



## Community Board 7 Manhattan

New York City

To the Chair and members of the New York Board of Standards and Appeals:

Community Board 7, Manhattan, has, on several occasions in the past two years, generated resolutions strongly opposing the erection of a 775' residential tower at 36 West 66th street (see attached). We have noted that the proposed tower would generate oversized shadows onto Central Park, and would be dramatically out of character with the existing cityscape. We noted that the excessive height of the proposed tower provided no compensating benefits in terms of increased housing stock, as most of the excessive height would consist of voids or apartments with in some cases double-height ceilings. Certainly no affordable housing would be created. Indeed, because of the enhanced value (to the developer) of apartments on the highest floors the towers would be unaffordable even to most affluent New Yorkers.

We have read the Memorandum of Klein Slowik, attorneys for Landmarks West, opposing the proposed tower, and are fully in agreement with its conclusions and reasoning. The developer's cynical and sophistic reading the Zoning Resolution, reminiscent of Alice in Wonderland, is contrary to both its letter and its spirit.

1. Provisions in the Zoning Resolution governing bulk packing and tower coverage were enacted in response to the then anomalous

Millennium One building at 67th street between Broadway and Columbus Avenues. The clear and expressed intent of these rules was to require that at least 60% of the floor area of any building in an R10 or R9 zone in the Lincoln Square Special District, be located in the first 150' of elevation, and that the tower portion cover at least 40% of the lot . These requirements were obviously intended to restrict building heights. The Zoning Resolution allows for the merging of lots with different zoning designations, but requires each of the merged lots to conform to the zoning rules applicable to the lot. Here the developer is seeking to mix and match, applying bulk packing regulations to the merged lot and tower coverage rules as if there were no merger of lots. If the bulk of the base includes floor area in the adjacent lot, then the tower coverage rules should aptly to the merged lot. If the tower coverage in calculated only on the basis f the R10 lot area, then the base bulk packing requirement should also be calculated on that basis. The result of the developer's picking and choosing which rules to follow would be a grotesquely tall building, half again as high as the Millennium One building which generated the Zoning Resolution amendment intended to limit height.

2. In addition to perverting the bulk packing and tower coverage rules, the developer has achieved much of the height of its proposed building by the simple expedient of creating 196 vertical feet of essentially void spaces. Obviously, these spaces do not contribute the our housing stock but are intended to artificially heighten the tower to generate higher selling prices. The developer does not claim otherwise. It is our understanding that every structure in the city must comply with use group regulations contained in the Zoning Resolution. The only uses permitted in the tower portion of an R10 structure are residential or accessory to residential. There is no use group designated as "void". While necessary space for mechanical equipment is clearly accessory, unnecessary height of these space is not. From the standpoint of the surrounding community these voids constitute waste, whose only function is to reduce light and air and create an eyesore.

We respectfully urge the Board of Standards and Appeals to disallow a building permit for 36 W. 66th Street, unless and until the developer submits plans that conform to the zoning Resolution.

Yours,

Community Board 7, Manhattan

By: Roberta Semer, Chair