



News from ...

SENATOR THOMAS K. DUANE

29TH SENATORIAL DISTRICT • NEW YORK STATE SENATE

TESTIMONY BY NEW YORK STATE SENATOR THOMAS K. DUANE
BEFORE THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS
REGARDING CONGREGATION SHEARITH ISRAEL'S APPLICATION
FOR VARIANCES AT 6-10 WEST 70TH STREET
(Application No. 172-07-BZ – 6-10 West 70th Street)

November 27, 2007

My name is Thomas K. Duane and I represent New York State's 29th Senatorial District, which includes the Upper West Side where Congregation Shearith Israel's (CSI) proposed building at 6-10 West 70th Street is located. Thank you for the opportunity to present testimony before the New York City Board of Standards and Appeals (BSA) today, although I had hoped that this hearing could have been delayed until after Community Board 7 had an opportunity to deliberate on this recently completed application.

As you know, CSI, a religious, not-for-profit institution, plans to construct a new community house at 6-10 West 70th Street for its programmatic needs. However, while CSI could construct "as of right" an appropriately sized building for these purposes under the area's mid-block R8-B contextual zoning within the Upper West Side/Central Park West Historic District, it is, instead, seeking seven variances from the BSA. Most of these variances will be used to construct five floors of market-rate residential units for revenue-generating purposes.

Section 72-21 of the Zoning Resolution states that a variance must not "alter the essential character of the neighborhood or district in which the zoning lot is located... substantially impair appropriate use or development of adjacent property; and... be detrimental to the public welfare..." Unfortunately, CSI's proposed plans will be harmful to the quality of life of its neighbors and to the character of its neighborhood. To construct the additional five floors of private residential units, CSI is seeking a height variance that would allow it to build 30 feet taller than what is currently allowed under the R8-B mid-block contextual zoning within which it is located. This additional height will block the air, light, and view for at least seven east-facing windows and dozens more courtyard windows in the adjacent building at 18 West 70th Street, as well as cast looming shadows on neighboring low-rise historic buildings along West 70th Street. Current residents of these buildings will not only suffer the loss of open views and sunlight, but also diminished property values as a result.

I have heard that CSI wants to build these additional floors of market rate housing in order to generate profits to finance the construction of the building itself and finance the programs CSI will operate within it. Regardless of the reason, a religious, non-profit institution should **not** be using zoning waivers and variances as a method of generating funding. If CSI needs additional funds to complete construction of its building or to run its programs, it should be more aggressive in tapping its donor base and/or developing

new donors, and of course it should factor in the increased revenue it will receive from the operations of its proposed community house. It should not be raising these funds at the expense of its neighbors and the surrounding neighborhood.

As a State Senator representing much of Manhattan, I continuously work with community activists and other elected officials to fight many developments that would encroach on their neighborhoods' character, quality of life, and sustainability. While the negative effects of this application, if approved by BSA, would directly harm the neighborhood of the Upper West Side, it would also set a City-wide precedent that would empower property owners, including non-profit organizations, to seek inappropriate variances to develop their real estate holdings. This would deal a serious setback to preservation efforts across the City. Our City's zoning and historic preservation laws, specifically designed to protect the character and sustainability of our neighborhoods, would be rendered ineffective if special exemptions are readily given to developers seeking to expand their coffers at the expense of the community. We cannot let that happen.

In light of these matters, I strongly urge that BSA deny CSI these variances.

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**TESTIMONY FROM STATE SENATOR THOMAS K. DUANE BEFORE THE
LANDMARKS PRESERVATION COMMISSION REGARDING THE
CONGREGATION SHEARITH ISRAEL'S SPECIAL ZONING PERMIT
REQUEST**

July 1, 2003

Good morning, my name is Senator Thomas K. Duane and I represent New York State's 29th Senatorial District, which includes much of the Upper West Side. I am testifying today in response to Congregation Shearith Israel's current building plans for 8 West 70th Street, Block 36, 37, lot 1122. This proposal calls for the demolition of the existing community house at 8 West 70th Street and construction on the property of a 14-story community house/residential tower. This residential building requires a special permit under the current Zoning Resolution.

Congregation Shearith Israel is one of New York's oldest and most valued congregations. It should be noted that when previous applications for constructing a residential building were met with opposition from both the community and landmarks preservation organizations, Congregation Shearith Israel withdrew the applications.

Congregation Shearith Israel, in restoring and preserving its own Synagogue, has shown a commitment to preserving New York City's landmarks. The Congregation also handles the upkeep of its three historic cemeteries throughout New York City in meticulous fashion.

The congregation has shouldered much of the synagogue's restoration and preservation expenses. This has come with a financial commitment on the part of the synagogue and its congregants. The lower portion of the planned residential building would serve as a new community house for the congregation. The upper portions would serve as an immediate source of income for the synagogue.

While I am sympathetic to this goal, I am unable to endorse their proposal. The proposed building violates R8B zoning and goes against the original reasons for selecting the Upper West Side for this special zoning. R8B zoning was enacted in 1984 to protect the mid-block sections of the Upper West and Upper East sides from the influx of high-rise buildings that was becoming commonplace in Midtown and parts of lower Manhattan. The West Side is a gem in our city that is worth protecting. Unfortunately, the proposed building extends past a 125-foot line created as a buffer between Avenue R10A and Mid-Block R8B zoning. The zoning code thus protects the mid-block buildings of the district from the looming buildings that both obstruct light and views and threaten to take away from the historic district's low-rise core.

We cannot ever allow spot zoning that will permit a mid-block tower to be constructed and damage the special zoning that has preserved the wonderful mid-block character of the Upper West Side. This proposed building must not be allowed to establish a precedent for future proposals that would further encroach upon the district. The more buildings that are allowed to circumvent the zoning by extending past the 125-foot buffer into mid-block, the harder it will be to maintain The Upper West Side and Central Park West as historic districts.

Congregation Shearith Israel must prove to the Landmarks Preservation Commission that the proposed real estate development both "contributes to a preservation purpose" and "relates harmoniously" to the existing landmark synagogue before it is approved. On the contrary, I believe that it takes away from preservation goals and if approved would greatly disrupt the harmony that currently exists between the synagogue and the Upper West Side.

While I value Congregation Shearith Israel as a valued member of New York City and the West Side, and while I sympathize with their economic goals, I cannot endorse this proposal.