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September 27, 2007

VIA FEDERAL EXPRESS

Hon. Meenakshi Srinivasan, Chair
New York City Board of Standards and Appeals
40 Rector Street
New York, NY 10006

Hon. Shelly J. Fine, Chair
Hon. Richard Asche, Co-Chair, Land Use Committee
Hon. Page Cowley, Co-Chair, Land Use Committee
Manhattan Community Board 7
250 West 87th Street
New York, NY 10024

Re: 6-10 West 70th Street, Congregation Shearith Israel (BSA 7407-BZ)

Dear Chairs and Co-Chairs:

We are the attorneys for a coalition of buildings and residents of West 70th Street, including 91 Central Park West, 101 Central Park West and 18 West 70th Street, opposed to the above Application by Congregation Shearith Israel ("Applicant") to construct a new 9-story building ("New Building").

On June 15, 2007, the Board of Standards and Appeals ("BSA") issued its Notice of Objections to Application, identifying 48 discrepancies, misrepresentations and failures on the part of Applicant to provide information necessary to enable BSA to evaluate the proposed New Building. Applicant has requested 8 variances from existing zoning requirements.

BSA's letter reinforced Community Board 7's earlier decision to postpone review of the Application by its Land Use Committee, once scheduled for June 20, 2007, until a complete Application was submitted by Applicant. The Committee postponed its review a second time in July when Applicant failed to offer any additional information in response to BSA's objections or to additional concerns raised by our clients' architectural and planning consultant, Simon Bertrang, and by Alan D. Sugarman, Esq.

On September 10, 2007 (nearly one month past the 60-day dismissal deadline required by the BSA), Applicant submitted its revised Application. Applicant continues its failure to respond to BSA's objections and to provide clear information on crucial issues which are significant to any determination of hardship excusing Applicant from compliance with the zoning regulations governing sound development in this vital area. As resubmitted, the Application remains egregiously incomplete.

Enclosed is a memorandum dated September 26, 2007, prepared by Simon Bertrang. After reviewing the revised Application, Mr. Bertrang points out that Applicant has provided incomplete responses to at least 13 objections raised by the BSA. These inadequacies include:

- Applicant does not address BSA's request for more detail on the alleged "nexus" between its programmatic needs and the proposed waivers (see Objections #5 and #13). As-of-Right scenarios resolve the claimed "deficiencies" of the existing community house at least as well as the proposed 9-story New Building without necessitating any special permits or variances.
- In numerous places, contrary to the BSA's specific requests, Applicant neglects to provide key information, misstates important details and/or offers imprecise responses (see Objections #1, 5, 8, 12, 14, 18, 23, 30, 34). The revised Application is exceptionally vague about the location of classrooms and how much square footage would be dedicated to the tenant school. In the revised Application, Applicant states that only 40 students are enrolled in its own Hebrew School, suggesting that the majority of the classroom space is intended for a revenue-generating tenant school, again raising the question of the "nexus" between the requested waivers and Applicant's mission-related needs. In addition, Applicant again fails to factor in floor area available in the Parsonage on Central Park West for residential, classrooms, office and/or archival uses. Applicant's responses raise more questions about the necessity for zoning waivers than it provides answers.
- Because the Department of Buildings withdrew its original objection to Applicant's failure to comply with Standard Minimum Distance Between Buildings (Zoning Resolution Section 23-711), Applicant escaped some objections raised by BSA, but Applicant still provides no explanation why protection against overcrowding on zoning lots should not apply in this case.

You have also received extensive materials from Alan Sugarman, Esq. (under his cover letter dated September 19, 2007) describing further vital information that is missing from the revised Application, including:

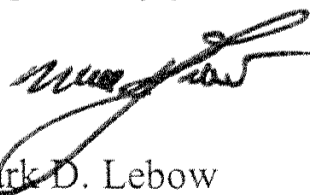
- A number of BSA's original objections pertained to the feasibility study (not required for non-profit applicants but requested by BSA). Supplementary materials submitted by Applicant in September only confuse matters more. The study is conjectural, speculative, unclear and misguided in its assumptions, including those pertaining to land costs, market value of the site and comparables. For example, the valuation of the school space is questionable because clearly inappropriate comparables were used.
- The study does not provide a basis for understanding whether Applicant faces any financial hardship that could be alleviated by the proposed New Building. Applicant also fails again to show how the proposed New Building addresses any programmatic needs related to its mission.
- Applicant provides a bare minimum of information pertaining to impacts that the proposed New Building would have on adjacent properties (needed to address BSA finding "c"). For example, the revised Application states only that 8 adjoining windows at 18 West 70th Street would be blocked, contrasted with 3 under the As-of-Right scenario, without providing specific details, photographs or drawings about which windows would be blocked. Furthermore, Applicant's Shadow Study does not address shadows that would be cast across West 70th Street to the north of the site on sidewalks and nearby buildings.

In sum, the additional information provided by Applicant achieves little clarity. Quite the opposite, Applicant's obscure, misleading and ultimately unconvincing responses to the BSA's precisely worded objections suggest more fundamental flaws in the proposal than the original Application did.

We, therefore, respectfully request that BSA require the Applicant to revise and resubmit its Application prior to scheduling a public hearing on this matter. We also respectfully urge Community Board 7 to postpone consideration of this proposal until revised Application materials are resubmitted.

Thank you in advance.

Respectfully yours,



Mark D. Lebow

Cc: 18 West 70th Street
91 Central Park West
101 Central Park West
Ms. Kate Wood
Alan Sugarman, Esq.
David Rosenberg, Esq.
Norman Marcus, Esq.
Shelly Friedman, Esq.
Hon. Scott R. Stringer
Hon. Gale A. Brewer
Hon. Thomas K. Duane
Hon. Richard N. Gottfried
Hon. Amanda burden
Hon. Patricia Lancaster