rev P. 10, dtd 10.22.07 but filed 5.13.08 shows only one small, interior office on 3rd floor, while table in Ex. 6-1 shows 1473 sf of office space and PROGRAM USAGE CHART (Ex. 2) shows no office space on this floor.
10. Drawing rev P-9 dtd 12.26.07 but filed 5.13.08 - shows two medium-sized, interior offices, but table in Ex. 6-1 shows no offices.
11. ARKF EAS dtd 5.12.08 (updated 6.04.08) (p.4) listing 165 students and 20 toddlers as "Current Users".
12. ARKF EAS (p. 6) listing 165 students and 60 toddlers as "Proposed Users"

12-A. ARKF EAS (p. 7b) description of the Toddler Program that is not consistent with Rabbi's 11.27.08 testimony, Shelly's various submissions, the CHART in Ex. 2 and some of the drawings filed in December, 2007 that are omitted from the latest CSI filings.

13. ARKF EAS (p. 7f) Table 1, listing 165 "Private School Students" and "Expanded Toddler Program 60"

14. Drawings PROG E-9 and EX-10 and PROG P-11 dtd 10.22.07 Compare Ex.2 and Ex. 4.

15 – Drawing rev. P-10 dtd 12.26.07 shows only one small interior office on proposed 3rd floor. Compare Ex. 2 (no offices) and Ex. 4 (1443 sf of office space.)

16. Drawing rev. P-9 dtd 12.26.07, filed 5.13.08 (2 medium-sized offices on proposed 2nd floor.)

17. F&G 5.13.08 Statement, page 25 – adult education classes – only one has an exact number of students.

18. F&G 5.13.08 Statement, page 23 – Hebrew School attendance imprecise - 35-50 students.

19. Drawing PROG P-8 dtd 10.22.07 showing Saturday attendance at all CSI services of 200-250 worshipers v. "up to 500 worshipers" in F&G's 5.13.08 Statement at 20 (Ex. 20)

Drawings PROG E-9 (Ex. 17-1), EX-10 (Ex. 17-2), PROG P-11 (Ex. 17-3) filed on 12.27.07, contain notes with information re the CSI Youth Group that does not appear anywhere in the F&G 5.13.08 Statement or its accompanying drawings.

20. F&G 10.25.07 Statement page 20 – CSI's Saturday services "attract up to 500 worshippers."

21. F&G 5.13.08 Statement, p. 12 abbreviated version of pp. 11-12 of F&G 5.13.08 Statement re Beit Rabban- omits information about Beit Rabban's future use of classroom space in proposed building; also fails to disclose Beit Rabban has virtually exclusive use of existing community house from Monday through Friday.

22. F&G 10.25.07 Statement pages 11-12 re Beit Rabban more information, including likelihood Beit Rabban will "use comparable space in the New Building."

23. James A. Greer, II ltr to BSA dtd 4.15.08 and attached exhibits (Opponents Ex. LL).

24. F&G ltr dtd 6.17.08, page 3, 1st para. – Rabbi and his education director have testified that if there were no tenant school they would still need all the classroom space in the proposed building.

25. November 27, 2007, Tr. pages 12-15; Testimony of Shearith Israel Rabbi Hyamm Angel and Ms. Lynne Kaye Director of Jewish Life and Learning at the Synagogue contains no such statement.

26. F&G ltr dtd 6.17.08, page 3, 1st para. BSA "has asked for and received [from CSI] an unprecedented amount of material on the educational and religious uses which must be included in the new development."

27. CSI 5.13.08 Statement, page 30. CSI needs funds from residential development to pay for its programmatic needs.

28. BSA 11.27.07 Hearing transcript, page 70, lines 1558-1568. Undertaking by BSA Chair to have Mr. Friedman “clarify” his statements before Land Use Committee of Community Board 7 that “the Shearith Israel Proposal has the support of the Bloomberg Administration.”

204 classrooms for the Hebrew School are furnished and built specifically for younger kids
205 and some of them more generally furnished for older kids and those are the rooms that
206 can also be used by the adults and for other functions but the application is predicated on
207 the need solely of the synagogue.

208 COMM. OTTLEY-BROWN: Could you perhaps, in
209 writing, go into more detail about the current program in terms of the Hebrew School and
210 the adult education program? The amount of people who attend that; whether or not they
211 are occupying space simultaneously or if they operate on different days?

212 MR. FRIEDMAN: I'd be happy to do that. Two of our
213 three speakers will address those points specifically but we will provide you all those
214 answers in writing.

215 CHAIR SRINIVASAN: Okay. Please continue.

216 MR. FRIEDMAN: Rabbi. Rabbi Hayamm Angel
217 (Phonetic) will be the next speaker.

218 RABBI ANGEL: Hi. Good afternoon. Do I need to spell
219 my name?

220 MR. COSTANZA: No, just speak into the microphone.
221 Just state your name.

222 RABBI ANGEL: Great. My name is Hayamm Angel. I
223 just became the full Rabbi of Congregation Shearith Israel. I've been working there for
224 thirteen years but I actually grew up there.

225 I came to the congregation eight months inside of my mother, and when I grew up
226 in the synagogue it was really an awful place for kids, frankly. There were very few

338 It's a really important time to see friends, be connected and have a familiar and
339 supportive atmosphere which prevents - - sort of combats a sense of isolation that can
340 happen as time goes on so, thank you, and I'm happy to answer questions,

341 CHAIR SRINIVASAN: Thank you. Any questions?

342 Thank you.

343 MS. KAY: Okay. Thank you.

344 CHAIR SRINIVASAN: Although, I would say that it
345 would be very helpful in - - and just going back to what Commissioner Ottley-Brown had
346 said, which is somehow tabulate to us how the program is currently being used in which
347 areas and then why you need the expansion? And, explain to us both the space needs as
348 well as its location and relate that to the waiver.

349 I think one of the issues that has come up is that in an as-of-right situation, you
350 can expand this program to meet all these needs except for maybe the rear yard waiver.

351 So, I think it's really important to clarify that to us why you need - - yes,
352 Commissioner Hinkson.

353 COMM. HINKSON: And, also, if you can add - - just it
354 would be good for me to sort of get a better idea of the programming is to break down, if
355 you could, the ages and amounts of people that would be using the facility at any given
356 time; how many pre-schoolers? How many teenagers? That kind of thing, so that we
357 can sort of get a better fleshed out idea of how the building is anticipated to be used and
358 who is going to be using it.

359 MR. FRIEDMAN: Well, fine, but so that we can be
360 responsive, I'm assuming, again, that this would be limited to the synagogue's use and
361 not including the tenant.

362 If you believe the tenant serves any useful purpose, I'll be happy to add those
363 numbers as well.

364 CHAIR SRINIVASAN: All right.

365 MR. FRIEDMAN: But, we're predicating this application
366 on the synagogue's use.

367 CHAIR SRINIVASAN: Right. And, I think that's what
368 may have been confusing in the papers, because you do talk about the tenant's school and
369 it's one thing you can have the tenant's school and then you would have to explain to us
370 what the program need is for that but if, in fact, this volume of community facility space
371 is fundamentally needed for Shearith Israel Congregation, then I think we need to see an
372 explanation of that.

373 MR. FRIEDMAN: Fine.

374 CHAIR SRINIVASAN: So, then, the tenant's school issue
375 can just actually be a separate - - it may not really be a part of the equation anymore
376 unless it's about the usage of space.

377 MR. FRIEDMAN: We don't consider it part of the
378 equation but if the Board wants us to, I guess that's my question, we'd be happy to do it.

379 CHAIR SRINIVASAN: But, I think it relates partially to
380 whether you can have simultaneous use and, in fact, when the day school is functioning,
381 does it take away from the congregation in using the spaces for its own needs?

382 So, if you actually chart it out, we may have a better understanding.

383 MR. FRIEDMAN: Fine.

384 CHAIR SRINIVASAN: And, if you actually intend or a
385 part of your program mission is to expand the types of uses that you have on the site,
386 which may not be accommodated, including a nursery school, then we should understand
387 that as well.

388 MR. FRIEDMAN: Fine. Thank you.

389 I'd like to introduce Edgar Nathan.

390 CHAIR SRINIVASAN: All right.

391 MR. NATHAN: My name is Edgar Nathan. I'm a past
392 president of the synagogue. Our present president is here.

393 I wanted to talk about one of the problems we face, which has been alluded to
394 already, both by the architects and the previous speakers.

395 We've always been concerned about disability access to the synagogue building.

396 This is a problem which we face even if there were only one person involved,
397 obviously, or more and at the present time, I've been seeing more and more friends who
398 have problems of the disability nature, either infirmed for whatever reason; elderly
399 people who wish to come to the synagogue and participate in its various programs and
400 find it a struggle to do so.

401 You heard how it's not easy to even get into the building. It's a 110 year old
402 building and it was not built with this in mind.

403 We've been trying to remedy that situation but can't within the present structure.

227 MR. FRIEDMAN: Well, then, I think the other issues
228 were primarily financial in nature and I'd like to call up Mr. Freeman, no stranger to this
229 Board today, so that you can ask him your questions.

230 CHAIR SRINIVASAN: All right. I just want to go over a
231 couple of things before we get to the financials - -

232 MR. FRIEDMAN: Okay.

233 CHAIR SRINIVASAN: - - that we touched upon
234 yesterday and some of it comes from the issue was also raised by the opposition. I know
235 they will be here to speak on these issues.

236 But, just in terms of the (a) finding, I think the Board appreciated that you
237 separated out those two issues.

238 On the issue of the program, we understand that it's just ten feet.

239 I think what would be really helpful for the record is just to explain to us, because
240 what happens is with the ten foot relief, you get bigger classrooms.

241 And, I think what's not clear is just how that affects the occupancy.

242 I think if you can just show us under the as-of-right, you had so many classrooms
243 and this is the occupancy that you have and your program needs to accommodate so
244 many students.

245 I think that would really clarify the need for the ten foot relief.

246 I feel it would complete the record in establishing that - -

247 MR. FRIEDMAN: We will be happy to (Unintelligible).

248 CHAIR SRINIVASAN: And, in terms of the (a) finding
249 regarding the residential piece, which is now based on actual hardship on the site.

423 MR. FREEMAN: And, in the scheme that we looked at,
424 they were true Central Park views. They were above the landmark synagogue and that
425 synagogue is not something that could be torn down or replaced.

426 So, in fact, they were true Central Park views that would be there for the life of
427 the landmark and the Landmark's Commission doesn't take away that life, generally.

428 CHAIR SRINIVASAN: All right. Any other questions?
429 All right. Thank you, Mr. Freeman.

430 MR. FREEMAN: Were there any other questions that
431 were not related to the financial analysis that I could - -

432 CHAIR SRINIVASAN: Well, I think there were other
433 issues that were related to some of the analysis that was put forward, including the EAS
434 but, basically, you should incorporate that into a revised EAS and not just give us a piece
435 of paper that attaches to it.

436 I think we need to review the document in its totality so that should be revised and
437 I think that we want a revised set of papers that clearly outlines your arguments.

438 If your arguments have changed over time, then you need to provide us - - you've
439 heard the concerns of the Board but I think you should really give us a stand-alone
440 document which explains all this information that we've seen up till now and how this
441 project has changed at one place so it means, really, discussion of the facts as well as the
442 discussion of the findings.

443 MR. FREEMAN: And, there was some question about the
444 programmatic; the program implications for this, that you mentioned when I first came up
445 to the podium.

446 CHAIR SRINIVASAN: Yes. Well, that incorporates that
447 as well.

448 MR. FREEMAN: Okay. I just want to make sure that we
449 get all the concerns.

450 CHAIR SRINIVASAN: Okay. Thank you, Mr. Freeman.
451 All right. Mr. Lebow.

452 MR. LEBOW: Members of the Board of Standards and
453 Appeals, we do have a number of speakers today and we're going and try and - -

454 CHAIR SRINIVASAN: I'll ask you to limit each speaker
455 to three minutes in the interest of time because we have hearings - - new hearings as well
456 where there are a significant people - - number of people here to speak and we have your
457 papers and this is our third hearing.

458 So, I hope that everybody will be mindful of meeting that three minute.

459 MR. LEBOW: We shall abide by your rulings and
460 conform our remarks to that time limit.

461 CHAIR SRINIVASAN: All right.

462 MR. LEBOW: I'm going to speak for a lot less than three
463 minutes.

464 CHAIR SRINIVASAN: Okay.

465 MR. LEBOW: Because I don't want to detract from the
466 appraisers and from the experts who will criticize some of the things that you have
467 already mentioned.

CSI PROPOSED PROGRAM USAGE CHART: FLOORS 2 – 4

Floor	Classroom	SF	Program	Hours	Class Size
2nd Fl.	Rm. #1 NW corner	326.89	Community Toddler Program	M-TH 8AM-6PM FRI- 8AM-6PM SAT- 9AM-Noon	60+ children overall in toddler program; children will be grouped age- appropriately & by activity as required; Maximum projected capacity: 9 (provides approx. 35ft/child)
	Rm. #2 North Center	323.54	Community Toddler Program	M-TH 8AM-6PM FRI- 8AM-6PM SAT- 9AM-Noon	Maximum projected capacity: 9 (provides approx. 35ft/child)
	Rm. #3 NE corner	318.21	Community Toddler Program	M-TH 8AM-6PM FRI- 8AM-6PM SAT- 9AM-Noon	Maximum projected capacity: 9 (provides approx. 35ft/child)
	Rm. #4 SE corner	408.06	Community Toddler Program	M-TH 8AM-6PM FRI- 8AM-6PM SAT- 9AM-Noon	Maximum projected capacity: 12 (provides approx. 35ft/child)
	Rm. #5 South Center	434.41	Community Toddler Program	M-TH 8AM-6PM FRI- 8AM-6PM SAT- 9AM-Noon	Maximum projected capacity: 12 (provides approx. 35ft/child)
	Rm. #6 SW corner	426.31	Community Toddler Program	M-TH 8AM-6PM FRI- 8AM-6PM	Maximum projected capacity: 12 (provides approx. 35ft/child)

CSI PROPOSED PROGRAM USAGE CHART: FLOORS 2 – 4

Floor	Classroom	SF	Program	Hours	Class Size
2nd Fl.	Rm. #7 NW corner	391.57	CSI Hebrew School	SUN- 9:30AM-Noon TH- 3:30PM-6:00PM	Maximum projected capacity: 11-16 (provides approx. 25-35ft/child)
			CSI Youth Group	SAT- 9AM-Noon	
			CSI Youth Tutoring	MON-FRI- unspecified time	
	Rm. #8 North Center	278.43	CSI Hebrew School	SUN- 9:30AM-Noon TH- 3:30PM-6:00PM	Maximum projected capacity: 8-11 (provides approx. 25-35ft/child)
			CSI Youth Group	SAT- 9AM-Noon	
			CSI Youth Tutoring	MON-FRI- unspecified time	
	Rm. #9 NE corner	318.21	CSI Hebrew School	SUN- 9:30AM-Noon TH- 3:30PM-6:00PM	Maximum projected capacity: 9-13 (provides approx. 25-35ft/child)
			CSI Youth Group	SAT- 9AM-Noon	
			CSI Youth Tutoring	MON-FRI- unspecified time	
	Rm. #10 SE corner	408.06	CSI Hebrew School	SUN- 9:30AM-Noon TH- 3:30PM-6:00PM	Maximum projected capacity: 12 (provides approx. 35ft/child)
	Rm. #11 South Center	587.72	CSI Hebrew School	SUN- 9:30AM-Noon TH- 3:30PM-6:00PM	Maximum projected capacity: 17 (provides approx. 35ft/child)
	Rm. #12 SW corner	426.31	CSI Hebrew School	SUN- 9:30AM-Noon TH- 3:30PM-6:00PM	Maximum projected capacity: 12- 17 (provides approx. 25ft/adult; 35ft/child)
			CSI Youth Group	SAT- 9AM-Noon	
			CSI Youth Tutoring	MON-FRI- unspecified time	

CSI PROPOSED PROGRAM USAGE CHART: FLOORS 2 – 4

Floor	Classroom	SF	Program	Hours	Class Size
2nd Fl.	Rm. #13 SE corner	409.79	Adult Education CSI Youth Group Youth Tutoring	<u>SUN</u>- 8:40AM-10:45AM; <u>MON</u>-7:30PM-9PM; <u>WED</u>- 3PM-4PM; <u>THU</u>- 11AM-Noon; <u>SAT</u>- 3:30PM-4:30PM SAT- 9AM-Noon MON-FRI- unspecified time	Maximum projected capacity: 12 -16+ (provides approx. 25ft/adult; 35ft/child)
	Rm. #14 South Center	587.72	Adult Education	<u>SUN</u>- 8:40AM-10:45AM; <u>MON</u>-7:30PM-9PM; <u>WED</u>- 3PM-4PM; <u>THU</u>- 11AM-Noon; <u>SAT</u>- 3:30PM-4:30PM	Maximum projected capacity: 17 -23+ (provides approx. 25ft/adult 35ft/child)
	Rm. #15 SW corner	410.57	Adult Education	<u>SUN</u>- 8:40AM-10:45AM; <u>MON</u>-7:30PM-9PM; <u>WED</u>- 3PM-4PM; <u>THU</u>- 11AM-Noon; <u>SAT</u>- 3:30PM-4:30PM	Maximum projected capacity: 12 -16+ (provides approx. 25ft/adult 35ft/child)

Note: Beit Rabban and CSI will also share classrooms as mutual programs required.

FILED
JUN 13 2008
FBI - NEW YORK

CSI PROPOSED PROGRAM USAGE CHART: FLOORS 2 - 4

Floor	Classroom	SF	Program	Hours	Class Size
2nd Fl.	Rm. #1 NW corner	326.89	Community Toddler Program	M-TH 8AM-6PM FRI- 8AM-6PM SAT- 9AM-Noon	60+ children overall in toddler program; children will be grouped age- appropriately & by activity as required; Maximum projected capacity: 9 (provides approx. 35ft/child)
	Rm. #2 North Center	323.54	Community Toddler Program	M-TH 8AM-6PM FRI- 8AM-6PM SAT- 9AM-Noon	Maximum projected capacity: 9 (provides approx. 35ft/child)
	Rm. #3 NE corner	318.21	Community Toddler Program	M-TH 8AM-6PM FRI- 8AM-6PM SAT- 9AM-Noon	Maximum projected capacity: 9 (provides approx. 35ft/child)
	Rm. #4 SE corner	408.06	Community Toddler Program	M-TH 8AM-6PM FRI- 8AM-6PM SAT- 9AM-Noon	Maximum projected capacity: 12 (provides approx. 35ft/child)
	Rm. #5 South Center	434.41	Community Toddler Program	M-TH 8AM-6PM FRI- 8AM-6PM SAT- 9AM-Noon	Maximum projected capacity: 12 (provides approx. 35ft/child)
	Rm. #6 SW corner	426.31	Community Toddler Program	M-TH 8AM-6PM FRI- 8AM-6PM	Maximum projected capacity: 12 (provides approx. 35ft/child)

CSI PROPOSED PROGRAM USAGE CHART: FLOORS 2 – 4

Floor	Classroom	SF	Program	Hours	Class Size
2 nd Fl.	Rm. #7 NW corner	391.57	CSI Hebrew School	SUN- 9:30AM-Noon TH- 3:30PM-6:00PM	Maximum projected capacity: 11-16 (provides approx. 25- 35ft/child)
			CSI Youth Group	SAT- 9AM-Noon	
			CSI Youth Tutoring	MON-FRI- unspecified time	
	Rm. #8 North Center	278.43	CSI Hebrew School	SUN- 9:30AM-Noon TH- 3:30PM-6:00PM	Maximum projected capacity: 8-11 (provides approx. 25- 35ft/child)
			CSI Youth Group	SAT- 9AM-Noon	
			CSI Youth Tutoring	MON-FRI- unspecified time	
	Rm. #9 NE corner	318.21	CSI Hebrew School	SUN- 9:30AM-Noon TH- 3:30PM-6:00PM	Maximum projected capacity: 9-13 (provides approx. 25- 35ft/child)
			CSI Youth Group	SAT- 9AM-Noon	
			CSI Youth Tutoring	MON-FRI- unspecified time	
	Rm. #10 SE corner	408.06	CSI Hebrew School	SUN- 9:30AM-Noon TH- 3:30PM-6:00PM	Maximum projected capacity: 12 (provides approx. 35ft/child)
	Rm. #11 South Center	587.72	CSI Hebrew School	SUN- 9:30AM-Noon TH- 3:30PM-6:00PM	Maximum projected capacity: 17 (provides approx. 35ft/child)
	Rm. #12 SW corner	426.31	CSI Hebrew School	SUN- 9:30AM-Noon TH- 3:30PM-6:00PM	Maximum projected capacity: 12- 17 (provides approx. 25ft/adult; 35ft/child)
			CSI Youth Group	SAT- 9AM-Noon	
			CSI Youth Tutoring	MON-FRI- unspecified time	

CSI PROPOSED PROGRAM USAGE CHART: FLOORS 2 – 4

Floor	Classroom	SF	Program	Hours	Class Size
2nd Fl.	Rm. #13 SE corner	409.79	Adult Education CSI Youth Group Youth Tutoring	<u>SUN</u>- 8:40AM-10:45AM; <u>MON</u>-7:30PM-9PM; <u>WED</u>- 3PM-4PM; <u>THU</u>- 11AM-Noon; <u>SAT</u>- 3:30PM-4:30PM SAT- 9AM-Noon MON-FRI- unspecified time	Maximum projected capacity: 12 -16+ (provides approx. 25ft/adult; 35ft/child)
	Rm. #14 South Center	587.72	Adult Education	<u>SUN</u>- 8:40AM-10:45AM; <u>MON</u>-7:30PM-9PM; <u>WED</u>- 3PM-4PM; <u>THU</u>- 11AM-Noon; <u>SAT</u>- 3:30PM-4:30PM	Maximum projected capacity: 17 -23+ (provides approx. 25ft/adult 35ft/child)
	Rm. #15 SW corner	410.57	Adult Education	<u>SUN</u>- 8:40AM-10:45AM; <u>MON</u>-7:30PM-9PM; <u>WED</u>- 3PM-4PM; <u>THU</u>- 11AM-Noon; <u>SAT</u>- 3:30PM-4:30PM	Maximum projected capacity: 12 -16+ (provides approx. 25ft/adult 35ft/child)

Note: Beit Rabban and CSI will also share classrooms as mutual programs required.

Reformatted Information

Exhibit 4

"CSI PROPOSED PROGRAM USAGE CHART: FLOORS 2-4"-

From pages 54-56 Friedman & Gotbaum May 13, 2008 Statement in Support

NOTE: CSI DID NOT PROVIDE ACTUAL PROPOSED USAGE BUT ONLY CLASSROOM CAPACITIES -Misleading Title of Chart

NOTE: CSI DID NOT PROVIDE COMPARABLE CHARTS FOR EXISTING AND AS-OF-RIGHT

NOTE: CSI DID NOT PROVIDE COMPARABLE CHARTS FOR BEIT RABBAN EXISTING, AS-OF-RIGHT, OR PROPOSED USAGE

Floor	Classroom	Area	Capacity	Capacity	Mon	Mon	Mon	Mon	Mon	Tues	Tues	Tues	Tues	Tues
					Adult	Youth GR	CSI H.Sch	Tutoring	C. Toddler	Adult	Youth GR	CSI H.Sch	Tutoring	C. Toddler
2nd	#1	326.9	9	9					8AM-6PM					8AM-6PM
2nd	#2	323.5	9	9					8AM-6PM					8AM-6PM
2nd	#3	318.2	9	9					8AM-6PM					8AM-6PM
2nd	#4	408.1	12	12					8AM-6PM					8AM-6PM
2nd	#5	434.4	12	12					8AM-6PM					8AM-6PM
2nd	#6	426.3	12	12					8AM-6PM					8AM-6PM
3rd	#7	391.6	16	16				Unspec					Unspec	
3rd	#8	278.4	8	11				Unspec					Unspec	
3rd	#9	318.2	9	13				Unspec					Unspec	
3rd	#10	408.1	12	12										
3rd	#11	587.7	17	17										
3rd	#12	426.3	12	17				Unspec					Unspec	
4th	#13	409.8	12	16	7:30-9 PM			Unspec					Unspec	
4th	#14	587.7	17	23										
4th	#15	410.6	12	16										
2nd Floor Total		2237.4	63	63										
3rd Floor Total		2410.3	74	86										
4th Floor Total		1408.1	41	55										
Total Capacity		6055.8	178	204										

The table above contains only the incomplete and misleading information as submitted by the Congregation in its May 12, 2008 ChartUsing other sources, the following are the actual stated number of students using the information below:

Class Size		17			20-60+					20-60+
------------	--	----	--	--	--------	--	--	--	--	--------

SourcesAdult Education

Friedman & Gotbaum Statement in Support dtd 5.13.08 at Page 25

Hebrew School

Friedman & Gotbaum Statement in Support dtd 5.13.08 at pages 23-24

C Toddler

Friedman & Gotbaum Statement in Support dtd 5.13.08 at pages 27-29

Youth Group

See identical notes on Drawings EX-10 dtd 12.26.07 (current), PROG P-10 dtd 12.26.07 (proposed)

Tutoring

Friedman & Gotbaum Statement in Support dtd 5.13.08 at page 24 (one-on-one individual instruction)

Conclusion: The Class Size Row is indicative in demonstrating that the Congregation is proposing to make very little use of the classroom space, For example on Monday, the Congregation is only claiming to use any classroom on floors 3 and 4 for 17 adults for one and a half hours. It is clear that the dominant user, for whom the space is designed, is Beit Rabban

Exhibit 4

Reformatted Information Page 2

"CSI PROPOSED PROGRAM USAGE CHART: FLOORS 2-4"-

Floor	Classroom	Wed	Wed	Wed	Wed	Wed	Thu	Thu	Thu	Thu	Thu	Fri	Fri	Fri	Fri	Fri
		Adult	Youth GR	CSI H.Sch	Tutoring	C. Toddler	Adult	Youth GR	CSI H.Sch	Tutoring	C. Toddler	Adult	Youth GR	CSI H.Sch	Tutoring	C. Toddler
2nd	#1					8AM-6PM					8AM-6PM					8AM-6PM
2nd	#2					8AM-6PM					8AM-6PM					8AM-6PM
2nd	#3					8AM-6PM					8AM-6PM					8AM-6PM
2nd	#4					8AM-6PM					8AM-6PM					8AM-6PM
2nd	#5					8AM-6PM					8AM-6PM					8AM-6PM
2nd	#6					8AM-6PM					8AM-6PM					8AM-6PM
3rd	#7				Unspec				3:30-6PM	Unspec				3:30-6:00	Unspec	
3rd	# 8				Unspec				3:30-6PM	Unspec				3:30-6:00	Unspec	
3rd	# 9				Unspec				3:30-6PM	Unspec				3:30-6:00	Unspec	
3rd	# 10								3:30-6PM					3:30-6:00		
3rd	# 11								3:30-6PM					3:30-6:00		
3rd	# 12				Unspec				3:30-6PM	Unspec				3:30-6:00	Unspec	
4th	#13	3-4 PM			Unspec		11-noon			Unspec					Unspec	
4th	#14															
4th	#15															

		15-20				20-60+	10-20		35-50		20-60+					20-60+
--	--	-------	--	--	--	--------	-------	--	-------	--	--------	--	--	--	--	--------

Exhibit 4

Reformatted Information Page 3

"CSI PROPOSED PROGRAM USAGE CHART: FLOORS 2-4"-

Floor	Classroom	Area	Capacity	Capacity	Sat	Sat	Sat	Sat	Sat	Sun	Sun	Sun	Sun	Sun
					Adult	Youth GR	CSI H.Sch	Tutoring	C. Toddler	Adult	Youth GR	CSI H.Sch	Tutoring	C. Toddler
2nd	#1	326.89	9	9					9AM-noon					
2nd	#2	323.54	9	9					9AM-noon					
2nd	#3	318.21	9	9					9AM-noon					
2nd	#4	408.06	12	12					9AM-noon					
2nd	#5	434.41	12	12					9AM-noon					
2nd	#6	426.31	12	12					9AM-noon					
3rd	#7	391.57	16	16		9:00-noon						9:30-noon		
3rd	# 8	278.43	8	11		9:00-noon						9:30-noon		
3rd	# 9	318.21	9	13		9:00-noon						9:30-noon		
3rd	# 10	408.06	12	12								9:30-noon		
3rd	# 11	587.72	17	17								9:30-noon		
3rd	# 12	426.31	12	17		9:00-noon						9:30-noon		
4th	#13	409.79	12	16	3:30-4:30			Unspec		8:40-11AM			Unspec	
4th	#14	587.72	17	23						8:40-11AM				
4th	#15	410.57	12	16						8:40-11AM				
2nd Floor Total		2237.42	63	63										
3rd Floor Total		2410.3	74	86										
4th Floor Total		1408.08	41	55										
Total Capacity		6055.8	178	204										

					20-50	15-35			20-60+	8:40-9:40AM			
										40-50			
										9:45-11AM			
										5 to 15			

volunteers from within the Existing Community House.

In addition, the Community House in the New Building needs to provide space for CSI's own Hebrew School of approximately 40 students. These facilities are shared with its tenant day-school, Beit Rabbin, which enrolls 125 children between the ages of five and seventeen in full time attendance. Beit Rabbin is a licensed private school that has been a tenant since 1994. Beit Rabbin is unaffiliated with CSI other than as its tenant and membership in CSI is not a prerequisite for admissions. The relationship between the two organizations was borne of the fact that like all other ancillary religious schools, CSI's classrooms are vacant during the hours of the regular school day. An important factor of Beit Rabbin's tenancy is that it shares CSI's missions and goals and thus was chosen as a suitable candidate to utilize CSI's classrooms and sanctuary for its program. While income is generated which supports CSI's own mission, Beit Rabbin has become a welcomed feeder for Synagogue growth and the adjacency to the Synagogue has been an important attribute to the educational and cultural teaching within the tenant school. While the focus of this Application for expanding its space is on its own pastoral and educational programming, Beit Rabbin's own growth is a validation of the need for additional space for educational religious purposes. Recently the Landmarks Preservation Commission approved the addition of a temporary trailer in the vacant portion of Lot 37 to permit these educators to alleviate the severe overcrowding in the Existing Community House.

Through the facilities housed in the Existing Community House, CSI offers a wide range of youth activities such as monthly Shabbat dinners, "toddler Shabbat" and informal Saturday religious classes. During holidays, the students participate in traditional holiday community service programs which include delivery of food packages throughout the City. For adult

Revised May 13, 2008

contained only 13 office areas within 2,344 sf. These new office areas will be utilized by CSI's new assistant Rabbi; program director, secretary and assistant; archivist and tour director. In addition to these administrative spaces, the creation of a suitable multipurpose room for larger ceremonies, meetings, life cycle ceremonies, lectures, etc and the addition of classrooms will address significant shortfalls in CSI's ability to serve both its members and the community.

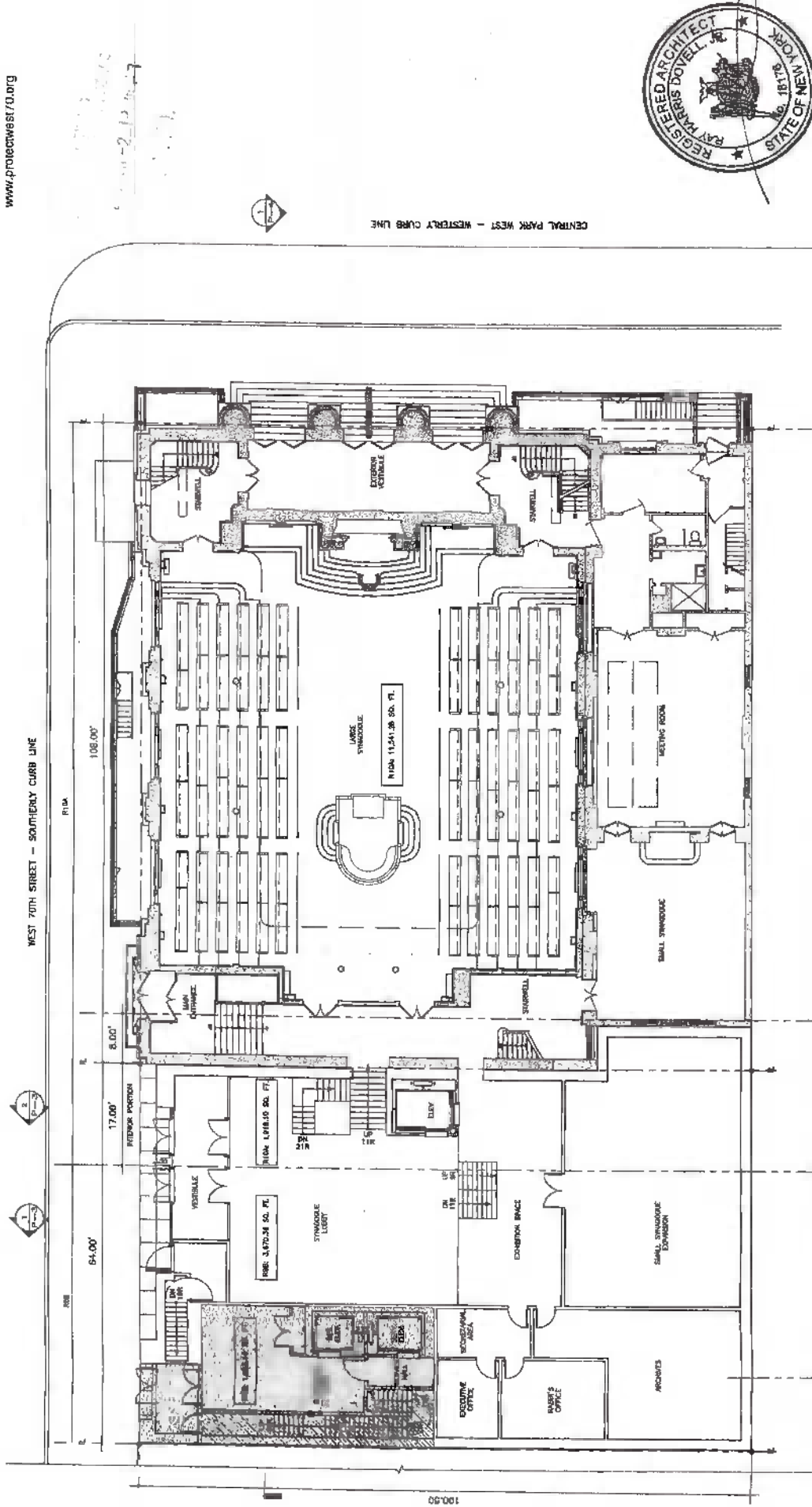
EXISTING AND PROPOSED CSI PROGRAM AREAS (LOT 37)

FL		CLASSROOM (SF)	OFFICE (SF)	MULTI- FUNCTION (SF)	KITCHEN (SF)	BABY- SITTING (SF)	LOBBY/ EXHIBIT (SF)	Synagogue Expansion (SF)	ARCHIVE/ LIB. (SF)	CARE- TAKER (SF)	RES. (SF)
C2	PROPOSED		73.00	5,537.00							
C1	PROPOSED				708.00	385.00					1,655.42
	EXISTING			1,484.00	450.00		315.00				
1st	PROPOSED		475.00			1,017.57	1,864.00	1,320.00	565.00		
	EXISTING	1,108.00	440.00								
2nd	PROPOSED	1,127.00	1,473.00								
	EXISTING	1,063.00	127.00						349.00		
3rd	PROPOSED	2,600.00									
	EXISTING	647.00	127.00							1,133.00	
4th	PROPOSED	1,409.00								1,249.00	
5th	PROPOSED										4,512.00
6th	PROPOSED										4,512.00
7th	PROPOSED										4,512.00
8th	PROPOSED										4,512.00
PH	PROPOSED										2,815.92

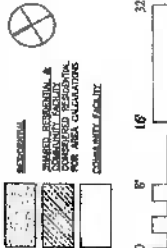
Finally, the addition of residential use in the upper portion of the building is consistent with CSI's need to raise enough capital funds to correct the programmatic deficiencies described throughout this Application. The requested residential use is as-of-right throughout the Zoning Lot and more than enough zoning floor area is available as a matter of right. The proposed residential floor area uses only 16 percent of the Zoning Lot's available zoning floor area, and represents 53.3 percent of proposed New Building zoning floor area, 40.7 percent of the New Building's gross floor area and 32.4 percent of the proposed zoning floor area (based on the entire Zoning Lot). When completed with the New Building, more than fifty-one percent of the development rights on the Zoning Lot (74,345.41 zsf) will remain unused. The development

Revised May 13, 2008

www.protectwest70.org



CAL. NO. xxx-xxxx	
COMMUNITY FACILITY/RESIDENTIAL FIRST FLOOR PROPOSED	First Byard Dovell White 200 West 70th Street New York, NY 10019 212.261.2440 212.261.2440
CONGREGATION SHEARITH ISRAEL	6-10 WEST 70TH STREET NEW YORK, NY
	P - 8



1 PLAN
FIRST FLOOR
SCALE 1/8" = 1'-0"
NOTES: ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
ALL DIMENSIONS SHALL BE APPROVED BY THE
MANAGING COMMITTEE AND THE BOARD OF DIRECTORS OF THE

Copyright © 2007 First Byard Dovell White. All rights reserved.

Extracts from December 21, 2007 Programmatic Drawings

Exhibit 7-1


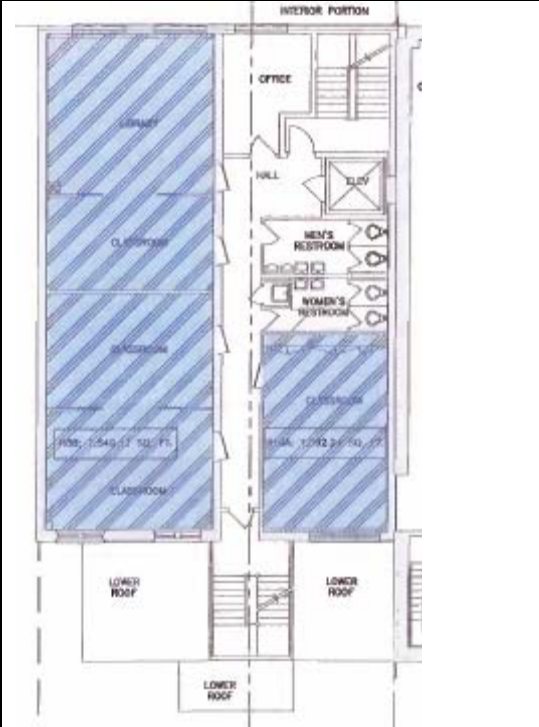
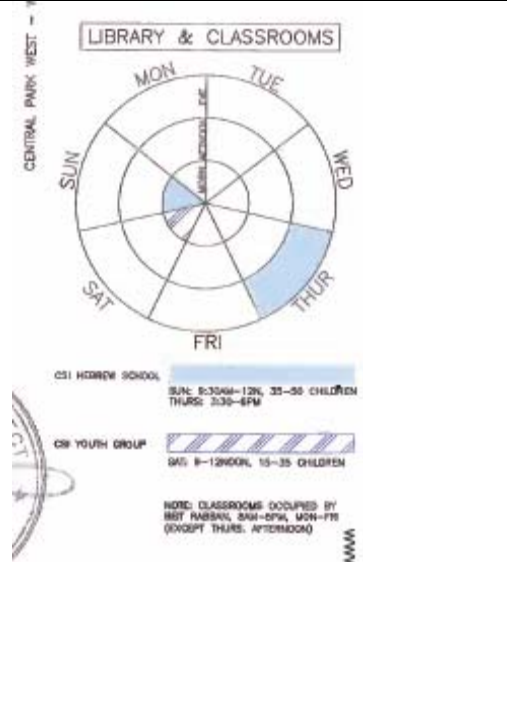
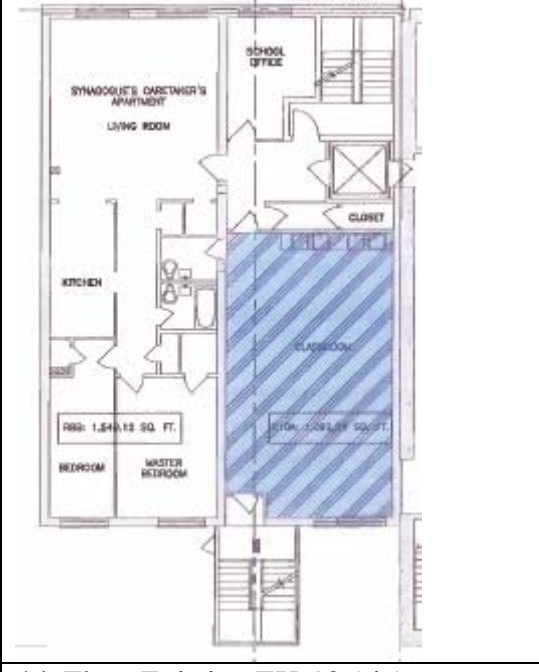
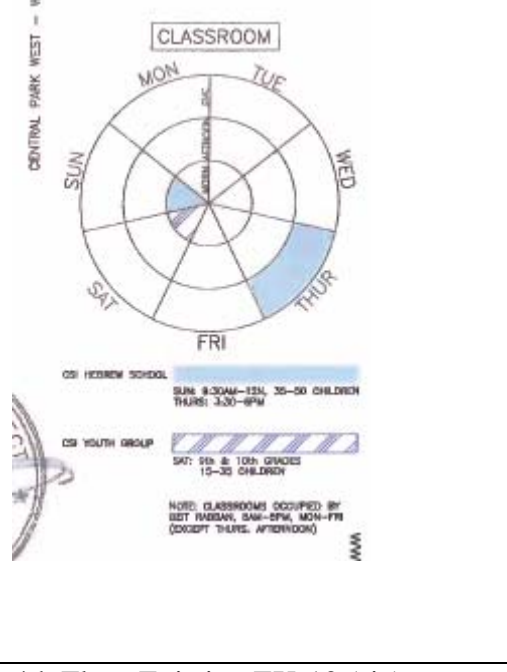
In December 2007, CSI submitted drawings of the floor plans which purport to show the programmatic needs. CSI has not referred to these since - they conflict with later statements. These are the Proposed drawings. No comparable drawings were provided for the As-Of-Right scenario or showing Beit Rabban use.

Proposed Classroom	Proposed Classroom	<p>It is believed that this is a false depiction since it is believed that Beit Rabban will use these classrooms as the primary user during the school day.</p> <p>The Toddler usage is shown as 20-60 here but in its May 13, 2008 statement, CSI exaggerates and claims 60 Toddlers. This is a fabrication since this space will be needed by Beit Rabban.</p> <p>The classrooms are not numbered and number of square feet is not shown.</p>
	<p>2nd Floor Proposed Prog P-9</p>	<p>No comparable chart is shown for the As-Of-Right Scheme.</p> <p>No Beit Rabban use is shown. Beit Rabban is the primary users.</p> <p>The Congregation has no program that currently attracts anywhere near 50 children on any day.</p> <p>The classrooms are not numbered and number of square feet is not shown.</p>
	<p>3rd Floor Proposed Prog P-10</p>	<p>No comparable chart is shown for the As-Of-Right Scheme.</p> <p>No Beit Rabban use is shown. Beit Rabban is the primary user.</p> <p>It is highly doubtful that Beit Rabban will make these classes available to the Congregation for the claimed weekday classroom hours.</p> <p>The classrooms are not numbered and number of square feet is not shown.</p>
	<p>4th Floor Proposed Prog P-11</p>	

Extracts from December 21, 2007 Programmatic Drawings Existing

Exhibit 7-2

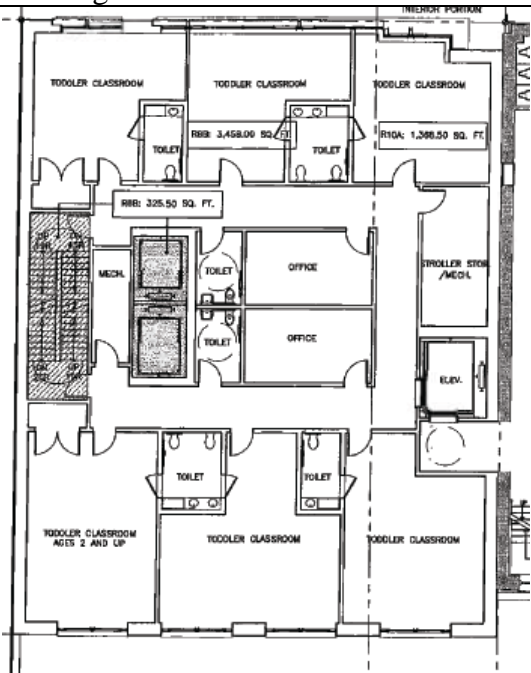
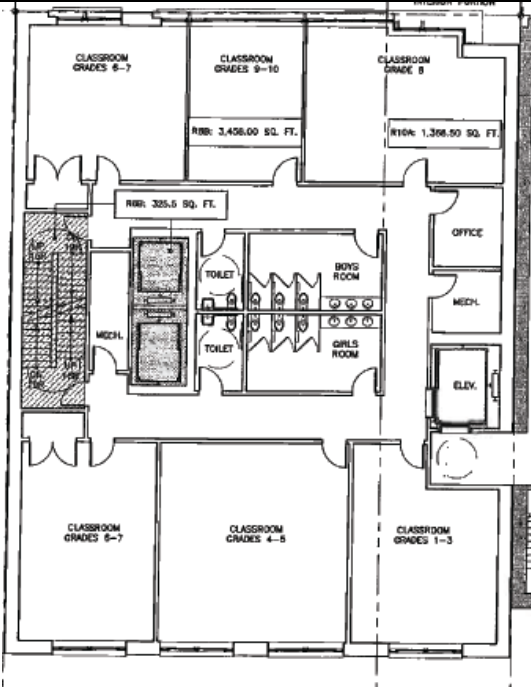
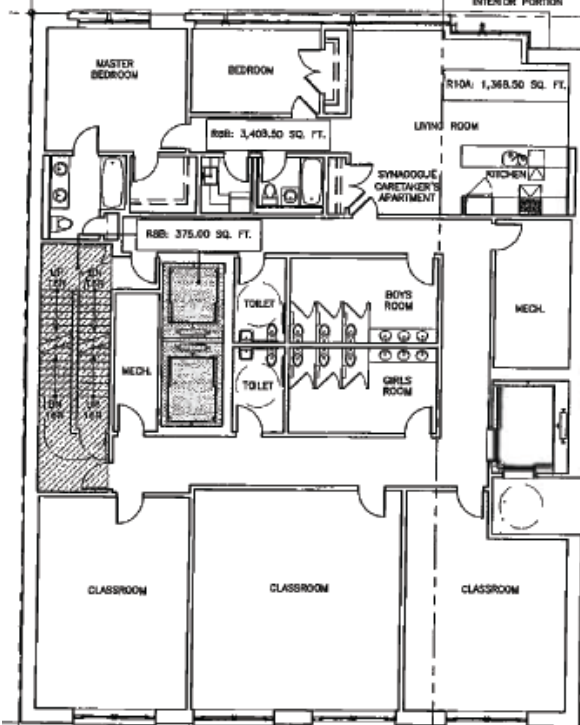
In December 2007, CSI submitted drawings of the floor plans which purport to show the programmatic needs. CSI has not referred to these since - they conflict with later statement. These are the Existing drawings. No comparable drawings were provided for the As-Of-Right scenario or showing Beit Rabban use

Existing	Existing Classroom	
		<p>The Congregation makes no use at all of the entire second floor. This is used exclusively by Beit Rabban. This demonstrates the lack of existing needs by the Congregation, and that Beit Rabban is the primary user.</p> <p>To make comparison difficult, the Congregation omitted classroom numbers and sizes, did not show square foot areas, and did not show Beit Rabban use.</p> <p>Beit Rabban, in 2006, according to their IRS filing, paid \$480,000 in rent to CSI.</p>
2nd Floor Existing Prog E-8		
		<p>The Congregation only uses the Existing third floor for a few hours Thursday afternoon and Sunday Morning. The rest of the time, the classrooms are used exclusively by the Beit Rabban School</p>
3rd Floor Proposed Prog E-9	3rd Floor Proposed Prog E-9	
		<p>The Congregation only uses the Existing fourth floor classroom for a few hours Thursday afternoon and Sunday Morning. The rest of the time, the classroom is used exclusively by the Beit Rabban School. The office on this floor is also used exclusively by the Beit Rabban School.</p>
4th Floor Existing EX-10 (sic)	4th Floor Existing EX-10 (sic)	

Extracts from Drawings of Floors 2-4 File May 13, 2008

Exhibit 7-3

Although bearing earlier dates, these drawings were not filed until May 12, 2008. The chart filed on this day by the Applicant has assigned room numbers. These drawings filed the same day do not.

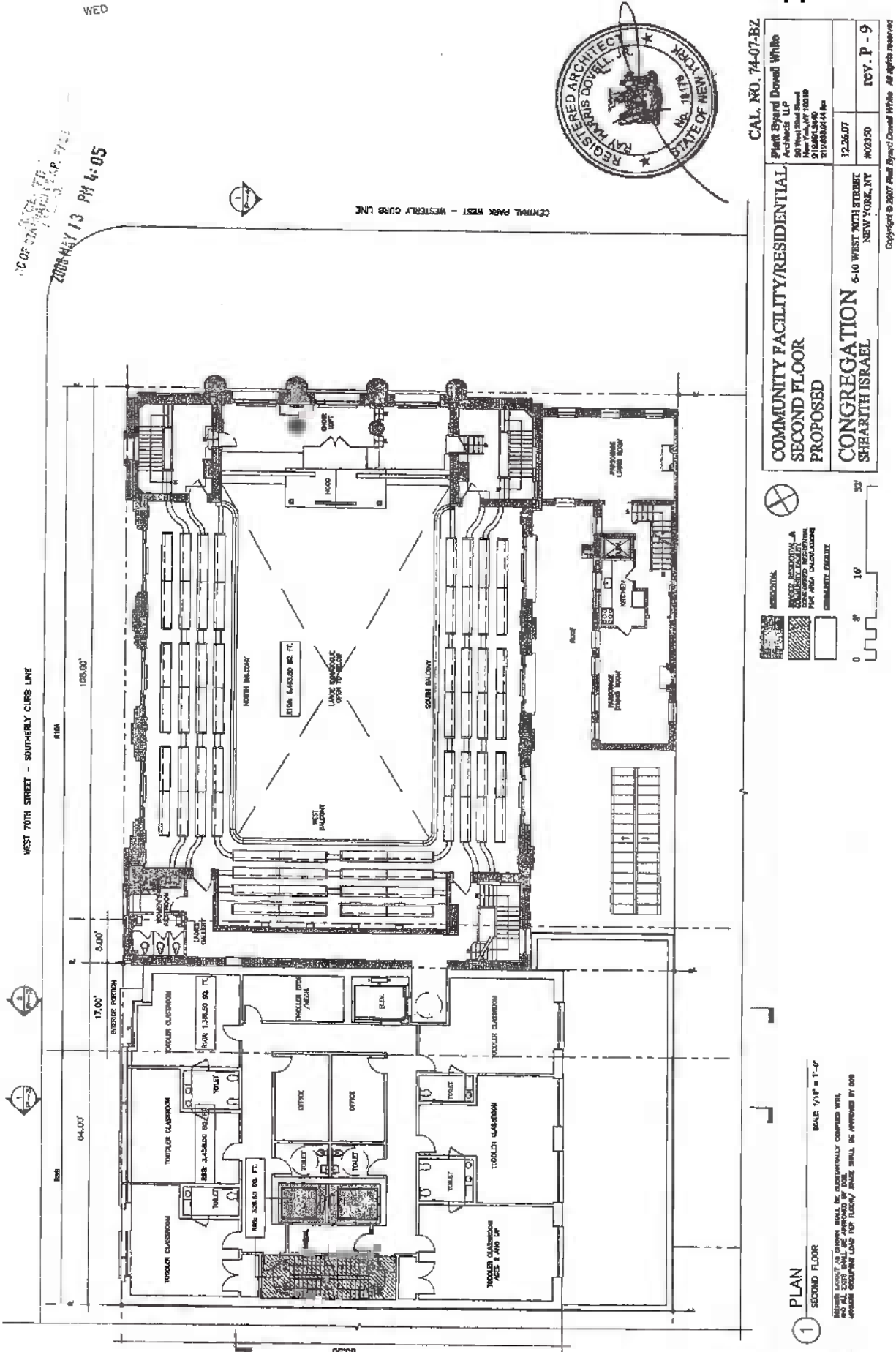
Existing				Existing Classroom	
#1	326.9	9	9		
#2	323.5	9	9		
#3	318.2	9	9		
#4	408.1	12	12		
#5	434.4	12	12		
#6	426.3	12	12		
				2n Floor Proposed rev. P-9 12.26.07	
#7	391.6	16	16		There is one classroom for grades 1-3. and all other classrooms are for higher grades. If the 2nd floor is for Toddlers, what classrooms will there be for the large Beit Rabban program for children in the 1st grade and below?
# 8	278.4	8	11		
# 9	318.2	9	13		
# 10	408.1	12	12		
# 11	587.7	17	17		
# 12	426.3	12	17		
				3rd Floor Proposed rev. P-10 12.26.07	
#13	409.8	12	16		CSI has claimed that the 4th floor is not suitable for younger children. There is only one classroom on the 2nd floor for younger children.
#14	587.7	17	23		
#15	410.6	12	16		
4th Floor Existing EX-10 (sic)				4th Floor Proposed P-11 10.22.07	

volunteers from within the Existing Community House.

In addition, the Community House in the New Building needs to provide space for CSI's own Hebrew School of approximately 40 students. These facilities are shared with its tenant day-school, Beit Rabbin, which enrolls 125 children between the ages of five and seventeen in full time attendance. Beit Rabbin is a licensed private school that has been a tenant since 1994. Beit Rabbin is unaffiliated with CSI other than as its tenant and membership in CSI is not a prerequisite for admissions. The relationship between the two organizations was borne of the fact that like all other ancillary religious schools, CSI's classrooms are vacant during the hours of the regular school day. An important factor of Beit Rabbin's tenancy is that it shares CSI's missions and goals and thus was chosen as a suitable candidate to utilize CSI's classrooms and sanctuary for its program. While income is generated which supports CSI's own mission, Beit Rabbin has become a welcomed feeder for Synagogue growth and the adjacency to the Synagogue has been an important attribute to the educational and cultural teaching within the tenant school. While the focus of this Application for expanding its space is on its own pastoral and educational programming, Beit Rabbin's own growth is a validation of the need for additional space for educational religious purposes. Recently the Landmarks Preservation Commission approved the addition of a temporary trailer in the vacant portion of Lot 37 to permit these educators to alleviate the severe overcrowding in the Existing Community House.

Through the facilities housed in the Existing Community House, CSI offers a wide range of youth activities such as monthly Shabbat dinners, "toddler Shabbat" and informal Saturday religious classes. During holidays, the students participate in traditional holiday community service programs which include delivery of food packages throughout the City. For adult

Revised May 13, 2008



5. **EXISTING STORAGE TANKS**
 Gas or service station? ☐ Yes ☒ No Oil storage facility? ☐ Yes ☒ No Other? ☐ Yes ☒ No
 If yes, specify: _____
 Number and size of tanks: _____ Last NYFD inspection date: _____
 Location and depth of tanks: _____

SEE CEQR
 TECHNICAL MANUAL
 CHAPTER III F,
 HISTORIC RESOURCES

6. **CURRENT USERS**
 No. of residents: 0 No. and type of businesses: 1 community facility/community house for adjacent synagogue (also used for religious/ cultural/ educational facility and toddler program)
 No. and type of workers by business: 25 No. and type of non-residents who are not workers: 165 students; 20 toddlers
 In addition, other users at the site include attendees at religious services as well as weddings and other life-cycle events

7. **HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES)**
 Answer the following two questions with regard to the directly affected areas, lots abutting that area, lots along the same blockfront or directly across the street from the same blockfront, and, where the directly affected area includes a corner lot, lots which front on the same street intersection.
 Do any of the areas listed above contain any improvement, interior landscape feature, aggregate of landscape of landscape features, or archaeological resource that:

- (a) has been designated (or is calendared for consideration as) a New York City Landmark, Interior Landmark or Scenic Landmark: **Yes**
 (b) is within a designated New York City Historic District: **Yes**
 (c) has been listed on, or determined eligible for, the New York State or National Register of Historic Places: **Yes**
 (d) is within a New York State or National Register Historic District; or **Yes**
 (e) has been recommended by the New York State Board for listing on the New York State or National Register of Historic Places? **No**
 Identify any resource: **CSI Synagogue on lot 36 is a designated New York City Landmark; the Synagogue is within the Upper West Side/Central Park West Historic District (a NYC Historic District) and the Central Park West Historic District (listed on the State/National Registers); the Project Site is a non-contributing building in the NYC Historic District and in the Upper West Side / Central Park West Historic District that has been determined eligible for the State and National Registers.**

Do any of the areas listed in the introductory paragraph above contain any historic or archaeological resource, other than those listed in response to the previous question? Identify any resource.

No.

SEE CEQR
 TECHNICAL MANUAL
 CHAPTER III K,
 WATERFRONT
 REVITALIZATION
 PROGRAM

8. **WATERFRONT REVITALIZATION PROGRAM**
 Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries? ☐ Yes ☒ No
 (A map of the boundaries can be obtained at the Department of City Planning bookstore.)
 If yes, append a map showing the directly affected area as it relates to such boundaries. A map requested in other parts of this form may be used.

Project Description

THIS SUBPART SHOULD
 GENERALLY BE
 COMPLETED ONLY IF
 YOUR ACTION
 INCLUDES A SPECIFIC
 OR KNOWN
 DEVELOPMENT AT
 PARTICULAR
 LOCATIONS

9. **CONSTRUCTION**
 Will the action result in demolition of or significant physical alteration to any improvement? ☒ Yes ☐ No
 If yes, describe briefly:
Demolition of existing Community House on Lot 37

Will the action involve either above-ground construction resulting in any ground disturbance or in-ground construction? ☒ Yes ☐ No

If yes, describe briefly:

Excavation for new cellar and subcellar, as well as structural underpinning and reinforcing of the adjacent buildings' foundations: Synagogue's (Lot 36) and 18 West 70th Street (Lot 40).

four per month). The 10 to 15 additional life-cycle events (one per month) would typically be held on Saturdays during the Sabbath. The 12 to 15 additional weddings (one per month) would not occur during the Sabbath. They would typically be on Sundays, with a smaller number potentially on Saturday evenings or weekdays.

TODDLER PROGRAM

CSI's Toddler Program currently operates two mornings each week, Mondays and Wednesdays, from approximately 9:30 to 11:30. A total of 20 children and their caregivers attend. A separate program serves toddlers on Saturday mornings, "Tot Shabbat." With the proposed New Building, the number of children served by the Toddler Program would increase, as would the number of days per week and the hours of the program. With the New Building, the Toddler Program would operate on Mondays through Thursdays from 8 AM to 6 PM and on Fridays from 8 AM to 4 PM and would serve approximately 60 toddlers. Caregivers would attend only as required for younger children; other caregivers would drop off the children and pick them up at the ends of their sessions. In addition, the Saturday morning program for toddlers would also continue.

REQUESTED ACTIONS

The proposed New Building Site, which has a 64-foot frontage on West 70th Street, and the landmarked CSI Synagogue to its east on Lot 36 constitute a single Zoning Lot and are located in the Upper West Side/Central Park West Historic District. The Zoning Lot is divided by zoning district boundaries: its eastern portion (12,562.5 sf, or 72.7 percent) is located within an R10A zoning district and the remainder of the Zoning Lot (4,723.5, or 27.3 percent) is located within an R8B zoning district. The Zoning Lot has a total square footage of 17,286 sf (Lot 36 contains 10,854 sf and is located entirely within an R10A-zoned portion of the Zoning Lot; Lot 37 contains 6,432 sf and is located partially within an R10A portion [1,708.5 sf] and partially within an R8B portion [4,723.5 sf] of the Zoning Lot). Lot 36, which is located on the southwest corner of West 70th Street and Central Park West, is developed with the CSI Synagogue building containing 27,759.20 zsf. The Zoning Lot's adjusted maximum permitted FAR for both community facility and residential use is 8.36. The New Building would be within the allowable FAR on the Zoning Lot.

The New Building requires a variance from the Board of Standards and Appeals to waive the following sections of the Zoning Resolution of the City of New York ("ZR"): ZR 24/11/77 24 (lot coverage/R8B & R10A portion); ZR 24 36 (rear yard interior lot/R8B & R10A portion); 23 633 (building and base height & setback/R8B portion); and ZR 23 663 (rear setback/R8B portion).

B. ANALYSES

LAND USE, ZONING, AND PUBLIC POLICY

See Attachment A.

SOCIOECONOMIC CONDITIONS

The proposed action would introduce a New Building with four floors of community facility use, including administrative offices, educational space, and a multi-function room, and five residential units on floors five through eight and the penthouse. This proposal would not create substantial socioeconomic changes within the surrounding area. The action would not directly displace any businesses. There would be no displacement of any residents. The proposed action would result in a mixed-use building of less than 200,000 square feet, the *CEQR Technical Manual* threshold for more detailed evaluation of socioeconomic conditions and, therefore, it would not have significant adverse socioeconomic impacts and a detailed assessment is not necessary.

12. **PROPOSED STORAGE TANKS**
 Gas or storage stations? ☐ Yes ☒ No Oil storage facility? ☐ Yes ☒ No
 Other? ☐ Yes ☐ No
 If yes, specify: _____
 Number and size of tanks: _____ Location and depth of tanks: _____
13. **PROPOSED USERS**
 No. of residents: **13 (5 units)** No. and type of businesses? **1 community facility/community house for adjacent synagogue**
 No. and type of workers by businesses: **50** No. and type of non-residents who are not workers: **165 students; 60 toddlers**
In addition, other users at the site will continue to include attendees at religious services as well as weddings and other life-cycle events
14. **HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES)**
 Will the action affect any architectural or archaeological resource identified in response to either of the two questions at number 7 in the Site Description section of the form? ☒ Yes ☐ No
 If yes, describe briefly:
See "Historic Resources" on page 7c.
15. **DIRECT DISPLACEMENT**
 Will the action directly displace specific businesses or affordable and/or low income residential units? ☐ Yes ☒ No
 If yes, describe briefly:
16. **COMMUNITY FACILITIES**
 Will the action directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals, and other health care facilities, day care centers, police stations, or fire stations? ☐ Yes ☒ No
 If yes, describe briefly:
17. What is the zoning classification(s) of the directly affected area?
R8B/R10A
18. What is the maximum amount of floor area that can be developed in the directly affected area under the present zoning? Describe in terms of bulk for each use.
R8B portion of Zoning Lot: 4,723.5 sq.ft @ 4 FAR = 18,894 sq.ft.
R10A portion of Zoning Lot: 12,562.5 sq.ft. @ 10 FAR = 125,625 sq.ft.
Max. on Zoning Lot: 17,286 sq.ft. @ 8.38 adj.max. FAR = 144,856.68 sq.ft.
19. What is the proposed zoning of the directly affected area?
No zoning change is proposed; the proposed action is variance.
20. What is the maximum amount of floor area that could be developed in the directly affected area under the proposed zoning? Describe in terms of bulk for each use.
See above, #18.
21. What are the predominant land uses and zoning classifications within a 1/4-mile radius of the proposed action?
Predominant Land Use: UG2 (Residential); UG3A (School); UG4 (Ambulatory diagnostic or treatment or health care facilities, Houses of worship); UG6A (restaurants, grocery stores, etc.); UG 6C (clothing stores)
Zoning classification: R8;R8B;R10A;C1-8A;C4-7;C4-6A
22. Attach any additional information as may be needed to describe the action. If your action involves changes in regulatory controls that affect one or more sites not associated with a specific development, it is generally appropriate to include here one or more reasonable development scenarios for such sites and, to the extent possible, to provide information about such scenario(s) similar to that requested in the Project Description questions 9 through 16.

SEE CEQR
 TECHNICAL MANUAL
 CHAPTER III B,
 SOCIOECONOMIC
 CONDITIONS

SEE CEQR
 TECHNICAL MANUAL
 CHAPTER III C,
 COMMUNITY
 FACILITIES & SERVICES

**Zoning
 Information**

**Additional
 Information**

events in the Multi-Function Room, in addition to five apartments housing an estimated 13 residents. Table 1 provides an estimate of the solid waste demand that would result at the New Building. The increment generated by the New Building would actually be smaller, since the solid waste generated by the existing Community House would no longer be present.

Table 1
Solid Waste Generation

New Use	Rate (lbs./week/ person)	People (per Week)	Solid Waste (lbs/week)
Residential	17	13	221
Community Facility Employees	13	50	650
Private School Students	4	165	660
Expanded Toddler Program	4	60	240
Multi-Function Room: Increased Events	2	180	360
TOTAL			2,131
Note: Rates from <i>CEQR Technical Manual</i> , Table 3M-1. For the Toddler Program, the rate for elementary schools was used. For the events in the multi-function room, no rate is available in the <i>CEQR Technical Manual</i> ; the solid waste rates used are those provided for catered events in the <i>American Museum of Natural History, Planetarium and North Side Project, Final Environmental Impact Statement</i> , 1996.			

For the multi-function room, the estimates in Table 1 are based on an additional two events per month at the Synagogue (or 0.5 additional events per week). To be conservative, this estimate assumes full occupancy of the multi-function room (360 people), although attendance at the new events could be smaller.

New residents would generate approximately 221 pounds of solid waste per week, while the solid waste generation by community facility use would be approximately 1,830 pounds per week. It is anticipated that waste generated by such uses (approximately 2,131 pounds per week, see Table 1) would be collected and disposed of by the New York City Department of Sanitation. This amount of waste represents a very small amount relative to the amounts of solid waste collected weekly on a given route for the Department of Sanitation and would not affect the City's ability to provide trash collection services. Accordingly, the proposed action would have no significant adverse impacts on solid waste management and, pursuant to *CEQR Technical Manual*, no further analysis is necessary.

CSI is sensitive to concerns raised regarding trash removal following weddings and life cycle events at the Synagogue. To address these concerns, two alternatives for trash removal are being considered by CSI: (1) refrigerated storage of trash in the New Building's trash room; and/or (2) removal of garbage by a private carter on the morning following each event.

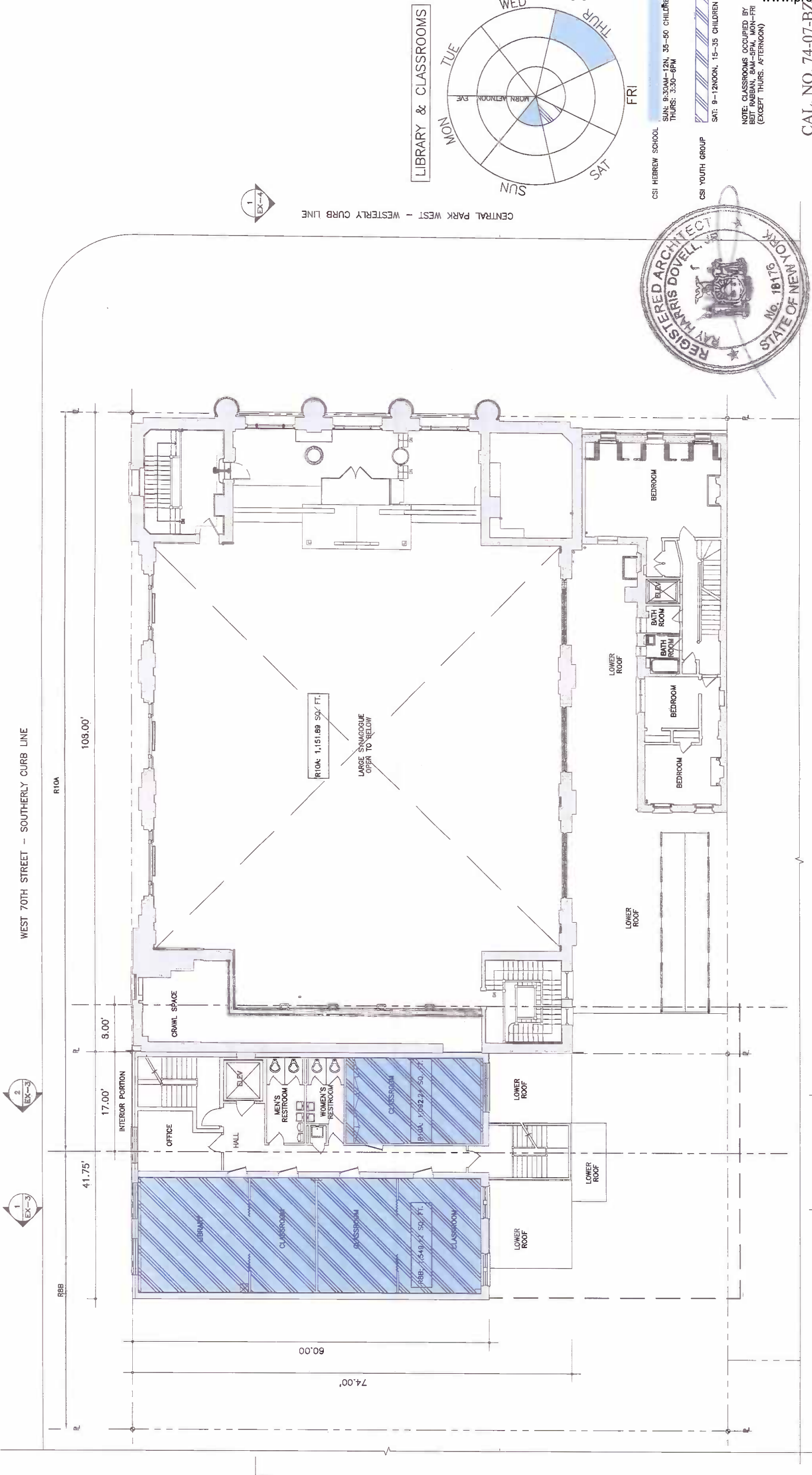
ENERGY

The proposed action would result in new construction on Lot 37; all new structures requiring heating and cooling are subject to the New York State Energy Conservative Code, which reflects State and City energy policy. Therefore, no adverse energy impacts will be created and, pursuant to the *CEQR Technical Manual*, no detailed energy assessment is necessary.

TRAFFIC AND PARKING

The proposed action would result in a mixed-use building with five residential units and new community facility space, including a multi-function room and an expanded Toddler Program. The residential units





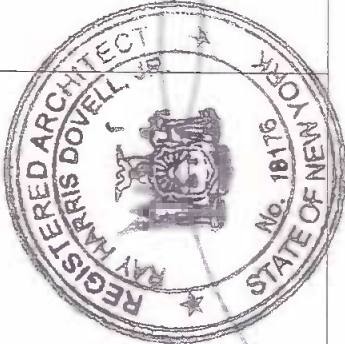
COMMUNITY FACILITY
THIRD FLOOR
EXISTING

CONGREGATION
SHEARITH ISRAEL
6-10 WEST 70TH STREET
NEW YORK, NY

Platt Byard Dovell White
Architects LLP
20 West 22nd Street
New York, NY 10010
212.691.2440
212.633.0144 fax

12.26.07
#02350
PROG E - 9

CAL. NO. 74-07-BZ



CSI HEBREW SCHOOL

SUN: 9:30AM-12N, 35-50 CHILDREN
THURS: 3:30-6PM

CSI YOUTH GROUP

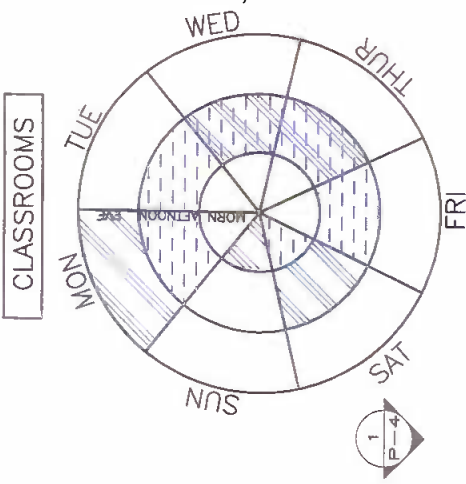
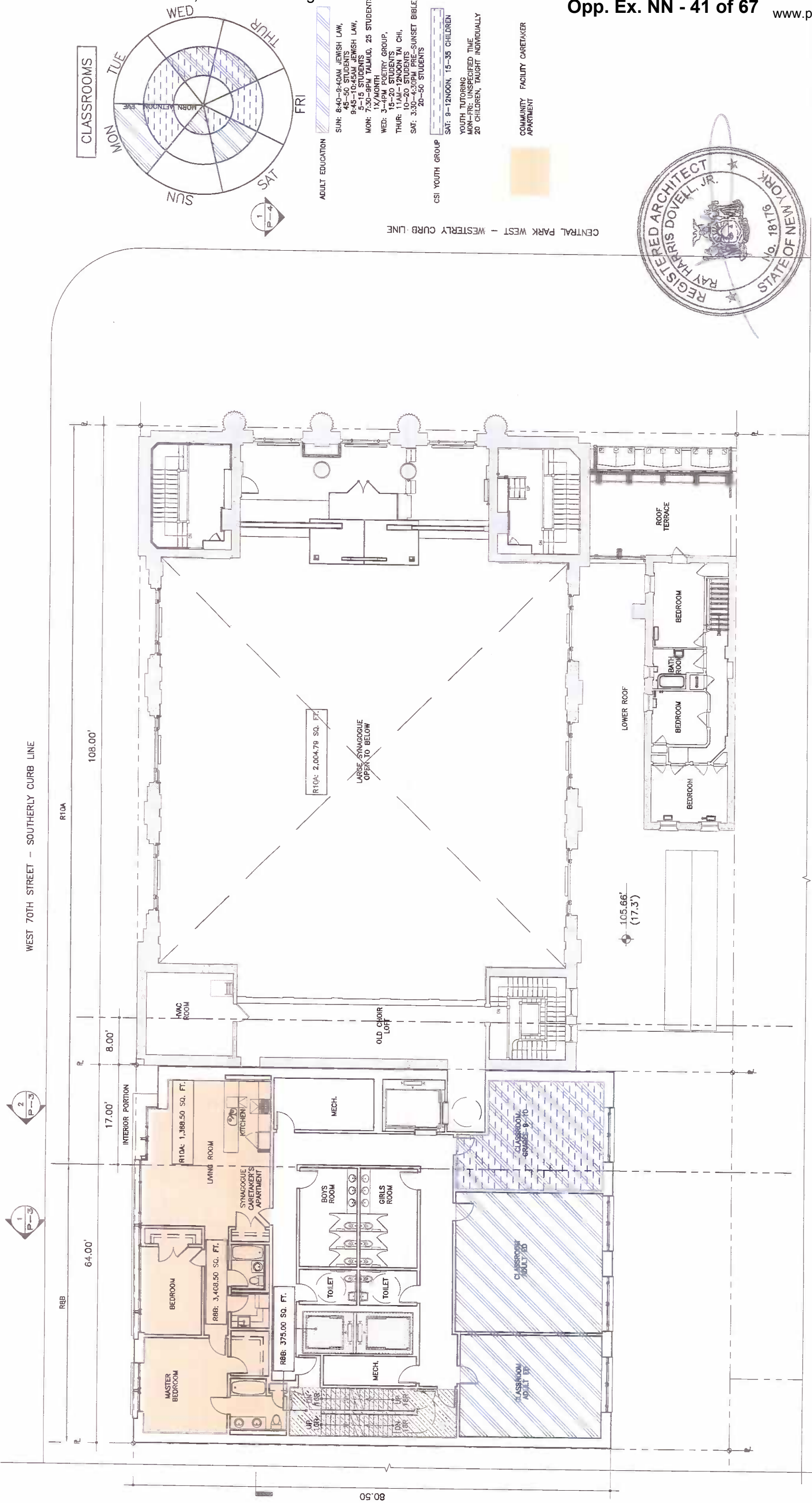
SAT: 9-12NOON, 15-35 CHILDREN

NOTE: CLASSROOMS OCCUPIED BY
BEIT RABAN 8AM-5PM, MON-FRI
(EXCEPT THURS. AFTERNOON)

1 PLAN
THIRD FLOOR

SCALE: 1/16" = 1'-0"





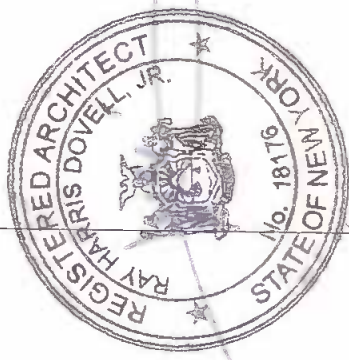
ADULT EDUCATION

SUN: 8:40-9:40AM JEWISH LAW, 45-50 STUDENTS
9:45-10:45AM JEWISH LAW, 5-15 STUDENTS
MON: 7:30-9PM TALMUD, 25 STUDENTS
WED: 3-4PM PETER GROUP, 15-20 STUDENTS
THUR: 11AM-12NOON TAI CHI, 10-20 STUDENTS
SAT: 3:30-4:30PM PRE-SUNSET BIBLE, 20-50 STUDENTS

CSI YOUTH GROUP

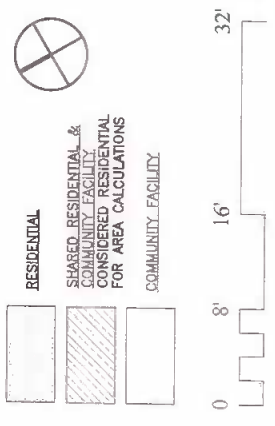
SAT: 9-12NOON, 15-35 CHILDREN
YOUTH TUTORING
MON-FRI: UNSPECIFIED TIME
20 CHILDREN, TAUGHT INDIVIDUALLY

COMMUNITY FACILITY CARETAKER APARTMENT



CAL. NO. 74-07-BZ

COMMUNITY FACILITY/RESIDENTIAL	Platt Byard Dovell White Architects LLP 20 West 22nd Street New York, NY 10010 212.691.2440 212.693.0144 fax
FOURTH FLOOR	
PROPOSED	
CONGREGATION SHEARITH ISRAEL	6-10 WEST 70TH STREET NEW YORK, NY
	10.22.07
	#02350
	PROG P - 11

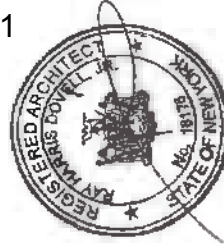


1 PLAN

FOURTH FLOOR

SCALE: 1/16" = 1'-0"

INTERIOR LAYOUT AS SHOWN SHALL BE SUBSTANTIALLY COMPLIED WITH, AND ALL EXITS SHALL BE APPROVED BY DOB. MAXIMUM OCCUPANT LOAD PER FLOOR/ SPACE SHALL BE APPROVED BY DOB



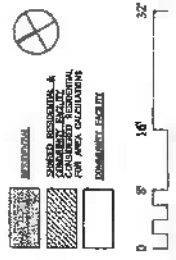
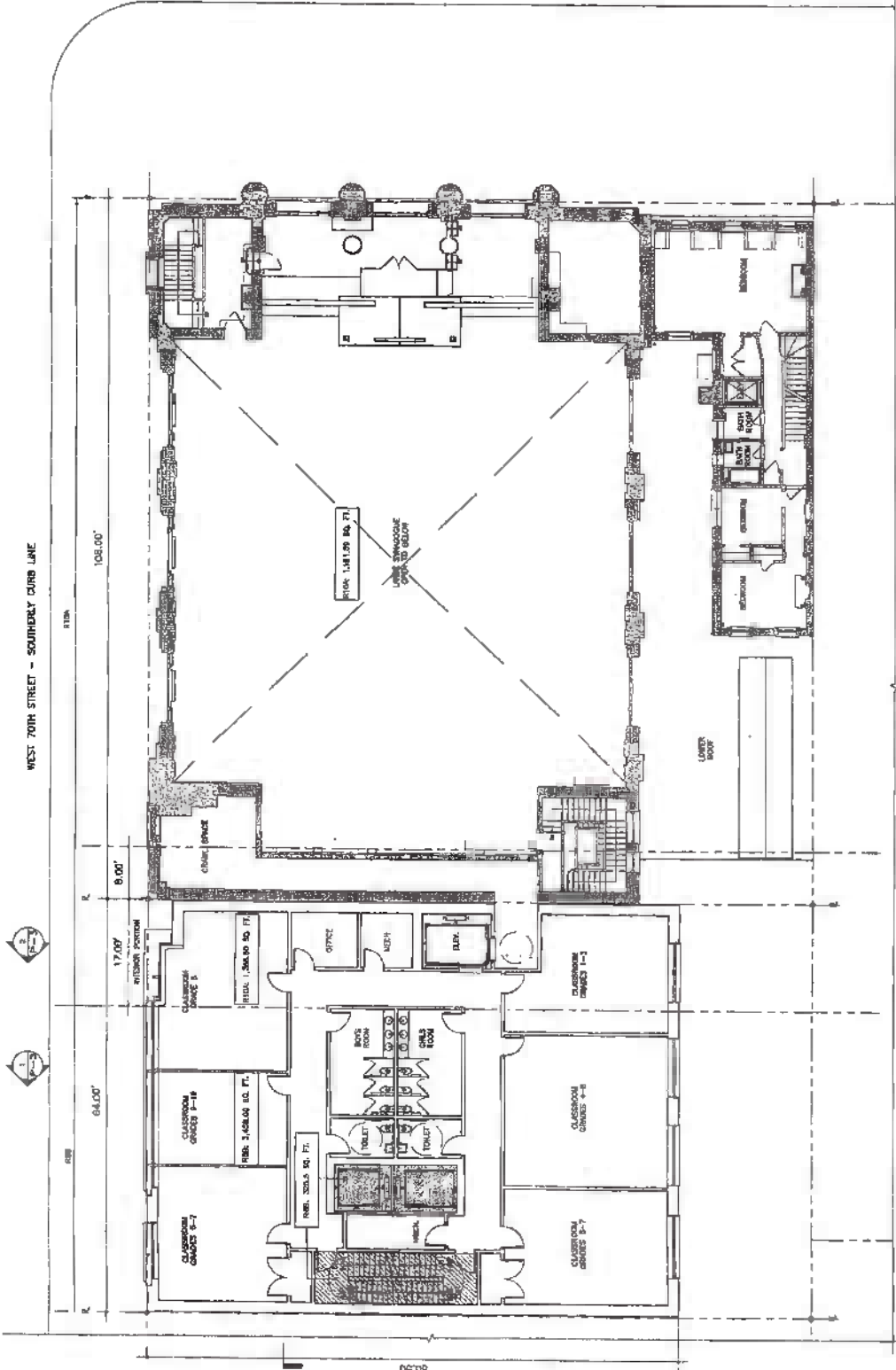
CAL. NO. 74-07-BZ

COMMUNITY FACILITY/RESIDENTIAL THIRD FLOOR PROPOSED	610 WEST 70TH STREET NEW YORK, NY	12.26.97	062539	REV. P. 10	Plaintiff: Gerald Donald White 20 West 42nd Street New York, NY 10018 212-693-1141 212-693-1144 fax
<p>CONGREGATION SHEARITH ISRAEL</p> <p><small>Consolidated in 2007. Plaintiff Gerald Donald White. All rights reserved.</small></p>					

Copyright © 2007 Fleet Street Carroll Wright All rights reserved

WEST 70TH STREET - SOUTHERLY CURB LINE

CENTRAL PARK WEST - WESTERLY CURB LINE



PLAN

THIRD FLOOR

SCALE: 1/8" = 1'-0"

INTERIOR LIGHT AS SHOWN SHALL BE ELECTRICALLY CONTROLLED WIRING, AND ALL LIGHT SHALL BE APPROVED BY DOE.

MAXIMUM OCCUPANCY: LOBBY AND FLOOR: 5000; MECH. RM: APPROVED BY DOE



pay visits and deliver food to homebound elderly, mourners and new mothers within the community. The social action programs are also hindered by the existing Community House deficiencies, to the detriment of the entire West Side community it serves.

Adult education currently takes place in the Synagogue's first floor Elias Meeting Room (the "Elias Room," approximately 775 sf) and serves as the only social and cultural activity for many of CSI's most senior members. To reach the Elias Room, one must enter the existing Community House, walk up a flight of stairs into the main Synagogue building and pass through the Small Synagogue, which is often also in use at the same time. This pathway is extremely challenging for some and impossible for others (seniors and non-seniors alike), denying participation in the adult education program entirely due to the physical constraints of entering and passing through the two buildings. Currently, the following adult education classes occur in the Elias Room:

- | | |
|--------------|--|
| 1. Sundays | Courses in Jewish Thought & Law
8:40-9:40AM; 40-50 adults
9:45-11AM; 5-15 adults |
| 2. Monday | Courses in Jewish Law & Lore (Talmud)
7:30-9:00PM; 17 adults (once/month) |
| 3. Wednesday | Poetry Group
3:00-4:00PM; 15-20 adults |
| 4. Thursdays | Meditations
11:00AM-Noon; 10-20 adults |
| 5. Saturdays | Bible Class (following Saturday service)
1.25 hrs; 20-50 adults |

Conflicts with Adult Education Programming. The Elias Room is also the only room available for meetings by CSI's Board of Trustees; CSI's Sisterhood Board of Trustees and other

Revised May 13, 2008

events can take place in the adult fourth floor classrooms and larger events can take place in the multi-function room.

B. CSI Hebrew School

CSI's Hebrew School currently serves approximately 35 to 50 students between grades one and ten under significantly substandard learning conditions. Sunday classes are held in the existing Community House from 9:30AM to Noon in four 3rd floor classrooms and a single 4th floor classroom. Weekday classes are held from 3:30 to 6:00PM in these same classrooms.

Conflicts with the Hebrew School Program. Due to the age disparity among the children and age-specific learning requirements, classes need to be broken into seven separate learning groups. These groups exceed the number of available classrooms in the existing Community House. Older children cannot share rooms dedicated to younger students because the lower grade rooms have smaller tables and chairs which are unsuitable for the older students. Moving furniture from room to room has been tried but is counter-productive and disruptive to classes in session. Combining grade levels within a classroom or relocating to either existing auditorium has proven detrimental to classroom order and destroys the intimate learning environment every school seeks. These same classrooms are occupied by Beit Rabban most weekdays from approximately 8:00AM to 5PM. It must be noted that while men's' and ladies' bathrooms are located on the third floor, no facilities are located on the fourth floor and none are appropriate for the younger children.

Future Hebrew School Programming Needs. The New Building will provide appropriately sized and barrier-free classrooms will be dedicated to specific grade levels. The third floor provides individual classrooms for first through third grade children; fourth through fifth grade children; eighth grade children; and ninth through tenth grade children. Two
Revised May 13, 2008



Worship in the Jewish faith extends beyond the four walls of the sanctuaries in which services are performed. At CSI, most of these continuing rituals of faith can only occur in the sub-grade Levy Auditorium (2,726 sf), which shares all of the accessibility hardships attributed in the preceding paragraph to the Synagogues. The activities of faith and community include:

1. Kiddush: *Kiddush* festivities, which follow each Saturday and holiday service, provide both a social and religious forum for the congregants. Most, but not all, who attend the services attend *Kiddush*, where prayers and blessings are bestowed in accordance with Jewish ritual. The flow of congregants from the sanctuary to the location of the *Kiddush* is as important and custom-driven event as how one leaves a church. Under existing physical conditions, many who would like to attend *Kiddush* are unable to descend the existing stairs that link the two sanctuaries to the Levy Auditorium.
2. Life Cycle Events: Approximately two to three scheduled Bar or Bat Mitzvahs, baby namings and bris (circumcisions) per month are held in the Synagogue's Main Sanctuary. The ritual meal and communal gathering that follows each can only be held in the Levy Auditorium. Many of these events generate attendance in excess of the Levy Auditorium's limit of 150 occupants, causing CSI to turn away many of its own members for moments in life that should be centered on Synagogue life. The New Building's larger multi-function room will permit CSI to accommodate congregants (and potential future members) whose family members and guests exceed 150 persons for a particular life cycle event.
3. Weddings: Approximately eight to ten weddings per year are held in the Main Sanctuary but as many as an additional twelve to fifteen weddings are unable to take place due to CSI's occupancy and facility limitations, and schedule conflicts with the above life cycle events. The New Building's multi-function room will accommodate a modern the modern Orthodox wedding without the celebration party being forced to move offsite as now typically occurs.

Woven through all of these religious events is the traditional Jewish connection with food. The *Kiddush*, weddings and other life cycle events require the availability of working kitchens, in the Orthodox Jewish experience two working kitchens as meat and dairy must be kept separate. The facilities available adjacent to the Levy Auditorium are in such poor condition that approximately 95 percent of weddings and life cycle events are now catered with food brought in for warming rather than cooking because the existing dairy kitchen is only

Revised May 13, 2008

volunteers from within the Existing Community House.

In addition, the Community House in the New Building needs to provide space for CSI's own Hebrew School of approximately 40 students. These facilities are shared with its tenant day-school, Beit Rabbin, which enrolls 125 children between the ages of five and seventeen in full time attendance. Beit Rabbin is a licensed private school that has been a tenant since 1994. Beit Rabbin is unaffiliated with CSI other than as its tenant and membership in CSI is not a prerequisite for admissions. The relationship between the two organizations was borne of the fact that like all other ancillary religious schools, CSI's classrooms are vacant during the hours of the regular school day. An important factor of Beit Rabbin's tenancy is that it shares CSI's missions and goals and thus was chosen as a suitable candidate to utilize CSI's classrooms and sanctuary for its program. While income is generated which supports CSI's own mission, Beit Rabbin has become a welcomed feeder for Synagogue growth and the adjacency to the Synagogue has been an important attribute to the educational and cultural teaching within the tenant school. While the focus of this Application for expanding its space is on its own pastoral and educational programming, Beit Rabbin's own growth is a validation of the need for additional space for educational religious purposes. Recently the Landmarks Preservation Commission approved the addition of a temporary trailer in the vacant portion of Lot 37 to permit these educators to alleviate the severe overcrowding in the Existing Community House.

Through the facilities housed in the Existing Community House, CSI offers a wide range of youth activities such as monthly Shabbat dinners, "toddler Shabbat" and informal Saturday religious classes. During holidays, the students participate in traditional holiday community service programs which include delivery of food packages throughout the City. For adult

Revised May 13, 2008

www.protectwest70.org

various meetings and as a play space for a day school which leases the space to run its programs. Approximately 694 sf of offices and 2,818 sf of classrooms are located above the multipurpose room/auditorium. The entire CSI administration is housed in these quarters and all of CSI's programming for religious services and community services, which are open to public, emanates from the two small second floor office spaces. CSI's community services programming is extremely active, with a number of affiliate organizations, such as the longstanding Sisterhood providing community outreach to congregants and non-congregants, Hebra Hased Va-Amet, the City's oldest Jewish philanthropic organization, which provides dignified burials for indigents and the 1654 Society dedicated to preserving CSI's historical treasures, including the preservation of its two landmarked cemeteries in Manhattan and fostering a historical awareness of the Jewish American colonial experience. CSI has a rich and detailed history of championing the plight of the poor, homeless and hungry, both globally and within the West Side community. All of those efforts are administered by staff and volunteers from within the Community House.

In addition, the Community House needs to provide space for CSI's Hebrew School of approximately 40 students and its tenant day-school, Beit Rabbin, which enrolls 125 children between the ages of five and seventeen in full time attendance. Beit Rabbin is a licensed private school that has been a tenant since 1994. In addition to leasing during the day CSI's lower level auditorium as a general purpose room, Beit Rabbin also leases three small classrooms on each of the 2nd and 3rd floors (the smallest of which measures only 13 ft by 19 ft), and a fourth classroom on the 4th floor which are not used for CSI's own educational purposes at all times during the school weekday. CSI anticipates that Beit Rabbin will lease comparable space in the New Building. The square footage of the existing 7 classes totals approximately 2,818 sf. Recently the Landmarks Preservation Commission approved the addition of a temporary trailer

Revised 10/25/2007

in the vacant portion of Lot 37 to permit these educators to alleviate the severe overcrowding in the Community House. Beit Rabbin is not affiliated with CSI other than as its tenant and membership in CSI is not a prerequisite for admissions. The relationship between the two organizations was borne of the fact that like all other ancillary religious schools, CSI's classrooms are vacant during the hours of the regular school day. An important factor of Beit Rabbin's tenancy is that it shares CSI's missions and goals and thus was chosen as a suitable candidate to utilize CSI's classrooms and sanctuary for its program. While income is generated which supports CSI's own mission, Beit Rabbin has become a welcomed feeder for Synagogue growth and the adjacency to the Synagogue has been an important attribute to the educational and cultural teaching within the tenant school.

CSI offers a wide range of youth activities such as monthly Shabbat dinners, "toddler Shabbat" and informal Saturday religious classes, which also take place within the Community House. During holidays, the students participate in traditional holiday community service programs which include delivery of food packages throughout the City. For adult congregants, the Community House provides space for educational studies in Mishneh Torah (basic principles in Jewish philosophy, ethics and law); Ladino (Judeo-Spanish language studies); Shabbat; and basic Judaism. These classes have been embraced by Jews throughout the metropolitan region seeking to reach a deeper connection with their heritage.

In addition, the lack of adequate storage space and offices has forced CSI since 1995 to relocate its seminal historical archives to an off-site storage facility in Newark, New Jersey at great expense and significant compromise to its mission. This move was also necessitated due to climate control requirements and to provide for a required additional office in the previously occupied archive area. Books, records, correspondence, sculpture and other religious artifacts

Revised 10/25/2007

JAMES A. GREER, II
25 Central Park West, #4B
New York, NY 10023

April 15, 2008

BY HAND DELIVERY

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 /CEOR No.: 07BSA071M

Dear Madam Chair,

CSI's April 1, 2008, response ignores the March 15, 2008, submissions from Alan Sugarman, Esq., and me. Specifically, we stated that CSI's repeated claim that it cannot do without all the 15 classrooms provided in its proposed building for its education programs is demonstrably false. (This claim of "programmatic need" bears no relationship at all to the upper floor variances requested by CSI, having relevance only to the rear yard variances.)

CSI has no rebuttal to our factual presentations and has also deliberately chosen not to provide the programmatic need charts and tables in an understandable form, as repeatedly requested by the Board.

The 15 classrooms listed in the "PROGRAM USE USAGE CHART – FLOORS 2-4" filed by CSI on March 11, 2008, (OPP Ex. GG-1-3) provide a total of 6066 sq. ft. of net classroom space.¹ The CSI chart in the fifth column states that CSI allocates 35 sq. ft. per "child" and 25 sq. ft. per adult in calculating the classroom space needs for its education program. Thus, according to CSI's own figures, the classrooms on floors 2-4 of the proposed building would provide space for 173.31 "children" at the same time. This far exceeds the number of children that CSI will ever program into the proposed building.

In fact, CSI's submissions reveal that the greatest number of children in its own programs will be – at most - 95 – on Saturday mornings, when the CSI Youth Group (35

¹ No equivalent charts were provided by CI to show usage in the existing or any of the as-of-right buildings, rendering the record insufficient for the Board to make an (e) finding. CSI did provide difficult-to-understand information as to both existing and proposed scenarios in the programmatic drawings it submitted on December 28, 2007, which were confusing and led the Board to request greater clarity. CSI's subsequent submissions have not cured this deficiency. Given CSI's deliberate dereliction in this regard, the Board cannot make an (e) finding and, accordingly, must deny the application for the rear yard variances.

children) and CSI Expanded (60 children) Shabbat Toddler Program will both be meeting from 9 AM-Noon.

According to CSI's various submissions the maximum number of "children" that would occupy any building CSI plans to construct would be 110, on Thursday afternoons from 3:30 to 6PM, when the CSI Hebrew School (50 "children" (maximum)) and the expanded (60 children) so-called "Community Toddler Program" would both be in session. Assuming without conceding that the Community Toddler Program is a legitimate part of CSI's mission and using CSI's formula of 35 sq. ft. per child, this would require no more than 3850 sq. ft.² In fact, using CSI's formula, an A-O-R building will provide 4145.80 sq. ft. of classroom space.³

As shown in the Chart A and Table of the attached Exhibit A and B, there is more space on floors 2-4 of an A-O-R building than CSI's programs require. Except for Thursday afternoons from 3:30-6 PM, this surplus is substantial, but there is still surplus space on Thursday afternoons.⁴ The surplus space in CSI's proposed building is dramatically higher. As shown in Table B and Chart B of the attached Exhibit A and B, the surplus space far exceeds the space required for CSI's programs every day except Thursday and Saturday, when the surplus is still substantial.⁵

So, what is this extra space for? Quite simply, it can only be to accommodate Beit Rabban. According to Beit Rabban's most recent PF-990 filing, it paid CSI \$441,998 in 2006-2007 for rent.⁶ According to CSI's financial consultant, that rent in the proposed new building would increase by \$819,002 to \$1,261,000 - almost triple Beit Rabban's present rent.⁷

² This makes the charitable assumption that no student will be old enough or big enough to qualify as an "adult" for purposes of calculating CSI's space needs. Since CSI's Counsel in his October 25, 2007 submission (at p. 10) has represented that the majority of the Hebrew School space is for students in grades 4-9, the required square footage should doubtless be much lower. As stated in footnote 2 on page 2 of my March 15, 2008, letter to you, it appears CSI has inflated the number students in its Hebrew School.

³ In his Statement dated December 28, 2007, CSI's Counsel argues (at page 5) that CSI needs 1920 sq. ft. more on floors 2-4 than would be available in an A-O-R building. Subtracting 1920 sq. ft. from the 6065.80 sq. ft. shown in the CSI'S "PROPOSED PROGRAM USAGE CHART: FLOORS 2-4" leaves a remainder of 4145.80 sq. ft.

⁴ As stated in my March 15, 2008, letter to the Board, there is ample classroom space in the A-O-R building for both the CSI Hebrew School and Community Toddler Program to permit them to meet simultaneously.

⁵ As the legends on these drawings note, the 1200 sq. ft. caretaker's apartment on the 4th floor and the 8500 additional square feet on the 5th and 6th floors are not reflected in these charts.

⁶ Opp. Ex. HH-2.

⁷ See October 24, 2007, letter from Freeman Fraser to BSA, Schedule A2, page 9

Beit Rabban could not prudently undertake such a large financial commitment without a guarantee from CSI that it would construct sufficient space to accommodate a much larger Beit Rabban enrollment than it has at present.⁸ If CSI has some other explanation, it should provide evidence to support it. Remarkably, the Board has not made even a cursory inquiry into the financial arrangements between CSI and Beit Rabban, even though it is abundantly clear that the income stream from Beit Rabban is a key element of CSI's proposal. In view of the repeated, substantive and well-documented criticisms by Opponents and the obvious importance of the Beit Rabban relationship, the lack of interest by the Board is baffling and suggests an inappropriate deference by the Board to CSI's religious status, political connections, or both.

Using its formula of 35 sq. ft. per child, CSI's proposed building would accommodate at least 173 "children," or 48 more than CSI's Counsel states are currently enrolled. According to the Beit Rabban website (Opp. Ex. JJ-11), current tuition per child ranges from \$12,800 for the children in the Gan (prekindergarten) classes to \$19,950 for those in its Elementary School (K-5th Grade). Forty-eight additional children would generate an additional minimum of \$640,000 and a maximum of \$957,000. More than 48 more children could be accommodated if they were old enough to meet the 25 sq.ft./student criterion. In a modern building Beit Rabban would likely be able to charge more per student.

By every metric, Beit Rabban is the dominant user of the proposed building. I have prepared and attach, as Exhibits C and D, charts showing the metrics of use by square foot and the number of student hours per week. These show that in the current building Beit Rabban is responsible for 88.62% of the student hours per week. In the proposed building it will be responsible for 60.73% of the student hours per week, and the "Community" Toddler Program will be responsible for a further 28.7%.⁹ The programs that are indisputably part of CSI's mission amount to a mere 10.57% of the student hours per week.

Simply looking at the drawings of the existing building filed by CSI on December 28, 2007, it is apparent that some classrooms in the existing building are never used by the Congregation from Monday to Friday. Drawing Prog E-8 shows that Beit Rabban is the exclusive user of the Second Floor during that time. Drawing Prog E-7 shows that on Monday and Wednesday mornings and, possibly, Friday morning as well, the Congregation

⁸ According to repeated statements by CSI's Counsel, Beit Rabban currently enrolls 125 students.

⁹ CSI has not revealed the financial impact of the expansion of the present 20-child, 3-hour per day, 2 days per week Community Toddler Program to the 60-child, 10-hours per day, 5-day per week. However, I estimate that, conservatively, this is likely to generate approximately \$300,000 - \$400,000 per year, as opposed to the approximately \$50,000 the present program probably generates. Taken together with the planned \$1,200,000 in rent from Beit Rabban, CSI's proposed Community House is truly a "financial engine." In fact, CSI's proposed building really would house a commercial enterprise that would generate substantial tax-exempt income and be located on land that CSI would likely argue is an essential part of its religious mission and, therefore, exempt from property taxes!

is forced to use the auditorium for the Community Toddler Program because Beit Rabban, the dominant, rent-paying user, is using all the classrooms in the existing building.¹⁰

Counsel for CSI has stated that Beit Rabban only uses classroom space that CSI needs when CSI is not using it. As the foregoing charts make abundantly clear, that is exactly the opposite of the truth. CSI's programs only use existing and proposed classroom space when Beit Rabban is not using it. When it comes to the use of classroom space, Beit Rabban truly is the "500 pound gorilla" in this case.

Accordingly, there is no lawful basis for the BSA to grant CSI's request for the rear yard variances. Granting this request would be concrete evidence that the BSA Commissioners either have neglected their duty to pay attention to the evidence Opponents has submitted about this aspect of CSI's Application or have determined – for reasons that will not bear scrutiny – to ignore the various fallacious arguments CSI has made in the course of this proceeding, particularly those relating to its need for classroom space, and the strong, factual presentations by the Opponents pointing out these fallacies.

Respectfully,

James A. Greer, II

Atts. Exhibits A-B and C-D

¹⁰ This is inconsistent with the Rabbi's 11/27/07 testimony, which referred (Tr. at ll. 233-234) to only two weekday mornings and the CSI website, which refers to only Monday and Wednesday mornings. Counsel for CSI's 12/28/07 letter refers – at p.12 – to Monday, Wednesday and Saturday morning sessions.

Opposition
Exhibit LL

Contents

Opposition Exhibit LL - Attachments to Jay Greer Statement of April 15, 2008 re educational programmatic needs.

O
P
P
O
S
I
T
I
O
N

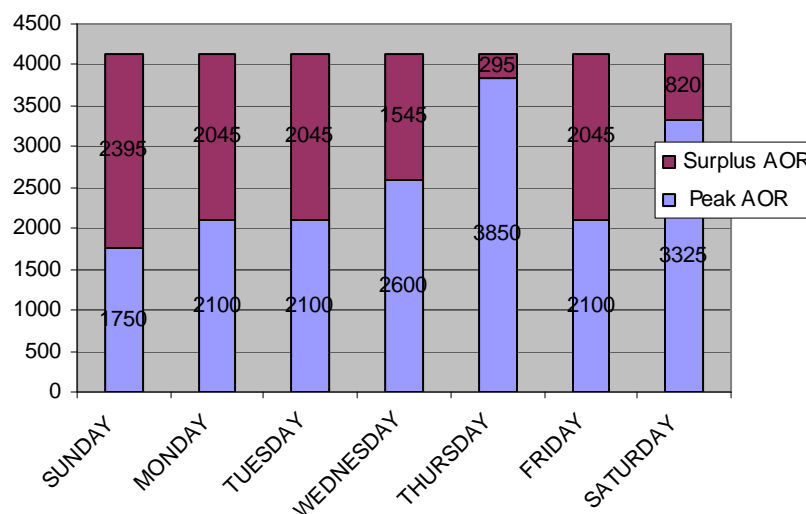
E
X
H
I
B
I
T

LL

EXHIBIT A AND B TO GREER STATEMENT OF APRIL 15, 2008**Table A**

Day	Peak AOR	Surplus AOR
SUNDAY	1750	2395
MONDAY	2100	2045
TUESDAY	2100	2045
WEDNESDAY	2600	1545
THURSDAY	3850	295
FRIDAY	2100	2045
SATURDAY	3325	820

Chart A : AOR Floors 2, 3, 4 - Surplus Space
[Not Including 1200 sq ft. caretaker's space]
[Not Including 8500 sq ft available on floors 5 and 6]

**Table B**

Day	Peak Prop	Surplus Prop
SUNDAY	1750	4315
MONDAY	2100	3965
TUESDAY	2100	3965
WEDNESDAY	2600	3465
THURSDAY	3850	2215
FRIDAY	2100	3965
SATURDAY	3325	2740

Chart B: Proposed = Floors 2, 3, 4 - Surplus Space
[Not Including 1200 sq ft. caretaker's space]
[Not Including 9000 sq ft available on floors 5 and 6]

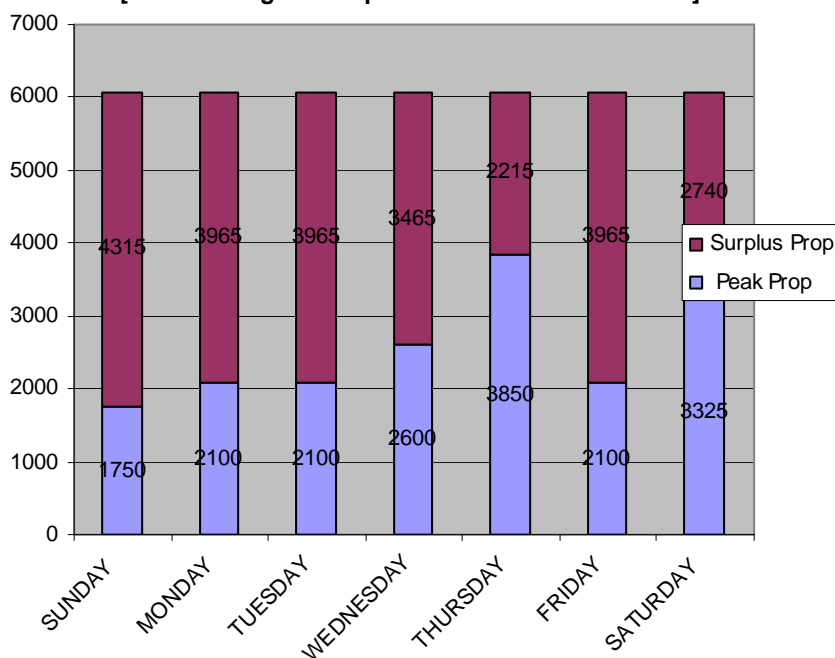


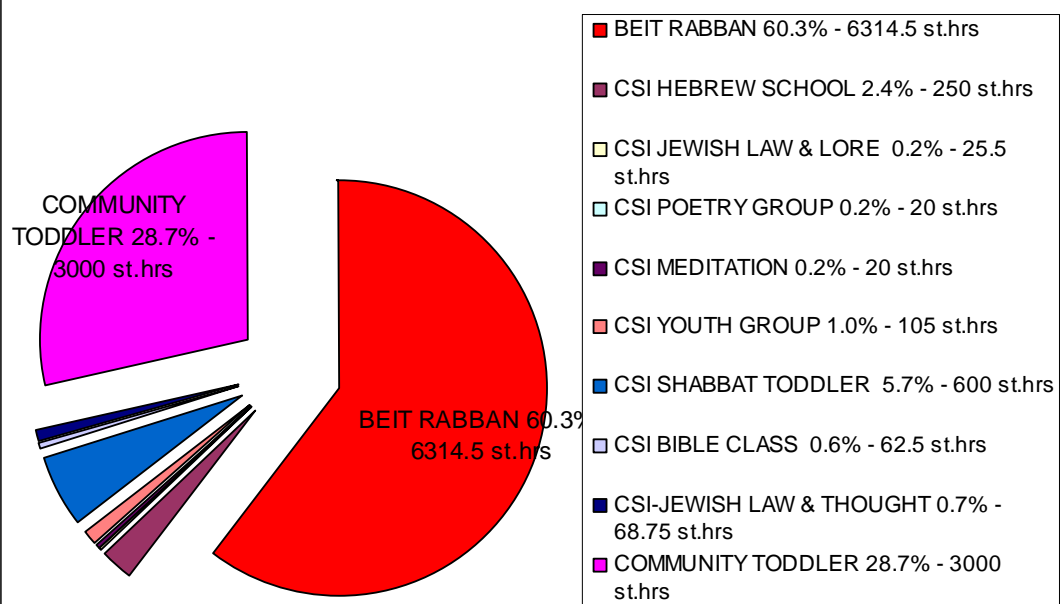
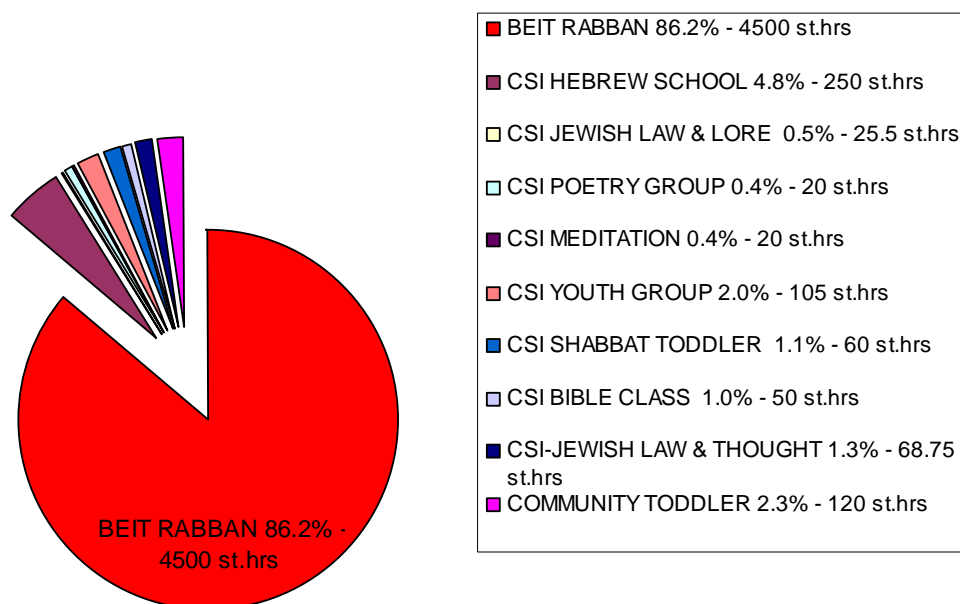
EXHIBIT C-D TO GREER STATEMENT OF APRIL 15, 2008**Chart C - Proposed - Student Hours Per Week - Percentage****Chart D: Existing - Student Hours Per Week - Percentage**

Exhibit C to Greer Statement of April 15, 2008

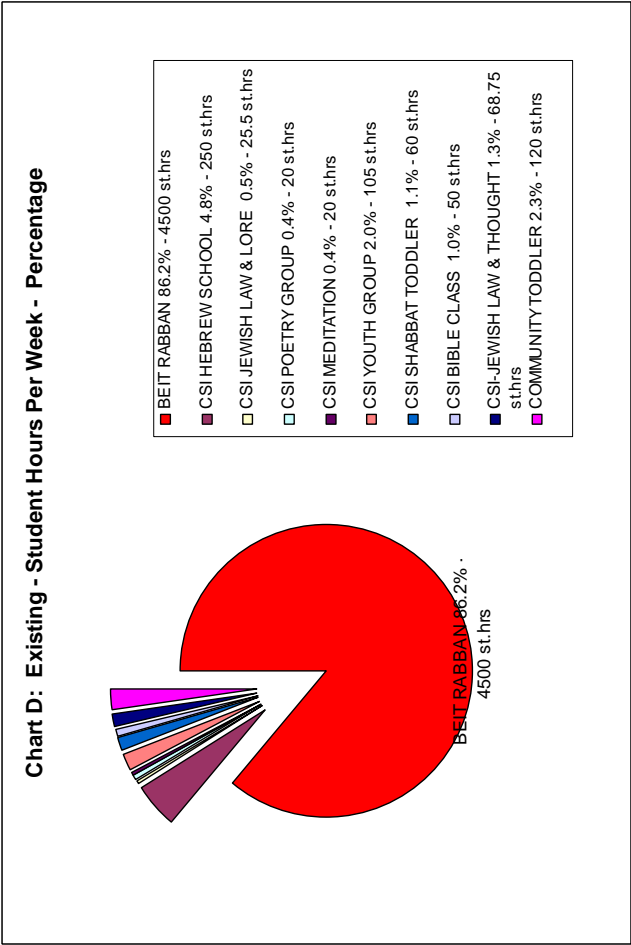
TOTAL STUDENT HOURS -PROPOSED - Table C for Chart C																	
	Mon	Tue	Wed	Thu	Fri	Sat	Sun	7-Days	%								
	Stud/Hrs	Stud/Hrs	Stud/Hrs	Stud/Hrs	Stud/Hrs	Stud/Hrs	Stud/Hrs	Stud/Hrs									
BET RABBAN	1384	173	8	1384	173	8	1211	173	7	952	173	5.5	0	0	6314.5	60.3%	
CSI HEBREW SCHOOL	0	0	0	0	0	0	125	50	2.5	0	0	0	125	50	2.5	250	2.4%
CSI JEWISH LAW & LORE (TALMUD)	25.5	17	1.5	0	0	0	0	0	0	0	0	0	0	0	0	25.5	0.2%
CSI POETRY GROUP	0	0	0	20	20	1	0	0	0	0	0	0	0	0	0	20	0.2%
CSI MEDITATION(0	0	0	0	0	0	20	20	1	0	0	0	0	0	0	20	0.2%
CSI YOUTH GROUP	0	0	0	0	0	0	0	0	0	0	105	35	3	0	0	105	1.0%
CSI SHABBAT TODDLER	0	0	0	0	0	0	0	0	0	0	600	60	10	0	0	600	5.7%
CSI BIBLE CLASS	0	0	0	0	0	0	0	0	0	0	0	0	62.5	50	1.3	62.5	0.6%
CSI-JEWISH LAW & THOUGHT	0	0	0	0	0	0	0	0	0	0	68.8	1	50	15	0	68.75	0.7%
COMMUNITY TODDLER	600	60	10	600	60	10	600	60	10	600	60	10	0	0	0	3000	28.7%
TOTAL CSI STUDENT HOURS	625.5	600	620	745	600	774	188	4151.75	39.7%								
TOTAL BET RABBAN	1384	173	8	1384	173	8	1211	173	7	952	173	5.5	0	0	0	6314.5	60.3%
Total Student Hours	2010	173	8	1956	173	8	2004	173	7	1552	173	5.5	774	0	0	10466.25	100.0%

Chart C - Proposed - Student Hours Per Week - Percentage



Exhibit D to Greer Statement of April 15, 2008

TOTAL STUDENT HOURS -EXISTING - Table D for Chart D																	
	Mon		Tue		Wed		Thu		Fri		Sat		Sun		7-Days	%	
	Stud/Hrs	Hrs	Stud/Hrs	Stud	Stud/Hrs	Stud	Stud/Hrs	Stud	Stud/Hrs	Stud	Stud/Hrs	Stud	Stud	Hrs			
BEIT RABBAN	1000	125	8	1000	125	8	1000	125	8	875	125	7	625	125	5	0	0
CSI HEBREW SCHOOL	0			0			0			125	50	2.5	0		125	50	2.5
CSI JEWISH LAW & LORE (TALMUD)	25.5	17	1.5	0			0			0			0			0	
CSI POETRY GROUP	0			0			20	20	1	0			0			0	
CSI MEDITATION(0			0			0			20	20	1	0		0	0	
CSI YOUTH GROUP	0			0			0			0			0		105	35	3
CSI SHABBAT TODDLER	0			0			0			0			0		60	20	3
CSI BIBLE CLASS	0			0			0			0			0			0	
CSI-JEWISH LAW & THOUGHT	0			0			0			0			0		50	50	1
													68.8	1	50	0	
													1.25	15			
COMMUNITY TODDLER	60	20	3	0	0	0	60	20	3	0	0	0	0	0		0	
TOTAL CSI STUDENT HOURS	85.5			0			80			145			0		234		
TOTAL BEIT RABBAN	1000	125	8	1000	125	8	1000	125	8	875	125	7	625	125	5	0	0
Total Student Hours	1086	125	8	1000	125	8	1080	125	8	1020	125	7	625	125	5	234	0
						</											



years in gaining approval of a Certificate of Appropriateness that limits the development envelope to the building before the Board. Its request for Landmarks cooperation on a ZRCNY Sec. 74-711 special permit was denied, thus properly bringing this Application to the Board for relief.

The Board has asked for and received an unprecedented amount of material on the educational and religious uses which must be included in the new development. It has heard the religious and educational leaders of the Synagogue attest to the need and the configuration of the new community facility space requested in the Application. It has received material in several formats regarding the utilization of this space, down to each hour of each day, which is a degree of submission beyond the experience of practitioners who routinely have represented or currently represent hospitals and schools before the Board. It has asked for and received detailed information on a tenant school notwithstanding that the Applicant has stated on numerous occasions without condition or qualification that the tenant's programmatic needs bear no relationship to this Application. It has heard testimony from the Synagogue's Rabbi and its chief educator that were there no tenant the religious and educational needs of the Synagogue would still require that it apply for the classroom space requested in this Application.

The Board has requested and received detailed information, both graphically and in site-specific narrative, traveling up and down the length of Central Park West to demonstrate conclusively that there are no other sites that can reasonably be considered development sites that share the specific and unique properties of this Zoning Lot.

The Applicant hopes that the Board can return to the basic elements of this Application, shorn of all the digressions and canards associated with non-existent catering halls, profit-motivated schemes and conspiratorial tenants to the basic elements of the submission, which are in accord with the Board's past practices and its present approach to considering the "A" Finding in applications based on educational and religious purposes, including those applications that propose mixed-uses on their Zoning Lot.

Finding "B"

ZRCNY Sec. 72-21 states in part: "this finding shall not be required for the granting of a variance to a nonprofit organization"

Notwithstanding the clear language of the Zoning Resolution, the Board has requested and received substantial financial information, near or at a level of specificity that it would require from a profit-motivated applicant. We have been pleased to comply with the Board's interests, but not to the extent of waiving our right to observe with all due respect that consideration of a B Finding in this case, or any semblance of consideration of reasonable return in determining the outcome of this Application, especially given the educational and religious purposes of the Applicant, would exceed the Board's authority. We understand that the Board believes it can legitimately delve into an analysis of reasonable return in this Application because of the mixed-use nature of the Application, and we done our utmost to cooperate with the Board's interests. We further appreciate that it has done so in four cases which it has subsequently approved. However, we understand that the Board believes there is a distinction

250 We're hoping to expand all these programs and we hope that this new building
251 will - - this new building certainly will help address just about all of our present needs,
252 although hopefully we'll continue to grow and then we'll have to come back here in a
253 few years or be creative, as we've been, and figure out how to make even more room as
254 we go along.

255 One other major problem that we have is the ritual of Kiddush, (Phonetic) which
256 is the sanctification of the day that we say every Saturday morning as well as every
257 holiday, but we have to go downstairs and handicapped accessibility back in 1897 was
258 simply not part of the vocabulary.

259 All of our elderly men cannot even come into the sanctuary without going up nine
260 steps and both men and women have no means of going downstairs, even though it's part
261 of the ritual.

262 We're hoping that the new building will really take care of all of these needs.

263 I just became the ninth spiritual, senior spiritual leader of the congregation since
264 1768 and it's really the largest and most vibrant congregation we've ever been and we're
265 really hoping to continue to grow, as we have been, and we look forward to a better
266 facility.

267 We really thank the architects and the team for helping envision what our current
268 needs are and hopefully we'll be able to grow into it in the future. Thank you. I'm not
269 gong to be - - yes, sorry.

270 CHAIR SRINIVASAN: Go ahead.

271 RABBI ANGEL: I'm not going to be able to stay for the
272 entire proceeding so if there are any particular questions you need, I'll be happy to
273 answer them now.

274 CHAIR SRINIVASAN: Are there any questions for the
275 Rabbi? All right. Thank you.

276 RABBI ANGEL: Thank you very much.

277 MS. KAY: Hello. Hi. I'm Lynne Kay. I'm the Director
278 of Jewish Life and Learning at the synagogue. That's the post that has educational and
279 pastoral responsibilities. I serve just under Rabbi Angel.

280 I also am not able to stay to the end of the proceedings. I have to teach, so when I
281 finish speaking, if you'd like to ask me any questions, I'd be happy to answer them.

282 We need new classrooms to answer both existing educational needs that are just
283 not done as well as they should be and also to accommodate expanded adult and youth
284 programming that we're looking to build.

285 Our Hebrew School has nine teachers and myself. We meet Thursday afternoons
286 and Sunday mornings.

287 On Sundays - - and, in general, we don't have enough classrooms to
288 accommodate the school on one floor together. Two classes actually meet in one
289 classroom with a divider in between them and two others are on another floor and there's
290 another tutoring, a remedial program that happens in the other part of the building which
291 is detrimental to that students' smooth transition into the mainstream class which, you
292 must do every week, and a sense of belonging to the larger school as a whole.

293 It's very valuable to have classes near each other so there's a sense of camaraderie
294 within the school and a sense of shared purpose and a chance for the younger students to
295 learn from the older ones and for the older students to be role models to the younger
296 children.

297 We're also trying to expand the ages served in our Hebrew School. We're
298 looking to build a pre-k, a four to five year old group, and that would also need a space
299 for that.

300 Currently, there's the children who study for a bar or bat mitzvah ceremonies,
301 which are twelve and thirteen years old, study in a three hundred person auditorium,
302 which is not conducive to their focus because it doesn't provide a bright, intimate space
303 for directed study and this happens both on weekdays and on Sundays.

304 We need rooms for different purposes. An early childhood room is not good for
305 an adolescent class. They'll feel patronized, not to mention the tiny furniture and the
306 bathrooms are not appropriate.

307 Adult education needs its own venues where books and resources and an AV
308 setup is there.

309 Currently, we do not have enough rooms for adult education programs, which we
310 will continue to add to it.

311 We just added a new class this fall.

312 Classes can only meet in a room that we call the Elias room. It's sort of like a
313 board room and that's frequently taken by board meetings and sisterhood meetings and so
314 on.

315 Neither the auditorium nor the Elias room have elderly classrooms. They're not
316 set up for power point illustration of our classes. They don't even have white boards and
317 adult education and also teen programs can happen throughout the week and on the
318 weekends and do.

319 And, Rabbi Angel, I just wanted to echo, he was talking about concurrent adult
320 education where we're putting together a program which we'll hopefully have several
321 offerings at once which would need space together so that there can be milling between
322 and after and the good sense of continuity in that program.

323 The early childhood program that was mentioned currently meets in the
324 auditorium, which can lead to disruption because the adults, other adults need to access
325 that room or the kitchen and it's detrimental to the class when the teacher has to leave
326 like circle time, for example, to attend to an adult who is not part of the class and
327 dedicated classrooms for the early childhood program would allow the continued growth
328 of the program.

329 Right now, it's two mornings and we're looking to expand it to five mornings.
330 The program has been growing. It started with two - - no, I'm sorry, four children and
331 it's now just under twenty children.

332 Finally, I just wanted to mention, as I said, I have pastoral responsibilities at the
333 synagogue and I would like to echo what Rabbi Angel said about the importance about
334 the Kiddush downstairs following services from a pastoral prospective.

335 In addition its being a component of the observance of a Sabbath or a festival,
336 especially for our older members, but really for any member, but I want to speak to the
337 needs of the older members of the congregation.

years in gaining approval of a Certificate of Appropriateness that limits the development envelope to the building before the Board. Its request for Landmarks cooperation on a ZRCNY Sec. 74-711 special permit was denied, thus properly bringing this Application to the Board for relief.

The Board has asked for and received an unprecedented amount of material on the educational and religious uses which must be included in the new development. It has heard the religious and educational leaders of the Synagogue attest to the need and the configuration of the new community facility space requested in the Application. It has received material in several formats regarding the utilization of this space, down to each hour of each day, which is a degree of submission beyond the experience of practitioners who routinely have represented or currently represent hospitals and schools before the Board. It has asked for and received detailed information on a tenant school notwithstanding that the Applicant has stated on numerous occasions without condition or qualification that the tenant's programmatic needs bear no relationship to this Application. It has heard testimony from the Synagogue's Rabbi and its chief educator that were there no tenant the religious and educational needs of the Synagogue would still require that it apply for the classroom space requested in this Application.

The Board has requested and received detailed information, both graphically and in site-specific narrative, traveling up and down the length of Central Park West to demonstrate conclusively that there are no other sites that can reasonably be considered development sites that share the specific and unique properties of this Zoning Lot.

The Applicant hopes that the Board can return to the basic elements of this Application, shorn of all the digressions and canards associated with non-existent catering halls, profit-motivated schemes and conspiratorial tenants to the basic elements of the submission, which are in accord with the Board's past practices and its present approach to considering the "A" Finding in applications based on educational and religious purposes, including those applications that propose mixed-uses on their Zoning Lot.

Finding "B"

ZRCNY Sec. 72-21 states in part: "this finding shall not be required for the granting of a variance to a nonprofit organization"

Notwithstanding the clear language of the Zoning Resolution, the Board has requested and received substantial financial information, near or at a level of specificity that it would require from a profit-motivated applicant. We have been pleased to comply with the Board's interests, but not to the extent of waiving our right to observe with all due respect that consideration of a B Finding in this case, or any semblance of consideration of reasonable return in determining the outcome of this Application, especially given the educational and religious purposes of the Applicant, would exceed the Board's authority. We understand that the Board believes it can legitimately delve into an analysis of reasonable return in this Application because of the mixed-use nature of the Application, and we done our utmost to cooperate with the Board's interests. We further appreciate that it has done so in four cases which it has subsequently approved. However, we understand that the Board believes there is a distinction

contained only 13 office areas within 2,344 sf. These new office areas will be utilized by CSI's new assistant Rabbi; program director, secretary and assistant; archivist and tour director. In addition to these administrative spaces, the creation of a suitable multipurpose room for larger ceremonies, meetings, life cycle ceremonies, lectures, etc and the addition of classrooms will address significant shortfalls in CSI's ability to serve both its members and the community.

EXISTING AND PROPOSED CSI PROGRAM AREAS (LOT 37)

FL		CLASSROOM (SF)	OFFICE (SF)	MULTI- FUNCTION (SF)	KITCHEN (SF)	BABY- SITTING (SF)	LOBBY/ EXHIBIT (SF)	Synagogue Expansion/ (SF)	ARCHIVE/ LIB. (SF.)	CARE- TAKER (SF)	RES. (SF.)
C2	PROPOSED		73.00	5,537.00							
C1	PROPOSED				708.00	385.00					1,655.42
	EXISTING			1,484.00	450.00		315.00				
1st	PROPOSED		475.00			1,017.57	1,864.00	1,320.00	565.00		
	EXISTING	1,108.00	440.00								
2nd	PROPOSED	1,127.00	1,473.00								
	EXISTING	1,063.00	127.00						349.00		
3rd	PROPOSED	2,600.00									
	EXISTING	647.00	127.00							1,133.00	
4th	PROPOSED	1,409.00								1,249.00	
5th	PROPOSED										4,512.00
6th	PROPOSED										4,512.00
7th	PROPOSED										4,512.00
8th	PROPOSED										4,512.00
PH	PROPOSED										2,815.92

Finally, the addition of residential use in the upper portion of the building is consistent with CSI's need to raise enough capital funds to correct the programmatic deficiencies described throughout this Application. The requested residential use is as-of-right throughout the Zoning Lot and more than enough zoning floor area is available as a matter of right. The proposed residential floor area uses only 16 percent of the Zoning Lot's available zoning floor area, and represents 53.3 percent of proposed New Building zoning floor area, 40.7 percent of the New Building's gross floor area and 32.4 percent of the proposed zoning floor area (based on the entire Zoning Lot). When completed with the New Building, more than fifty-one percent of the development rights on the Zoning Lot (74,345.41 zsf) will remain unused. The development

Revised May 13, 2008

1551 CHAIR SRINIVASAN: We won't be answering the
1552 question, so if you have any questions for the Board, you can speak to our staff so either
1553 testify on this application or perhaps speak with someone from staff.

1554 MS. BLUMKIN: Yes. I'd like to comment that for those
1555 of us who don't work in this area on a daily basis, something was said by Mr. Friedman
1556 to a land use committee of Community Board #7 that I found disturbing and if I can't ask
1557 a question, I'll just put it out there for the consideration of the Board.

1558 Mr. Friedman, multiple times, represented to the Land Use Committee of
1559 Community Board #7 that the Shearith Israel proposal had the support of the Bloomberg
1560 Administration which, obviously, gave rise to grave concern and those of us who were
1561 there wondering whether -- is anything that we're going to say matter from this point on?
1562 Or does Mr. Friedman's representation to the Community Board that his proposal has the
1563 support of the Bloomberg Administration mean that these applications are a *fait*
1564 *accompli*

1565 I just thought that I would --

1566 CHAIR SRINIVASAN: All right. We'll ask the applicant
1567 to clarify it.

1568 MS. BLUMKIN: Thank you.

1569 CHAIR SRINIVASAN: All right. Next speaker.

1570 MR. SHANE: Good afternoon. My name is Hal Shane.
1571 I'm a resident of 18 West 70th Street.

1572 I can't repeat everything that's been told to this Board but I can speak to you
1573 emotionally.