



BSA SUBMISSION NOTICE

Date: 8/28/2019

Examiner's Name: T. Matias

BSA Calendar #: 2019-94-A

Electronic Submission: Email CD

Subject Property/

Address: 36 West 66th Street, a/k/a 50 West 66th Street, Manhattan, Block 1118, Lot 45

Applicant Name LandMark West!

Submitted by (Full Name): Klein Slowik PLLC / Mikhail Sheynker, Esq.

- A) The material I am submitting is for a case currently **IN HEARING**, scheduled for _____.
 The reason I am submitting this material:
- Response to issues/questions raised by the Board at prior hearing
 - Response to request made by Examiner
 - Other: Reply Statement

Brief Description of submitted material: _____

List of items that are being voided/superseded: _____

B) The material I am submitting is for a **PENDING** case. The reason I am submitting this material:

- Response to BSA Notice of Comments
- Response to request made by Examiner
- Dismissal Warning Letter

Brief Description of submitted material: _____

List of items that are being voided/superseded: _____

MASTER CASE FILE INSTRUCTIONS

- ***Bind one set of new materials in the master case file***
- ***Keep master case file in reverse chronological order (all new materials on top)***
- ***Be sure to VOID any superseded materials (no stapling!)***
- ***Handwritten revisions to any material are unacceptable***



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REPLY STATEMENT

BSA Calendar No: 2019-94-A

Premises: 36 West 66th Street, a/k/a 50 West 66th Street, Manhattan
Block 1118, Lot 45 (“the Parcel”)

**Determination
Challenged:** Issuance of Permit No. 121190200-01-NB (“the Permit”)


Appellant LandMark West! (“LW!”) submits this reply statement to address the portion of the Department of Buildings reply statement, dated August 27, 2019, arguing that the issue of FAR deductions for the footprint of the mechanical equipment is not ripe for the Board’s review because the DOB previously rescinded the November 19, 2018 ZRD2. The DOB apparently has misread LW!’s supplemental statement of fact and misunderstood the objection raised by the Board at the hearing. The Board voiced concern that the issue of propriety of FAR deductions with regard to the footprint of the mechanical equipment was not raised on this appeal in LW!’s statement of facts, not that the issue was not ripe for the Board’s consideration. In fact, LW! appealed from the issuance of the permit on April 11, 2019, which is a final determination pursuant to 1 RCNY §101-15 (a)(3). An appeal from the issuance of a permit may bring up all relevant issues, including the propriety of FAR deductions included in the April 4, 2019 ZD1 Form, which LW! did raise on this appeal. The reference to the November 19, 2018 ZRD2 was not made for jurisdictional purposes but to clarify that LW! properly raised the subject issue in its original statement of facts and is entitled to have the DOB request and review the shop

Mikhail Sheynker, Esq.
August 28, 2019
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drawings and determine the actual floor area and space dedicated to the mechanical equipment, which, Developer claims, inexorably leads to the FAR deductions.

Accordingly LW! requests that the Board continue its appeal to consider the issue of the propriety of the FAR deductions taken by the Developer on its April 4, 2019 Zoning Diagram.

Dated: August 28, 2019
New York, New York


Mikhail Sheynker, Esq.