

Carnegie Hill Neighbors

**STATEMENT TO THE BOARD OF STANDARDS AND APPEALS
REGARDING THE VARIANCE APPLICATION
OF CONGREGATION SHEARITH ISRAEL (74-07-BZ)
BY LO VAN DER VALK, PRESIDENT, CARNEGIE HILL NEIGHBORS
(November 27, 2007)**

Thank you for the opportunity to speak on this variance application. Carnegie Hill Neighbors wishes to express its opposition to this application.

We are most concerned about the extra floors above the R8B envelope that will be used to build additional residential condominium units. The applicant has stated that these units will be sold, and that the proceeds will be used to help fund the community facility that will be built.

This raises a very fundamental issue, namely, that the variances sought to exceed the R8B height limit will be used exclusively to build these residential condominium units and are not needed to directly meet the programmatic needs of the community facility. Therefore they do not meet the finding of Section 72-21 (e) that the variances sought are the minimum needed. For this reason we urge that the Board deny this application.

Also the increase in bulk in this contextually restricted R8B section of the block will negatively impact the lower scale character of the rest of the block and restrict light and create additional shadows and hence there will be an adverse impact on the block countermanding the finding of Section 72-21 (c).

A further troubling aspect of this application is that if the height variances to build non-programmatic residential condominiums that will be sold to help fund programmatic needs are allowed this Board, it is not clear that there are any ways to set limits on the number of floors that can be justified based on the use of this rationale. In this CSI application it involves several additional condominium floors (whose impact are significant given the low overall height limit of 75 feet), however, in a comparable application of the Ramaz School on 121 & 125 East 85th Street (Congregation Kehilath Jeshurun) soon to be considered by this Board, we estimate that the number of floors of residential condominiums that are being sought that exceed the applicable zoning height restrictions are at least twelve (floors). Granting this CSI application will give encouragement to other applicants that the BSA will favorably consider applications for community facilities that seek variances for constructing residential condominium units to fund their programmatic needs.

The widespread use of such variances would have the very inappropriate affect of countermanding the purpose and intent of the Zoning Resolution and, additionally, the very meaningful amendments adopted over that past decades that have been introduced to encourage development that is contextual to lower scale neighborhoods.

For all these reasons we urge the Board to deny this application.

