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February 18, 2016

BY HAND

Hon. Margery Perlmutter, R.A., Esq.
Chair
NYC Board of Standards and Appeals
250 Broadway - 29th Floor
New York, NY 10007

Re: Congregation Shearith Israel
BSA Cal. No. 74-07-BZ
2-10 West 70th Street (the "Site")
Block 1122, Lots 36 & 37, Manhattan

Dear Madam Chair:

This Firm represents The Trustees of the Congregation Shearith Israel of the City of New York ("CSI"), owner of the Site referenced above, which is a zoning lot improved with a historic synagogue building and a vacant parcel that is currently under construction pursuant to a ZR Sec. 72-21 variance under BSA Cal. No. 74-07-BZ (the "2008 BSA Approval"). The purpose of this letter is to seek the Board's confirmation that certain adjustments proposed on the enclosed revised drawings P-6, P-7, P-8, P-9, P-10, P-11, P-15A and P-15B[1] dated February 11, 2016 prepared by Platt Byard Dovell White Architects, LLP (the "Substitute Drawings") substantially comply with the corresponding drawings included with the 2008 BSA Approval (the "2008 BSA Approved Drawings").

The 2008 BSA Approval

The 2008 BSA Approval permitted construction on the vacant portion of the Site of a nine-story and cellar mixed-use community facility/residential building (the "Approved Building") that does not comply with zoning parameters for lot coverage, rear yard, base height, building height, front setback, and rear yard setback contrary to ZR Sec. 24-11, 77-24, 24-36, 23-66, and 23-633 respectively. The parameters of the Approved Building as set forth in the Board's Resolution (the "Approved Parameters") were as follows:

[1] Title of this drawing ("15A" in the Board-approved set) has been revised for consistency.

". . . a total floor area of 42,406 sf; a community facility floor area of 20,054 sf; a residential floor area of 22,352 sf; a base height of 95'-1"; with a front setback of 12'-0"; a total height of 105'-10"; a rear yard of 20'-0"; a rear setback of 6'-8"; and an interior lot coverage of 0.80."

Continuity of Originally Documented Programmatic Need

The application and record on which the 2008 BSA Approval was based focused entirely on CSI's programmatic needs as a synagogue and, as an essential element thereof, the educational programs within the enlarged community house offered to congregants of all ages. Its Hebrew School, the Polonies Talmud Torah School ("PTTS"), opened in 1802, making it the oldest Hebrew School in continuous operation in the Americas. It provides children and teens, ages 3–16, with a substantive Jewish education.

PTTS sets as its learning goals reading/prayer fluency, Hebrew comprehension skills, knowledge of the entire Bible, Jewish history, Jewish values, holidays and the cycle of Jewish life. All this is done in a positive, supportive and educationally modern environment which children enjoy and in which they feel empowered. In order to achieve its ambitious learning goals, PTTS employs state of the art materials and pedagogical techniques. Class size and classroom design are important factors in the school's operation.

The general description of PTTS' curriculum is as follows:

- Pre-K students work on basic Hebrew language goals. The content goals of this age group include learning the symbols of the holidays and Shabbat through arts and crafts projects as well as the songs of the holidays and Shabbat. They will also be introduced to Jewish values through Biblical stories and music.
- Ages 5-7 students work on Hebrew language goals through song and basic words orally, knowing sounds of the letters, and being able to read 2-3 sound words. The content goals of this age group include learning the stories of weekly Torah portion, the stories of the holidays, the meanings behind the holidays and the symbolic items associated with the holidays.
- Ages 7-9 students work on more advanced Hebrew language verbal and reading goals, including fluency of word series, and incorporating prayers into reading. The content goals of this age group include studying the main episodes of the Torah (Five Books of Moses), and learning the holidays more in depth (vocabulary, meanings of holidays, and symbolic items).
- Ages 10-12 students work on Hebrew language goals which range between mastering fluency of word series, reading with confidence as well as beginning comprehension (prefix, suffix, *shoresh/root*). The content goals of this age group include the Biblical books of Prophets and Writings, Jewish history of the post-Biblical era, the Jewish life cycle, Jewish ethics such as developing *middot* (good traits), and learning more prayers through youth led services conducted in our historic 'Little Synagogue."
- Teenage students work on developing a foundational Hebrew vocabulary and comfort with translating Hebrew texts, as well as the basics of Modern Hebrew speech. Content goals include a more complete picture of Jewish History (including

the Medieval and Modern periods), studying Biblical commentary and introducing classical Jewish texts such as the Talmud. Also, encouraging thinking about how Judaism might inform choices and decisions, and the strengthening of fundamental Jewish concepts and ideas to create a stronger grounding in Jewish tradition.

PTTS has grown in size and importance to CSI's programmatic needs since the 2008 BSA Approval. Since 2009, the enrollment of the Hebrew School has tripled. In 2015, there were 44 children enrolled in PTTS.[2]

Status of the Approved Building

Construction of the Approved Building was delayed because a proceeding pursuant to CPLR Article 78 was commenced shortly after the 2008 BSA Approval. The Article 78 was not resolved until 2012 and, accordingly, no work on construction drawings occurred until late 2012. Applications were filed at the Department of Buildings ("DOB") starting in 2015. The Community House was demolished in 2015 and construction in the form of site preparation commenced in 2015. DOB has issued all necessary construction permits for the project to proceed. The work on Site to date has been deemed sufficient by the Landmarks Preservation Commission ("LPC") for the project to have vested under its Certificate of Appropriateness. However, the following facts have presented CSI with cause to alter the interior layouts approved by the 2008 BSA Approval:

- PTTS' evolving programmatic educational needs, in addition to its growth since 2009, require slight variations in the allocation and size of its classrooms.
- Design Development," the natural evolution of drawings from schematics to construction drawings, present CSI with cause to alter the interior layouts approved by the 2008 BSA Approval.

[2] The record of the 2008 BSA Approval also included references to another Hebrew School, Beit Rabban, which leased PTTS' classrooms in the now-demolished Community House from 1994 until it voluntarily vacated the premises in 2013. Beit Rabban had, been using the PTTS classrooms in the Community House during days and hours that the classrooms were not being used by PTTS. During consideration of the original application in 2008, the assumption was that Beit Rabban would continue to be a tenant in the new Community House. However, due to the extensive post-approval delays, Beit Rabban vacated the Community House in 2013 and the original assumption that Beit Rabban would return as a tenant to again share PTTS' space in a new Community House is now difficult to ascertain.

Because, as the then- Chair noted, Beit Rabban provided an income stream to CSI, the Board expressed concern that the income to be derived from the residential portion of CSI's proposed mixed-use project be reasonably limited to the capital needs of the renovation of the Synagogue and construction of the new Community House. There were therefore extensive discussions with the Board regarding Beit Rabban's use of the proposed Community House. However, the spaces that it would use were the spaces already designed for PTTS and various adult educational programs offered by CSI as the primary users. CSI's programmatic needs for increased educational space were documented in its application and CSI leadership, including its Assistant Rabbi and the Director of PTTS' educational programming, testified in support of CSI's needs. Accordingly, the adjustments to the drawings for the second, third and fourth floors submitted herein apply solely to CSI's educational program (PTTS) and not to Beit Rabban's nor any other third party's future use of the Community House.

- The NYC Building Code has been substantially revised twice since the 2008 BSA Approval, and the necessity to comply with these revisions has required changes to certain interior spaces on the sub-cellar, cellar and fourth floor and addition of the bulkhead for the generator on the roof. The evolving change in Code requirements required months of processing and reprocessing at DOB, triggering the need to amend the original Certificate of Appropriateness, which was unanimously approved by the LPC.

None of the above Substitute Drawings developed to respond to these challenges alter the Approved Parameters in the Board's Resolution. Nor do they alter the core programmatic elements proposed in the original application. These retained core elements include: (1) the multi-function room on the sub-cellar level with a capacity of 360 persons for the hosting of life cycle events and weddings, and mechanical space; (2) dairy and meat kitchens, storage and mechanical space on the cellar level; (3) a synagogue lobby and function room on the first floor; (4) administrative offices on the second and third floors; and (5) PTTS classrooms and study rooms on the second and third floors; and (6) a caretaker's apartment and mechanical space on the fourth floor.

And further, when viewed operationally, the adjustments provided in the Substitute Drawings will produce an Approved Building that, but for the elimination of Beit Rabban's overlapping use of CSI empty classrooms during daytimes when not needed by CSI, will function in an identical manner to the facility established by the 2008 BSA Approval: "Synagogue lobby and reception space, a toddler program, adult education and Hebrew school classes, a caretaker's unit, and a Jewish day school [Beit Rabban]; the upper five stories are proposed to be occupied by five market-rate residential condominium units."

The Substitute Drawings

Submitted herewith for your consideration are the Substitute Drawings intended to replace each drawing's counterpart now on file at DOB. These Substitute Drawings are submitted for inclusion in the BSA file to maintain consistency among the agencies with land use jurisdiction over the Site. As indicated on the Substitute Drawings, the proposed changes summarized below consist of changes to internal layouts only to the community facility portion of the project, *i.e.*, floors: sub cellar, cellar, one, two, three and four, as described in the following table.

Dwg No.	Floor	Purpose for Substitution	Reason for Substitution
P-6 [A.009]	Sub Cellar	Reconfiguration of stairs; addition of detention tank/storage/AV equipment/ elevator machine room	Design development and Code requirements
		Addition of prep room	Program evolution to serve multi-purpose space
		Addition of elevator	Design development to serve sub-cellar to 1st floor space

Dwg No.	Floor	Purpose for Substitution	Reason for Substitution
P-7 [A.100]	Cellar	Reconfiguration of Mechanical/ Electrical/Storage rooms/ Stairs/Restrooms/Kitchens	Design development and Code requirements
		Office & babysitting room omitted	Program evolution: uses relocated to Synagogue
P-8 [A.101]	First Floor	Reconfiguration of stairs; addition of trash/EMR rooms at residential entry	Design development revisions
		Rabbi's/Secretarial Office, Exhibition Space & Archives Omitted	Program evolution: uses relocated to Synagogue
		Small Synagogue Expansion renamed to Function Room	Program evolution: increase flexible service/function space
P-9 [A.102]	Second Floor	Classrooms: 6 approved/6 proposed (3 classrooms and 3 study rooms).	Program Evolution for flexible classroom/study/ "breakout" space
		Dedicated toilets omitted; Reconfiguration of Storage/Mechanical	Design development: Men's and Women's restrooms at the 3rd floor additionally serve classrooms/study rooms at the 2nd floor
P-10 [A.103]	Third Floor	Classrooms: 6 approved/6 proposed. Classrooms grade notations renamed to generic classrooms	Program evolution: classrooms no longer designated by age. All generic classrooms for use by CSI and/or future Hebrew School
P-11 [A.104]	Fourth Floor	Reconfiguration of Caretaker's unit; addition of workroom & storage	Design development and Code requirements
		Classrooms: 3 approved/0 proposed. Deletion of Restrooms	Program evolution: classroom use and associated restrooms accommodated at lower floors
		Addition of Mechanical Room	Design development and Code requirements
P-15A [A.110]	Roof	Addition of bulkhead for generator	Code requirements
P-15B [A.310]	Section		To reflect revisions to floors Sub Cellar to Fourth

Color-Coded Drawings

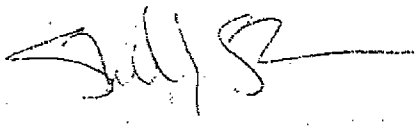
To assist the Board in determining the minimal extent of the adjustments provided in the Substitute Drawings, a set of informational drawings (A.099 through A.110 and A310) is being submitted portraying the changes in various colors. These are not official drawings and are not being submitted to either the Board or DOB for filing purposes.

Conclusion

The adjustments shown in the Substitute Drawings recognize changes in how CSI will use the community facility portion of the Approved Building but do not change any characteristics that the Board stated it relied upon in making the findings for the 2008 BSA Approval. No new programmatic elements have been introduced and none of the programmatic elements set forth in the original application have been eliminated. The Substitute Drawings present no new zoning non-compliances or increases to existing non-compliance.

On the basis of the foregoing, we respectfully request that the Board issue a Letter of Substantial Compliance with respect to the Substitute Drawings. Please do not hesitate to contact me or Elena Aristova if you have any questions with regard to the foregoing.

Very truly yours,



Shelly S. Friedman

Enclosures:
(1) Owner's authorization
(2) Copy of prior Board resolution adopted on August 26, 2008
(3) Copy of approved plans
(4) Substitute Drawings (P-6, P-7, P-8, P-9, P-10, P-11, P-15A and P-15B), 3 sets
(5) Substitute Drawings with the proposed changes highlighted
(6) Set of color-coded drawings, for reference
(7) Check in the amount of $930.00, which represents the fee for the letter of substantial compliance

cc: Louis Solomon
Ari Sherizen
Samuel White
Steven Dodds