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### **CONGREGATION SHEARITH ISRAEL APPLICATION**

Assembly Member Richard N. Gottfried  
Testimony before the New York City Board of Standards and Appeals  
Tuesday, November 27, 2007

My name is Richard N. Gottfried. I am the Assembly Member representing the 75th Assembly District, which includes Congregation Shearith Israel and the site of the proposed new building.

Congregation Shearith Israel has applied to the Board of Standards and Appeals for seven zoning variances that would allow it to construct a new community house with five residential units on the upper floors. If the BSA approves these variances, the new building would harm its neighbors and neighborhood, and advance a dangerous trend in land use.

The harms imposed on the synagogue's neighbors include covering more lot-line windows than would be permitted as-of-right, and reducing light and air for neighboring apartments that face the rear yard. For the neighborhood as a whole, the proposed building is too tall and out of character with the Historic District side streets. If the BSA allows these variances, property owners and developers, including not-for-profit organizations, across the city will feel empowered to develop their real estate holdings without regard for the City's zoning and historic preservation laws and policies.

The Congregation insists that it cannot build the new community house without the revenues that the proposed residential development would generate. This is not credible. It should raise the funds for its new community house the way other congregations do, by turning to its members. Also, the community house itself will generate income for Shearith Israel.

The height variance the Congregation is seeking would permit it to build 30 feet above what is allowed on this lot by the Zoning Resolution. The programmatic needs outlined in the application can be contained within the 75-foot height limit allowed in an R-8-B zone. The additional floors that the Congregation is seeking are not for community use, or even congregational use. They are for revenue-generating private residential use. This accounts for most of the variances it seeks. The Congregation only plans to use a small part of the proposed floor space for which it is seeking variances for its religious mission. None of the variances that the Congregation is seeking meet the Zoning Resolution's "E-finding," which requires that applicants seek a "minimum variance."

The height and setback variances being considered today vastly exceed what can

reasonably be considered “minimum variances.” Manhattan Community Board 7’s Land Use Committee voted against approving these variances. Even for its programmatic uses, the Congregation should not be granted the rear yard and lot coverage variances unless it is clearly shown that the programmatic purposes cannot reasonably be accomplished without them.

The proposed project will alter and harm the character of the neighborhood. The Congregation has pointed to older neighboring buildings in the vicinity that exceed the height, setback, and FAR limits set by the neighborhood’s contextual zoning designation. But the designation was written specifically to draw a line and prevent more of this kind of overdevelopment.

I am very concerned about seven lot-line windows on 18 West 70th Street that would be covered by the new community house and residences. This deprives residents of 18 West 70th Street of property value, light, and air. The project deprives all the residents of the historic district of value. Transferring property value from the neighbors to the Congregation, effectively forces them to make a substantial and involuntary contribution for a facility for which the Congregation’s members ought to be paying. The height and setback variances that would permit a new building to cover these windows violate the Zoning Resolution’s “C-finding,” and should not be allowed.

Not-for-profit organizations are increasingly trying to make use of their air rights and build residential or commercial towers that undermine landmark, historic district, and zoning regulations. The Landmarks Preservation Commission has been too receptive to these plans. I hope that the Board of Standards and Appeals will not be. This trend is detrimental to communities and should be resisted by community boards and City agencies.

I urge the Board of Standards and Appeals to reject the application in its entirety.