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September 10, 2007

BY HAND

Jeff Mulligan
Executive Director
NYC Board of Standards and Appeals
40 Rector Street - 9th Floor
New York, New York 10006

**Re: Congregation Shearith Israel
6-10 West 70th Street, Manhattan
74-07-BZ /CEQR No.: 07BSA071M**

Dear Mr. Mulligan:

With respect to the BSA Notice of Objections dated June 15, 2007, please use the information herein as a guide to the attached documents and plans which comprise our response in connection with the above variance application for Congregation Shearith Israel.

STATEMENT OF FACTS AND FINDINGS

Items #1 through 23 have been revised and/or incorporated into the attached Statement of Findings and Facts.

- Item #1: See Page 1, Para 2
- Item #2: See Page 6
- Item #3: See Page 10, Para 1
- Item #4: See Page 13, Para 1
- Item #5: See Pages 20-24
- Item #6: See Page 14, Para 1
- Item #7: See Page 22, Para 1
- Item #8: See Page 21, Para 2 (See, Plan EC-5A, P-6 & P-7)
- Item #9: See Page 21, Para 2
- Item #10: See Page 23
- Item #11: See Page 23 (mid-page)
- Item #12: See Page 23 (footnote 1)
- Item #13: See Page 24, Para 1

- Item #14: See Pages 25-27
- Item #15: See Page 26-27
- Item #16: See Page 29
- Item #17: See Page 29, Para 1
- Item #18: See Page 29, Para 1
- Item #19: See Page 29, Para 2
- Item #20: N/A: DOB Objection #8 omitted by DOB upon reconsideration (See, DOB Objection Sheet and Proposed Plans, dated August 28, respectively).
- Item #21: N/A: DOB Objection #8 omitted by DOB upon reconsideration (See, DOB Objection Sheet and Proposed Plans, dated August 28, respectively).
- Item #22: See Page 32, Para 1
- Item #23: See Pages 31-32 (and Proposed Plan P-17)

EXISTING CONDITIONS DRAWINGS

- Item #24: See revised EX-3 & EX-4 dated August 28, 2007.

AS-OF-RIGHT-CONDITIONS DRAWINGS

- Item #25: N/A: DOB Objection #8 omitted by DOB upon reconsideration (See, DOB Objection Sheet and Proposed Plans, dated August 28, respectively).
- Item #26: See revised Section Drawings AOR-3 & AOR-4 (Scheme A) dated August 28, 2007.
- Item #27: See revised AOR-14 (Scheme A), dated August 28, 2007.

PROPOSED CONDITIONS DRAWINGS

- Item #28: See revised P-3 & P-4, dated August 28, 2007.
- Item #29: See new section drawing P15-A, dated August 28, 2007.

LESSER VARIANCE DRAWINGS (SCHEMES B & C)

- Item #30: See "AOR - Scheme B", Plans AOR-1 through AOR-15, dated August 28, 2007 (See also, Feasibility Study dated September 6, 2007).
- Item #31: See "AOR - Scheme C", Plans AOR-1 through AOR-15, dated August 28, 2007 (Although DOB Objection #8 has been removed upon further DOB plan review, AOR - Scheme C has been provided to address Item #31; See also, Feasibility Study, dated September 6, 2007).

BSA ZONING ANALYSIS

Item #32: See revised BSA Zoning Analysis Form, dated September 6, 2007.

Item #33: See revised BSA Zoning Analysis Form, dated September 6, 2007.

DEPARTMENT OF BUILDINGS (DOB) OBJECTIONS

Item #34: See attached DOB Objection Sheet, which was issued on August 28, 2007 in conjunction with Proposed Plans P-1 through P-17 dated August 28, 2007.

FEASIBILITY STUDY

Item #35: See attached Feasibility Analysis, dated September 6, 2007.

Item #36: See attached Feasibility Analysis, dated September 6, 2007.

Item #37: See attached Feasibility Analysis, dated September 6, 2007.

Item #38: See attached Feasibility Analysis, dated September 6, 2007.

CEQR REVIEW/EAS

Item #39: Methodology for Project Site: EAS attachment and form have been revised, where applicable, to reflect the entire zoning lot (existing Synagogue and proposed new building).

Item #40: Methodology for "No-Build/"Build" Scenarios": EAS attachment has been revised (See Page "b", Para 2).

EAS FORM

Item # 41: See EAS, Part I, No. 8

Item # 42: See EAS, Part I, No. 13b

Item # 43: See EAS, Part II, No. 3

Item # 44: See EAS, Part I, No. 4

Item # 45: See EAS, Part II, No. 10

Item # 46: See EAS, Part II, No. 11

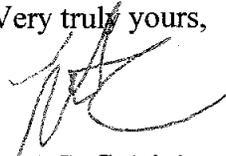
TECHNICAL ANALYSIS

- Item # 47: Land Use, Zoning and Public Policy – See attached analysis by AKRF dated August 2007.
- Item #48: Shadows – See attached analysis by AKRF dated August, 2007.

In addition to the above, please find attached the Certificate of Appropriate issued by the LPC on March 21, 2007 (COFA 07-6281).

Thank you for your attention in this matter. Please contact me should you have any questions or require further information. Thank you.

Very truly yours,



Lori G. Cuisinier

Enclosures

- cc: Hon. Sheldon J. Fine, CB 7
- Hon. Gail A. Brewer, City Council Member
- Hon. Scott Stringer, Manhattan Borough President
- Mr. Alan Geiger, Department of City Planning, BSA liaison
- Mr. Ray Gastil, Director, Manhattan Office, Department of City Planning
- Hon. Christopher M. Santulli, P.E., Manhattan Borough Commissioner
- NYC Fire Department
- David J. Nathan, Esq.
- Peter Neustadter
- Dr. Alan Singer

**STATEMENT IN SUPPORT
OF CERTAIN VARIANCES
FROM THE PROVISIONS OF
THE NEW YORK CITY ZONING RESOLUTION**

Affected Premises:

**CONGREGATION SHEARITH ISRAEL
6-10 West 70th Street/99-100 Central Park West
Block 1122 Lots 36 & 37
Manhattan**

**Friedman & Gotbaum LLP
568 Broadway, Suite 505
New York, NY 10012
(212) 925-4545**

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THE APPLICATION

This statement is filed in support of the Application by Friedman & Gotbaum LLP on behalf of the Trustees of Congregation Shearith Israel (“CSI”) pursuant to Section 72-21 of the Zoning Resolution of the City of New York (the “Zoning Resolution” or “ZRCNY”) for a variance in connection with the construction of a new-community facility/residential building at 6-10 West 70th Street (Block 1122, Tax Lot 37) (the “New Building” or “Lot 37 Site”). The New Building will replace on an expanded footprint the current Community House, which is a support building in deteriorating condition connected to the CSI Synagogue (the “Synagogue”), also known as the “Spanish and Portuguese Synagogue in the City of New York,” located on the southwest corner of Central Park West and West 70th Street. Additionally, the New Building will house residential uses in the form of five dwelling units for private occupancy.

The New Building will contain 42,961.53 zoning square feet, which when combined with the other buildings on its zoning lot (as further described on page 4) will result in a total zoning square footage of 70,720.73 sf. The maximum permitted FAR over the entire zoning lot is FAR 8.36. The current built FAR over the entire zoning lot is FAR 2.25. The built FAR over the entire zoning lot upon completion of the New Building will be FAR 4.09. Expressed as zoning floor area rather than FAR, the zoning lot is permitted 144,510.96 sf. of development. The existing buildings to remain on the zoning lot total 27,759.2 sf, leaving 116,751.76 sf available for development following demolition of the existing community house. The New Building will add 42,961.53 sf. The resulting net increase in zoning floor area attributable to approval of this Application is 31,882.63 sf, or 27.3 percent of the potentially available air rights after demolition of the community house.

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The current community house building height (and streetwall height) is 52'-9 ¾" to top of its parapet. The New Building will have a streetwall height of 95'-1" to the top of its parapet and a building height of 105'-10" to the top of the highest occupied floor. The two cellar levels and first four floors of the New Building will hold community facility (Use Group 3) uses associated with the Synagogue's mission (multifunction room, meat and dairy kitchens, babysitting room, expanded small synagogue, foyer servicing the main sanctuary, rabbinical and administrative offices, exhibition and archival space educational rooms for use by its Hebrew School and by a Jewish day school which has leased space in the existing community house since 1994, and the Synagogue caretaker's apartment. The upper four storeys, plus a 2,815.92 sf penthouse, will be occupied as Use Group 2 residential space.

As more fully described in this Application, the New Building will be located on a split zoning lot in which the eastern 72.7 percent is zoned R10A and the western 27.3 percent is zoned R8B. The New Building is located almost entirely on the R8B portion of the zoning lot, however, because the creation of the zoning lot predates the enactment of the 1961 Zoning Resolution, the distribution of zoning floor area over the zoning lot uses the averaging methodology permitted as a matter of right by ZRCNY Sec. 72-22. The configuration of the existing Synagogue, CSI's programmatic requirements for the New Building and the permitted distribution of zoning floor area result in the following noncompliances, which are the subject of this Application: (1) R10A and R8B lot coverage exceedances per ZRCNY Sec. 24-11/77-24; (2) R10A and R8B rear yard exceedances for the third and fourth floors per ZRCNY Sec. 24-36; (3) R8B setback exceedance per ZRCNY Sec. 633; (4) R10A and R8B base and building height exceedances per ZRCNY Sec. 633; and (5) R8B rear setback exceedance per ZRCNY Sec. 663.

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The New Building will be developed on a zoning lot comprised of (1) Tax Lot 36, which is fully occupied by the Synagogue and an adjacent single family dwelling (99 Central Park West) that originally served as the Rabbi's Parsonage and (2) Lot 37, which currently consists of the four-storey Community House constructed in 1954, which will be demolished, and a vacant parcel comprising almost 60 percent of Lot 37 that was previously improved with two rowhouses, which were demolished in 1950. These two lots, in common ownership since the enactment of the 1961 Zoning Resolution, constitute a single zoning lot as the term is defined in ZRCNY Sec. 12-10. While the entire zoning lot is situated in the Upper West Side/Central Park West Historic District, only the Synagogue is an individually designated landmark.

The purpose of the New Building is to address several infringements on the mission of CSI as a house of worship, center of Jewish education and culture and provider of community programming open to the public. The Synagogue has severe circulation limitations which interfere with its religious programming. These limitations cannot be addressed through interior alterations. In addition, the physical obsolescence and the ill-configured floorplans of the current Community House compromise CSI's religious, educational and cultural missions. Combined, the configuration of the structures on the zoning lot make it impossible to utilize in a feasible manner any of the lot's unbuilt zoning floor area in order to address any of these programmatic difficulties. As further described throughout the Application, the New Building addresses the programmatic difficulties by providing: (1) new horizontal and vertical circulation systems for the Synagogue to eliminate systemic shortfalls in its construction and design that limit barrier-free access to its sanctuaries and ancillary facilities and that cannot practically be addressed through physical exterior alterations and/or enlargements to the Synagogue itself, (2) a new

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“Community House” (being the two cellars and the first four floors of the New Building) providing offices and specialized rooms supporting religious, educational and cultural uses that are essential to CSI’s mission but either cannot be accommodated within or beneath the Synagogue or can no longer be accommodated in the physically obsolescent and deteriorating existing Community House; and (3) residential use on floors 5 – 8 (plus penthouse) to be developed as a partial source of funding to remedy the programmatic religious, educational and cultural shortfalls on the other portions of the zoning lot.

The New Building cannot be constructed in a manner consistent with the Zoning Resolution with regard to its yards, streetwall, lot coverage and height and setback that will overcome the current religious, educational and cultural programmatic difficulties. These zoning issues are described at length below. The need for the waivers requested in this Application stem from (1) the lack of any feasible options to modify the existing structures consistent with the Zoning Resolution that will address these severe programmatic difficulties; (2) the Synagogue’s substantial existing zoning noncompliances and (3) the parallel jurisdiction of the Landmarks Preservation Commission, which has approved unanimously both the massing and the design of the New Building, and by so doing has expressed views substantially similar to CSI regarding the need to protect the architectural heritage of the landmarked Synagogue. In sum, while the landmark status of the Synagogue clearly presents hurdles in addressing the programmatic difficulties in a manner compliant with the Zoning Resolution, no claim is made herein for the granting of a variance based on the landmark status of the Synagogue or its location within a historic district. The hardships imposed by attempting to overcome the religious, educational and cultural difficulties facing CSI through a new building that complies with the Zoning

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Resolution would be present even if the Synagogue was not so designated and the zoning lot was not located within a historic district.

BACKGROUND OF CSI AND THE SITE

The Congregation has worshipped in New York City for 350 years, holding its first services in Peter Stuyvesant's New Amsterdam in 1654. For almost two centuries it served as the only Jewish congregation in New York City, thus sharing its diverse history of serving its congregants and the larger community within the Dutch colonial experience, the British colonial experience and the American experience literally from its birth. The Synagogue is CSI's fifth edifice in New York City and is one of the City's earliest individually designated landmarks. Like all other religious institutions that have served the New York community continuously from colonial times forward, its history is one of creating a house of worship for its nearby congregants, and relocating to newer, larger houses of worship as the City grew and its congregants moved to newer residential quarters. This pattern can be seen with all of the City's faiths founded in the Eighteen Century or earlier. Modern Manhattan has been totally settled and the availability to seek new land on which to construct facilities commensurate with their congregations' growth has long since vanished for religious institutions on Manhattan. Moreover, the congregations of these institutions are no longer migratory. Not all are experiencing growth, but finding that with their congregations no longer migratory and new development exceedingly expensive, these institutions must strive to improve the sites they occupy in ways the worshippers who planned for their construction could not imagine. Yet the traditional remedy for accommodating growth for a religious institution, relocation to new site, is now geographically, demographically and financially out of the question.

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With regard to CSI's synagogue, constructed in 1896 and virtually unchanged since that date, it was not built to serve the size of its present community, either as a house of worship or as an educational and cultural center. Zoning and landmarked restrictions now severely limit significant reconfiguration of the site. Relocation is cost prohibitive and in any event its stable West Side congregants, whose faith requires that they be within walking distance of its house of worship, would hardly be served by relocation.

History. Congregation Shearith Israel was founded in 1654 by twenty-three Sephardic Jews, who, having been kidnapped by pirates and freed by a French ship, were deposited on the shore of Peter Stuyvesant's New Amsterdam, whereupon they were immediately imprisoned in what must have been one of the earliest recorded cases of illegal immigration in the New World. Freed upon petition to the Dutch governments, these involuntary immigrants fought for their rights and prospered in the Dutch colony. Initially limited to these original immigrants, the Jewish community in the colony was relatively small and the Congregation met either in private homes or in rented quarters. On the seventh day of Passover, April 8, 1730, CSI consecrated its first synagogue building on Mill Street in what is now the Financial District and as such was the first structure designed and built to be a synagogue in North America. The first Mill Street Synagogue was replaced by a larger structure at the same location in 1818. In 1834, the Congregation moved to a new building on Crosby Street between Broome and Spring streets. CSI's fourth home was later built on West 19th Street, near Fifth Avenue. CSI owns and preserves the three small cemeteries associated with these earlier synagogues (55 St. James Place, opposite Chatham Square, in use 1682-1828; 76 West 11th Street, between 6th and 7th Avenues, in use 1805-1829 and 110 West 21st Street between 6th and 7th Avenues, in use 1829-

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1851) in which are buried some of its earliest congregants, including officers and financiers of the Revolutionary War and founders of Columbia University, the New York Stock Exchange and Mount Sinai and Montefiore Hospitals. Emma Lazarus, whose poem is inscribed on the base of the Statue of Liberty, was a congregant, as were Supreme Court Justice Benjamin Cardozo and Commodore Uriah Phillips Levy, Revolutionary War naval hero and later owner and restorer of Thomas Jefferson's Monticello.

Unique Attributes of the Synagogue. CSI built the current Synagogue in 1896, as New York City's population increased and migrated northward. It was surrounded by farmlands at the time. In the Sephardic tradition, the congregants transported and incorporated elements of its past synagogues into its new building. The floorboards in the main sanctuary were originally used as such in the previous sanctuaries. The Reader's Desk on which the Torah Scrolls are opened and read and the four large candlesticks that surround it are original to the 1730 building. The small chapel in the current Synagogue, now a room in the Synagogue but known as the Little Synagogue, contains lighting fixtures, including the Ner Tamid (the Eternal Flame), the tablet of the Ten Commandments located over the Ark, benches and religious objects also used in the Mill Street Synagogue. Many of the religious objects used in the Little Synagogue have been used in daily services since Pre-Inquisition Spain. The Torah Scrolls encased in the Ark, which are also used on a daily basis, bear the slashes sustained by the sword of a British soldier when the City was attacked during the War of 1812. (Legend has it the soldier was severely punished for his sacrilege.) The silver bells and ornamental plates adorning those Torah Scrolls were smithed by Myer Myers, under whom a young Paul Revere served as an apprentice in Boston. These details of CSI's rich pre-colonial and colonial architectural and ceremonial history

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are provided to illustrate to the Board that CSI is not only a significant center of Jewish faith and culture, but that in addition its stewardship of its archeological, historical and architectural treasures, used in its everyday services, has created a unique environment in which the exercise of faith occurs in a living museum. Jewish scholars and visitors from around the world come to visit the Synagogue, referred to by others as the “Mothership of the Jewish Experience in the Americas.” Indeed, its ties with the colonial experience are so deep that it once uniquely shared attributes with the Anglican Church of the 18th and 19th Centuries in referring to the home of its religious leader as the “Parsonage” (*i.e.*, 99 CPW) and referring to its Chief Rabbi by the honorific title “Rt. Reverend.”

Ties to Historic Preservation and LPC. This physical and cultural history of the Synagogue is an essential element of this Application. The physical appearance of the existing Synagogue has come to serve as an icon to World Jewry for the migration of Judaism to the New World and the founding of the Jewish experience in the Americas. While the Synagogue’s landmark designation is, of course, an honor, it comes centuries late for a congregation that has a 350 year unblemished history of approaching historic preservation with an orthodoxy and a purpose far and away exceeding municipal regulation. This stewardship is undeniably linked to the religious, cultural and educational mission of CSI. It informs every decision regarding the use and development of its property. It may, in fact, be true that the Landmarks Commission would not approve applications proposing to alter the Synagogue through additions over it or jeopardize its structural integrity by building under it, but with all due respect those regulatory issues are rendered meaningless by the superseding obligations succeeding generations of congregants have accepted to preserve the Synagogue and its traditions. CSI holds any effort to

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alter the Synagogue to be a violation of that obligation and antithetical to its mission. Thus, this Application, while tracking the hopes of most preservationists by (1) transferring available floor area from the Synagogue footprint for use elsewhere on the zoning lot, (2) refraining from any form of construction or alteration above, within or below the Synagogue that might affect its integrity, and (3) dedicating itself to the continued archival restoration and maintenance of the landmarked Synagogue through capital fundraising that includes a one-time monetization of zoning floor area through developing a moderate amount of residential space, is otherwise driven by CSI's own core values as trustees of the Synagogue and its contents for the benefit of generations to come. All of the requests for relief presented in this Application are directed toward alleviating the hardships caused to that mission by the literal application of the cited provisions of the Zoning Resolution.

CURRENT USES AND CONDITIONS

As noted above, the Synagogue itself remains in constant use as a house of worship. In addition to its sanctuaries, the Synagogue contains the executive director's office, several administrative offices, the multifunction Levy Auditorium, and a kitchen and coat room within its cellar level. Although the Synagogue has a formal monumental entrance on Central Park West, it is almost never used. It is perhaps the most glaring design flaw of the Synagogue. Because according to Jewish Law a synagogue must be designed so worshippers face east when praying toward the altar, the altar is located along the east wall of the Synagogue. Thus, the monumental entrance is anything but monumental as once it is entered, without vestibule or foyer, it is reduced to small interior doors backstage of the altar and narrow passages to circumnavigate it. The daily route for entering and leaving the Synagogue is through its side

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doors on West 70th Street, which were never designed as a primary means of access or egress and which require the use of a steep interior stairway to enter the foyer leading to the sanctuaries. This access was only moderately improved by the construction of the Community House in 1954, which provided additional doors but only through indirect means and in any event did nothing to alleviate the need for the stairs.

While one is tempted to conclude that this unfortunate result was solely due to religious orthodoxy, the fact remains that the lay architectural mandates (or hubris) of the day may also have contributed to creating this unpractical result. Most of the institutional buildings facing Central Park West have similar monumental entrances that either originally or over time have been abandoned by their occupants in favor of more practical side-street entrances. Such examples are the New-York Historical Society, which uses its West 77th Street on a daily basis but rarely uses its prominent CPW entrance, and the First Church of Christ, Scientist at CPW and West 68th Street.

CSI can no longer ignore the programmatic impacts caused by this inability to enter the Synagogue and move around it in a proper manner. When constructed in 1896, CSI was a congregation of 300 families. It is now a community of 550 families. Its primary sanctuary cannot be reached without great labor. Access to its sanctuaries and their ancillary facilities are not barrier-free. CSI has studied the options for alterations to the Synagogue to address these deficiencies. The studies have concluded that there are no good options and that in any event there are no options that would not necessitate significant loss of original historic material. These access deficiencies can only be addressed by demolishing the Community House and replacing it with a new contiguous building designed with circulation systems that can be

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appended to Synagogue.

In 1954, CSI converted two adjacent rowhouses into the current Community House. Aside from re-cladding the façade, the scope of the alterations to the rowhouses was minimal, as evidenced by the continued presence of the shared party wall between them in many areas of the building. These original structures now comprising the Community House have reached the end of their useful life and are in need of substantial improvement. The combined buildings house a 1,668 sf multipurpose room/auditorium, which is on the same level as the Synagogue's first floor albeit at a lower level and thus cannot be entered without the use of stairs. This room is used for various meetings and as a play space for a day school which leases the space to run its programs. Approximately 694 sf of offices and 2,818 sf of classrooms are located above the multipurpose room/auditorium. The entire CSI administration is housed in these quarters and all of CSI's programming for religious services and community services, which are open to public, emanates from the two small second floor office spaces. CSI's community services programming is extremely active, with a number of affiliate organizations, such as the longstanding Sisterhood providing community outreach to congregants and non-congregants, Hebra Hased Va-Amet, the City's oldest Jewish philanthropic organization, which provides dignified burials for indigents and the 1654 Society dedicated to preserving CSI's historical treasures, including the preservation of its two landmarked cemeteries in Manhattan and fostering a historical awareness of the Jewish American colonial experience. CSI has a rich and detailed history of championing the plight of the poor, homeless and hungry, both globally and within the West Side community. All of those efforts are administered by staff and volunteers from within the Community House.

In addition, the Community House needs to provide space for CSI's Hebrew School of

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approximately 40 students and its tenant day-school, Beit Rabbin, which enrolls 125 children between the ages of five and seventeen in full time attendance. Beit Rabbin is a licensed private school that has been a tenant since 1994. This school now occupies the 2nd, 3rd and one-half of the fourth floor and it is anticipated that it will retain a comparable space in the New Building. Recently the Landmarks Preservation Commission approved the addition of a temporary trailer in the vacant portion of Lot 37 to permit these educators to alleviate the severe overcrowding in the Community House. Beit Rabbin is unaffiliated with CSI other than as its tenant and membership in CSI is not a prerequisite for admissions. The relationship between the two organizations was borne of the fact that like all other ancillary religious schools, CSI's classrooms are vacant during the hours of the regular school day. An important factor of Beit Rabbin's tenancy is that it shares CSI's missions and goals and thus was chosen as a suitable candidate to utilize CSI's classrooms and sanctuary for its program. While income is generated which supports CSI's own mission, Beit Rabbin has become a welcomed feeder for Synagogue growth and the adjacency to the Synagogue has been an important attribute to the educational and cultural teaching within the tenant school.

CSI offers a wide range of youth activities such as monthly Shabbat dinners, "toddler Shabbat" and informal Saturday religious classes, which also take place within the Community House. During holidays, the students participate in traditional holiday community service programs which include delivery of food packages throughout the City. For adult congregants, the Community House provides space for educational studies in Mishneh Torah (basic principles in Jewish philosophy, ethics and law); Ladino (Judeo-Spanish language studies); Shabbat; and basic Judaism. These classes have been embraced by Jews throughout the metropolitan region

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seeking to reach a deeper connection with their heritage.

In addition, the lack of adequate storage space and offices has forced CSI since 1995 to relocate its seminal historical archives to an off-site storage facility in Newark, New Jersey at great expense and significant compromise to its mission. This move was also necessitated due to climate control requirements and to provide for a required additional office in the previously occupied archive area. Books, records, correspondence, sculpture and other religious artifacts are now stored within a 350 sf climate controlled storage space and a 250 sf open storage space. It has long been an aspiration to have suitable archival facilities on site so that CSI's considerable treasures, many of which could be used in connection with worship as some now are, could be made more available to the rabbinate, Judaic scholars, congregants and children in its educational programs.. The proposed plans provide for a 565 sf archival room with appropriate climate controls at the New Building's first floor level.

THE LANDMARKS APPROVAL PROCESS

A Certificate of Appropriateness for the New Building was unanimously approved by the Landmarks Preservation Commission ("LPC") on March 14, 2006. One Commissioner described the New Building's design and massing as "thoroughly modern...but speak[ing] very eloquently both to the temple adjacent and to the other brick apartment buildings." It was not only an "appropriate addition to [the Upper West Side/Central Park West historic] district, but a very positive addition . . . that will stand on its own as a landmark . . ." The official LPC March 14, 2006 recorded transcript provides the excerpts from statements by various Commissioners preceding the unanimous vote to approve the New Building:

"...this is a fine example of what can happen i[f] careful evolution

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i[s] permitted...we have a contemporary design, finally in complete harmony with the classic building next to it...I think the reduction of height was one of the major things we felt from the beginning was necessary. Also, the redesign of the entrance relating to the old building is now very successful, and they work together beautifully.”

“I think the massing is appropriate. It is a massing that relates to the street and to its proximity to Central Park West. And, overall, I think the building will make a great contribution to the streetscape.”

“I do think [the proposal] is an elegant solution in many ways to what a difficult and complex problem here, to try to insert this building into the existing synagogue and adjacent property.”

“ ...I think the massing with the removal of the upper penthouse is absolutely in line with the surrounding buildings, specifically, the building adjacent, with the single setback penthouse that is partially visible...Again, I have always felt that the limestone frame that is adjacent to the temple and over the main bulk of the building is inspired.”

The New Building represents a six-storey reduction from CSI’s initial LPC submission in 2003. The reduction was necessitated due to the LPC’s concerns that the height of the initial submission was not in keeping with the character of the Historic District.

The reduction in height brought with it a profound change in the nature of the zoning waivers being sought, which is highly pertinent to this Application. As originally proposed, the New Building required the transfer of substantial zoning floor area across the zoning district boundary bisecting the zoning lot, in contravention of the Zoning Resolution. This would have

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been another objection in addition to those presented in this Application. Inasmuch as the zoning floor area being transferred was being taken from air space over the designated landmark, and because the proceeds of the development of the residential portion of the New Building (ten floors in the initial Application) were being directed to the continued restoration and maintenance of the landmarked Synagogue, CSI believed that such an action would qualify the development under the LPC's precedents for a Special Permit pursuant to ZRCNY Sec. 74-711. However, the Commission's response to the initial LPC application, and in particular the use of ZRCNY Sec. 74-711 to transfer zoning floor area across a district boundary, was mixed, with some Commissioners opposed to finding that the requisite "preservation purpose" (NYCZR Sec. 74-711(a)(i)) would be served. The partial remarks of LPC Commissioner Gratz are hereby submitted as representative of that opposition:

"We are being asked to find appropriate a high rise building under a 74-711 Special Permit proceeding that spans two zoning districts if (1) it is appropriate to the landmark site and (2) if it serves the preservation purpose. . . . While the 74-711 provision allows some flexibility in order to achieve conformity with the existing neighborhood character, that flexibility was never meant to allow something so contrary to the site. This would surely lead to an erosion of the landmarks law that I believe would be beyond our wildest nightmares."

In fashioning its response to the Commissioners' comments, CSI choose to reduce the height of the New Building from 14 to 8 stories plus penthouse. In so reducing the floor area of the New Building, the distribution of zoning floor on each side of the zoning district boundary resolved itself without the need for waiver or special permit. In addition, the extent of the streetwall and height and setback waivers was also reduced. In consultation with the LPC staff, it appeared that

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if the Commission was signaling that the larger project would fail the preservation purpose required for its support of a ZRCNY Sec. 74-711 Special Permit, there was no reason to believe the smaller building would. In returning to the LPC with the smaller New Building, CSI indicated its willingness to seek the variance requested in this Application. The Commissioners in attendance did not object to CSI's position and the Commission moved forward with its consideration of the revised Application and ultimately unanimously approved it.

This history of LPC consideration is submitted to substantiate that CSI took every available step to seek the administrative relief provided in the Zoning Resolution for seeking a special permit to modify the bulk regulations for which this variance Application now seeks waivers, thereby exhausting its administrative remedies prior to the filing of this Application.

THE ZONING LOT AND ZONING NON-COMPLIANCES

Tax Lots 36 and 37 have been in common fee ownership since 1949 and share the necessary contiguity set forth in ZRCNY 12-10 to be deemed a single zoning lot since that date. The zoning lot is a rectangle bounded on the west by Central Park West (100.5 ft frontage) and on the north by West 70th Street (172 ft frontage). On its east boundary is the building wall of 18 West 70th Street, a 9-storey multiple dwelling. Its southern lot line is shared with 91 CPW and a row house at 9 West 69th and forms an irregular pattern of rear yards and side and rear walls of various depths. The zoning lot's area is 17,286 sf. A zoning district boundary runs parallel to CPW 125 ft west of CPW. The R10A avenue portion of the zoning lot comprises 73 percent of the total area of the zoning lot. All of the Parsonage and Synagogue and approximately the easternmost 17 feet of the current Community House are located in the R10A portion of the zoning lot. The remainder of the zoning lot (27 percent of its total) is zoned R8B. The

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maximum permissible FAR for a community facility in an R10A district is 10 and for a mixed use community facility/residential building in an R8B district is 4. Because the zoning lot has been in existence since prior to December 15, 1961, it is entitled under the provisions of ZRCNY 77-22 to utilize an average FAR across the entire zoning lot. The Applicant has calculated that averaged permissible FAR to be 8.36. Using that FAR, the R10A portion of the zoning lot is permitted 105,022.50 sf of zoning floor area and the R8B portion of the zoning lot is permitted 39,488.46 sf of zoning floor area. Upon completion, the New Building will contain 42,961.53 sf (11,197.51 on the R10A and 31,764.02 on the R8B portions of the zoning lot), which amounts to a total FAR on the zoning lot of 4.09, well under the amounts permitted. In addition, included in the LPC approvals is a determination to promote a distance between the landmark Synagogue and the New Building. This was satisfactorily achieved by employing a “notch” of open space pushing west the east elevation of the New Building. This notch was imposed without regard to zoning considerations, one of which was that it eliminated from full development the only portion of Lot 37 within the R10A district. Thus the notch has the effect of requiring more floor area to be built in the R8B portion of Lot 37, thereby increasing the extent of the bulk waivers requested in this Application.

With regard to the R10A portion of the zoning lot, development of available zoning floor area is complicated by the fact that beyond 100 ft from the avenue, the existing Synagogue and Community House already exceed permitted lot coverage and that, if the Synagogue is going to remain unaltered and the air space above it undeveloped, the further use of the unused zoning floor area must be restricted to the same westernmost portion of the R10A in which the lot coverage exceedance exists. This limitation results in a severe limitation of the use of available

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zoning floor area, and its only feasible use is as set forth for the massing of the New Building.

The following exceedance is increased in the R10A portion of the zoning lot:

- (1) ZRCNY Sec. 24-11/77-24: extent of the existing lot coverage noncompliance is increased.

Within the R8B portion of the zoning lot, the New Building is underbuilt based on the permitted FAR 8.36, but its massing cannot be provided in an as-of-right manner due to the unique role it must play in addressing the Synagogue's deficiencies as well in providing the types of spaces required for CSI to maintain its religious, educational and cultural activities. The following exceedances are created in the R8B portion of the zoning lot:

- (1) ZRCNY Sec. 24-11/77-24: permitted lot coverage is exceeded,
- (2) ZRCNY Sec. 23-633: permitted base height, setback and building height requirements are exceeded, and
- (3) ZRCNY Sec. 23-663: required rear setback is not provided.

Finally, in order to provide for the appropriate connections between the Synagogue and the New Building and in order to provide suitable floorplans and adjacencies for the portion of the New Building to be used by CSI for Community House purposes (floors 1 – 4), the first floor will fully cover the lot and floors 2 – 4 will set back 20 ft from the rear property line. Such coverage is permitted for the first floor but the other three floors fail to provide the required 30 ft rear yard in either the R10A portion or the R8B portion of the zoning lot as set forth in ZRCNY Sec. 24-36.

FIFTY YEAR SITE HISTORY

The Synagogue was built in on Lot 36 in 1896-97. The Community House was created in 1954 through the combination of two turn of the century row houses on what is now a portion of Lot 37. The Community House and Synagogue have come to share the same property address: 8 West 70th Street. The vacant portion of Lot 37 was created when two of the four

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rowhouses owned by CSI, presumably numbered Nos. 16 and 14 West 70th Street, were demolished in 1950. These houses no doubt once existed on individual tax lots, but over time those lots have been merged into Lot 37. No use or bulk modifications have occurred since 1954. In 2006 the LPC approved the installation of one trailer for educational purposes on the vacant portion of Lot 37.

THE NEW BUILDING DEVELOPMENT PROGRAM

Synagogue Accessibility. For all of the reasons set forth above, CSI can no longer meet its religious, educational and cultural programmatic needs without significantly modifying the access and egress for the sanctuaries. Because there is no practical solution that includes alteration work within the Synagogue, and because any such alteration work would be contrary to CSI's mission, the solution must be found within the footprint of the New Building. Although the Synagogue's CPW and West 70th Street entrances will remain where currently located, the New Building will provide a more generous barrier-free set of door leading to a vestibule off an expanded Synagogue lobby and gallery. The New Building will include elevators designed to provide access to the balcony seating area of the main sanctuary. Adjacent to the gallery, an archives room worthy of CSI's historical relics, papers and documents for exhibition and scholarly study will be located. Of major significance to CSI is the first floor's proposed 1,320 sf enlargement of the Little Synagogue into the New Building, which remains the most important room within the Synagogue for daily sunrise and sunset prayer services, small ceremonies and personal prayer.

Community House. In addition, CSI's ability to continue to operate within the limitations of the existing Community House has ended and it now must address the need for both newly

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designed and enlarged community facility space beneath and within a newly constructed New Building. Below-grade levels will provide an appropriately sized and barrier-free multi-function room, meat and dairy kitchens, a babysitting room, residential storage space and building services. Rabbinical and executive offices currently located on the second floor of the existing Community House have been given more appropriately sized and barrier-free locations on the Floors 1 and 2. Floors 2, 3 and 4 will contain appropriately sized and barrier-free classrooms for CSI and its tenant school's educational purposes, as well as the CSI caretaker apartment. Floors 5 through 8 and the penthouse will be residential.

Specifically, the New Building will provide a 3,259 sf increase to the floorplate of the Community House and the overall square footage of community facility use will be increased by 8,957.14 sf above grade. While the Synagogue provides a full cellar level, the demolition and replacement of the Community House will permit excavation to provide both a subcellar and cellar level for programming where none exist today. The critical programmatic improvements to both Synagogue and Community House made possible through construction of the New Building are as follows:

- New barrier-free elevator dedicated solely to accessing the Synagogue's upper levels
- Enlarged barrier-free vestibule and Synagogue lobby at the first floor level.
- New 6,432 sf multi-function room at the subcellar level, which will be utilized solely by CSI's members for social gatherings, educational lectures and life cycle celebrations. CSI's bylaws specify that all ceremonies must be done under the auspices of CSI's rabbi and with CSI's "customs." Accordingly, CSI does not intend to lease this space to outside catering entities. Current facilities are so undersized that member weddings have taken place at CSI with receptions occurring off-premises. Due to the lack of sufficient space for religious life-cycle events, funerals are often required to use both auditoriums as well as the Synagogue.

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- New babysitting room, storage and office space, dairy and meat kitchens at the cellar level.
- Expanded Small Synagogue, new exhibition space and archival room at the first floor level.
- Appropriately sized Rabbinical and executive offices on floors one and two.
- Twelve (versus six existing) appropriately sized barrier-free new classrooms on floors two through four.
- Appropriately sized apartment for CSI Caretaker at fourth floor level.

When the Community House was originally built in 1954, a caretaker's apartment was included as an accessory use to the community facility and is noted as such on the building's Certificate of Occupancy. Due to the CSI's heirloom status and the numerous priceless religious artifacts and relics contained within the Synagogue, it is critical to CSI's program that the caretaker continue to live on-premises to ensure that the electrical, plumbing and heating systems remain in good working order, and that any potential emergency can trigger an immediate response. CSI is protected with fire, flood, carbon monoxide and carbon dioxide detectors as well as a closed circuit television system, all of which are monitored by the caretaker both in his apartment and at the lobby's security desk. CTV cameras surround CSI's exterior and also monitor its historic exhibits within the Synagogue. Currently, the caretaker oversees a staff of one fulltime security guard and three full-time maintenance workers.

Without the New Building requested in this Application, CSI's existing programmatic deficiencies will remain and continue to get worse. The continuation of these deficiencies through CSI's inability to construct the New Building would seriously undermine the religious,

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Without the New Building requested in this Application, CSI's existing programmatic deficiencies will remain and continue to get worse. The continuation of these deficiencies through CSI's inability to construct the New Building would seriously undermine the religious,

educational and cultural mission of CSI. Only through the approval of this Application can these deficiencies be eliminated.

EXISTING AND PROPOSED CSI PROGRAM AREAS (LOT 37)

FL.		CLASSROOM (SF)	OFFICE (SF)	MULTI-FUNCTION (SF)	KITCHEN (SF)	BABY-SITTING (SF)	LOBBY/ EXHIBIT (SF)	Synagogue Expansion/ (SF)	ARCHIVE/ LIB. (SF.)	CARE-TAKER (SF)	RES. (SF.)
C2	PROPOSED		73.00	5,537.00							
C1	PROPOSED				708.00	385.00					1,655.42
	EXISTING			1,484.00	450.00		315.00				
1st	PROPOSED		475.00			1,017.57	1,864.00	1,320.00	565.00		
	EXISTING	1,108.00	440.00								
2nd	PROPOSED	1,127.00	1,473.00								
	EXISTING	1,063.00	127.00						349.00		
3rd	PROPOSED	2,600.00									
	EXISTING	647.00	127.00							1,133.00	
4th	PROPOSED	1,409.00								1,249.00	
5th	PROPOSED										4,512.00
6th	PROPOSED										4,512.00
7th	PROPOSED										4,512.00
8th	PROPOSED										4,512.00
PH	PROPOSED										2,815.92

The additional space in the New Building allocated to CSI's religious, educational and cultural mission is the first such increase in space for CSI since 1954. The addition of this space will permit the Synagogue leaders to address the needs of its 550 families (approximately 1,320 individuals), which is a 30 percent increase above the 380 families (or approximately 900 individuals) that were congregants in 1954 and estimated to be several times the number of families served when the building was opened in 1896. The proposed New Building includes 6 offices areas totaling approximately 1,546 sf, whereas the Synagogue and Existing Building contained only 13 office areas within 2,344 sf. These new office areas will be utilized by CSI's new assistant Rabbi; program director, secretary and assistant; archivist and tour director. In addition to these administrative spaces, the creation of a suitable multipurpose room for larger ceremonies, meetings, life cycle ceremonies, lectures, etc and the addition of classrooms will address significant shortfalls in CSI's ability to serve both its members and the community.¹

Finally, the addition of residential use in the upper portion of the building is consistent
¹ Staff is increased from approximately 12 to 16 persons. Revised 09/07/2007

with CSI's need to raise enough capital funds to correct the programmatic deficiencies described throughout this Application. The proposed residential floor area uses only 16 percent of the zoning lot's available zoning floor area, and represents 53.3 percent of proposed New Building zoning floor area, 40.7 percent of the New Building's gross floor area and 32.4 percent of the proposed zoning floor area (based on the entire zoning lot). When completed with the New Building, more than seventy percent of the development rights on the zoning lot (101,548.97 sf) will remain unused. The development rights used for the New Building have been native to the zoning lot for almost three-quarters of a century and have not been acquired from an adjacent lot for development purposes. The utilization of such unused floor area by a community facility for residential purposes is not uncommon, with several precedents in Community Board 7 alone, e.g., Trinity School, Lincoln Center and current proposals by Fordham University and West-Park Presbyterian Church. (See Finding A for discussion on DOB Objections relevant to the above).

THE OBJECTIONS

The following objections were received from the Department of Buildings (the "DOB") on August 28, 2007:

1. Proposed lot coverage for the interior portions of R8B & R10A exceeds the maximum allowed. This is contrary to Section 24-11/77-24. Proposed interior portion lot coverage is .80.
2. Proposed rear yard in R8B does not comply. 20.00' provided instead of 30.00' contrary to Section 24-36.
3. Proposed rear yard in R10A interior portion does not comply. 20.00' provided instead of 30.00' contrary to Section 24-36.
4. Proposed initial setback in R8B does not comply. 12.00' provided instead of 15.00' contrary to Section 23-633.
5. Proposed base height in R8B does not comply. 94.80' provided instead of 60.00'

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contrary to Section 23-633.

6. Proposed maximum building height in R8B does not comply. 113.70' provided instead of 75.00' contrary to Section 23-633.

7. Proposed rear setback in an R8B does not comply. 6.67' provided instead of 10.00' contrary to Section 23-663.

ZRCNY Sec. 72-21 REQUIRED FINDINGS

There are unique physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular zoning lot; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the use or bulk provisions of the [zoning] resolution; and that the alleged practical difficulties or unnecessary hardships are not due to circumstances created generally by the strict Application of such provisions in the neighborhood or district in which the zoning lot is located. ZRCNY Sec. 72-21(a)

The unique physical conditions peculiar to and inherent in CSI's zoning lot include: (1) the presence of a unique, noncomplying, specialized building of significant cultural and religious importance occupying two-thirds of the footprint of the zoning lot, the disturbance or alteration of which would undermine CSI's religious mission; (2) a development site on the remaining one-third of the zoning lot whose feasible development is hampered by the presence of a zoning district boundary and requirements to align its streetwall and east elevation with the existing Synagogue building; and (3) dimensions of the zoning lot that preclude the development of floorplans for community facility space required to meet CSI's on-site religious, educational and cultural programmatic needs. These physical and regulatory constraints are unique to this zoning lot. The strict application of the ZRCNY provisions raised as objections to the approval of the New Building will preclude CSI from developing the New Building or any substantially similar building and as such represents a practical difficulty in developing any feasible as-of-right New Building. Such strict compliance with the ZRCNY would therefore present a serious hardship in

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the furtherance of CSI's religious, educational and cultural mission.

For the programmatic reasons described above, none of CSI's religious, educational or cultural programmatic difficulties can be addressed through further development or alteration to the Synagogue on Lot 36 which contains 10,854 sf or 67.7 percent of the zoning lot's total area, yet is developed with only 27,759.2 sf, or 19.2 percent of the Zoning Lot's allowable 144,510.96 sf of zoning floor area. That therefore leaves the footprint of Tax Lot 37, which measures 64 ft by 100.5 ft, (37.2 percent of the Zoning Lot's total area), currently improved with a building in very poor condition, as the only area capable of being developed so as to remedy the current programmatic difficulties. In order to overcome these difficulties, it is necessary to both exceed the permitted lot coverage and the rear setback and yard requirements, all of which are calculated by reference to the dimensions of Tax Lot 37. Because the New Building must align itself with the west elevation of the Synagogue for its entire width in order to make the necessary programmatic connections, the resulting width of Tax Lot 37 is too narrow to provide compliant lot coverage (in fact the Synagogue already exceeds its permitted lot coverage, making it even more difficult for the New Building to comply) and compliant rear yard conditions.

Although the New Building is located almost entirely within the R8B portion of the Zoning Lot and is developed thereon in excess of the FAR 4 permitted for a development in an R8B district, this Application does not request any waivers with regard to the distribution of zoning floor area because the Zoning Lot qualifies for the averaging methodology set forth in ZRCNY Sec 77-211. This provision provides that any Zoning Lot which existed prior to the enactment of the 1961 Zoning Resolution that is divided by a zoning district boundary is permitted to use an FAR over the entire zoning lot which represents an average maximum

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permitted FAR based on the proportional division of the zoning lot so divided. CSI purchased Lot 36 in 1895 and the two row houses now comprising the Lot 37 Community House in 1949 (see previously submitted Deeds). Accordingly, the combined tax lots represent a single zoning lot in existence prior to December 15, 1961 and, as such, the calculation of the maximum permissible floor area for this Zoning Lot is found in ZRCNY Sec. 77-211. The averaging methodology in that Section results in a maximum permissible FAR 8.36 across the Zoning Lot. While the Zoning Resolution permits the averaging methodology, thereby permitting as a matter of right the development of floor area over twice the permitted FAR 4, it does not provide in this case a similar mechanism for providing relief from the R8B height and setback, streetwall and rear yard provisions correlating to the FAR 4 massing established for R8B Quality Housing developments. This alone creates practical difficulties in this case; as it is essential that the New Building's massing accommodate its role in providing circulation space for the Synagogue and appropriately sized floorplates for the Community House, which cannot be achieved within the R8B Quality Housing provisions regulating lot coverage, yards and height and setback..

Lot Coverage in R10A and R8B. (Objection 1) ZRCNY Sec. 24-11 imposes a maximum lot coverage of 70 percent for interior lots, or portions of zoning lots that are interior lots. There is no similar requirement for corner lots within 100 ft of a corner. The CSI zoning lot is partially a corner lot, which portion is entirely zoned R10A and fully covered by the Synagogue and Parsonage, and partially an interior lot. The maximum permitted lot coverage is exceeded in the remaining R10A portion located beyond 100 ft from the avenue. Within the R8B portion of the zoning lot, the New Building covers 79.8 percent of the lot measured from above its groundfloor, below which is exempt from the calculation. Without a waiver permitting lot coverage in excess

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of 70 percent, the New Building cannot provide the floorplans that can address the existing programmatic difficulties in either the Synagogue or the new Community House.

Rear Yard in R10A and R8B. (Objections 2 & 3) ZRCNY Sec. 24-36 requires a rear yard of not less than 30 ft for interior lots or portions of zoning lots which are interior lots in R8B and R10A districts. ZRCNY Sec. 24-33 permits community facilities to build within a required rear yard to an elevation of 23 ft or one storey above grade, whichever height is lower. The New Building does not provide a 30 ft rear yard for its first four floors, those floors constituting the community facility portion of the building to be occupied by the Community House. The first floor is fully built to the rear property line as permitted. Floors 2-4 provide only a 20 ft rear yard because those floors must align properly with the Synagogue and must provide the appropriately sized offices and classrooms. The Application is limited to requesting a waiver from the rear yard requirement for floors 2 through 4 only. Above those floors, the remaining residential floors of the New Building provide a fully compliant rear yard.

Height and Setbacks in R8B only. (Objections 4, 5 & 6) ZRCNY Sec. 23-633 governs height and setback requirements for buildings in contextual zoning districts such as R10A and R8B. The regulations establish a base height, require a setback above the base height and establish building height. The portion of the New Building within the R10A is fully compliant. In an R8B district, the permitted base height can range between 55 and 60 ft above curb, at which point the front elevation must set back 15 ft. The overall building height cannot exceed 75 ft. The New Building has a base height of 94.8 ft, a setback of 12 ft and a building height of 105.8 ft. The unique aspects of the zoning lot, including the footprint of the Synagogue, the presence of the zoning district boundary in the only portion of the zoning lot capable of

development, combined with the interests of the LPC in providing a front elevation harmonious -with both the designated landmark and the historic district render it impossible to provide any useful development in accordance with the applicable provisions of ZRCNY Sec. 23-633.

With regard to LPC's consideration of the location and height of the streetwall, the Commission took note of all of the surrounding buildings in approving the New Building, none of which comply. The 9-storey building to the west, 18 West 70th, located entirely within the R8B district, has a base height of approximately 100 ft, with no setback. With an FAR of 7.23, it is almost twice its permitted bulk. The buildings directly to the north and south, 101 CPW and 91 CPW respectively, each of 15- and 13-stories, also exceed these zoning requirements in the R8B portion of their zoning lots to an extent much greater than the New Building. The FAR of 101 CPW is 13.92 and the FAR of 91 CPW is 13.03. In reducing the New Building from the 14-storey initial application to the approved 8-storey plus penthouse New Building, the Commission worked closely with CSI's architects to gauge the precise elevations for the New Building's base, its setbacks and its height so as to strike a balance with the monumental architecture of the Synagogue to its east and the considerably noncompliant streetwalls to its west and north.

Rear Setback. (Objection 7) ZRCNY Sec. 23-663(b) requires that in both R10A and R8B districts no part of a building that exceeds the maximum base height established in ZRCNY 23-663(b) can be located within 10 ft of the rear lot line. The New Building's height complies with the maximum base height provisions applicable in an R10A district (minimum 60 ft/maximum 125 ft). The New Building exceeds the maximum 60 ft base height requirement applicable in an R8B district, thus triggering the provisions of ZRCNY Sec. 23-663(b). Its base height rises to 94.8 ft, while providing a 6.5 ft setback rather than the required 10 ft setback. This

3.5 ft setback differential resulted in issuance of DOB objection #7. As discussed, the ground floor of the New Building, which is permitted to be built full because its use will be an eligible community facility use group, must spatially align with the Synagogue to provide the necessary circulation space and to provide for the expansion of the Little Synagogue.

Because of the physical conditions there is no reasonable possibility that the development of the zoning lot in strict conformity with the provisions of this resolution will bring a reasonable return, and that the grant of a variance is therefore necessary to enable the owner to realize a reasonable return from such zoning lot. ZRCNY Sec 72-21(b)

CSI's status as a not-for-profit religious organization renders this finding unnecessary. At the Board's request, however, due to the fact that the Application presents a situation in which Use Group 2 floor area is being created for sale to third parties as a component of the CSI's financial strategy for producing the New Building, CSI has retained the services of Freeman Frazier Associates to provide a Feasibility Study analyzing potential mixed use development on Lot 37. This analysis compared the rate of return that could be expected from the New Building containing 14,980 sf of residential floor area with a hypothetical as-of-right building that would provide 5,316 sf of residential floor area. It concluded that due to existing physical conditions on the zoning lot, including the need to address the Synagogue's circulation problems and the need to replace and enlarge the functions in the Community House, there is no reasonable possibility that a financially feasible mixed use building could be developed in strict conformity with the Zoning Resolution. The 27,771 sf as-of-right building yields 5,316 sf of residential sellable area. The total investment for such a project would be \$28,139,000 on a net project value of \$14,820,000, producing a capital loss to a developer of \$7,064,000.

In comparison, the New Building as proposed herein with 14,980 sf of residential sellable area requires an investment of \$33,689,000 on a net project value of \$39,556,000. This is a 6.59

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percent rate of return, which Freeman Frazier posits to be minimally sufficient consideration as an investment opportunity.

The variance, if granted, will not alter the essential character of the neighborhood or district in which the zoning lot is located; will not substantially impair the appropriate uses or development of adjacent property; and will not be detrimental to the public welfare. ZRCNY Sec. 72-219 (c)

The Variance, if granted, will not alter the essential character of the neighborhood or the historic district; nor will it either substantially impair the appropriate uses or development of the adjacent properties or be detrimental to the public welfare. It is indisputable that a diversity of uses has been what has distinguished New York City neighborhoods and the Upper West Side is no exception. Approval of this Application will add 8,957.14 sf of Use Group 4 Use to CSI's current total of 38,838.10 sf, or an approximately 23 percent increase. It will add 22,907.49 sf of Use Group 2 residential use to a block developed with hundreds of thousands of feet of residential use. There will be no significant environmental consequences attributable to adding this minimal amount of square footage to the existing condition, which already includes the Synagogue, Parsonage and Community House. Moreover, at eight stories and one penthouse, the New Building will be a minor addition to the streetscape. It is dwarfed by the 13-storey 91 CPW to its south and the 15-storey 101 CPW to its north (both developed in excess of FAR 13) and has been limited by the LPC to the same height as 18 West 70th to its west. Viewed from the east in Central Park, it will rise but a few stories over the pitched roof of the Synagogue. Typically, the residential midblocks surrounding the Site (including West 70th Street) are 4 to 14 storeys tall. The neighboring building, 18 West 70th Street, rises nine-storeys with an elevation of 95'-1". Located directly east of this building are three five-storey town houses that rise to approximately the same elevation as the Synagogue's 69'-7" attic level. The Synagogue and townhouses

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“frame” the New Building and its westerly neighbor to create a balanced visual context in keeping with the existing neighborhood character (See Proposed Elevation, P-17).

With regard to the New Building’s impacts on the landmarked Synagogue and the historic district, the LPC has spoken definitively on the acceptability of the new design as appropriate regarding both urban design and preservation values. CSI has worked hard to earn the LPC’s acclimation and enthusiasm for the New Building and believes the LPC Certificate of Appropriateness should be considered the final word on its impact regarding urban design and historic preservation. With regard to CSI’s rear and side property line neighbors, the interior rear yard and rear yard setback waivers will have minimal impact. To the extent that construction at the ground floor will extend to Lot 37’s southern lot line, it must be recalled that full lot coverage up to 23 ft above mean curb elevation is permitted as a matter of right on interior lots (or portions of zoning lots deemed interior lots) for qualifying community facilities. The rear yard waiver is required for floors 2 through 4 because a 20 ft rear yard is provided instead of 30 ft. Noncompliances with rear yard and rear yard setback requirements for the relatively small portion of this zoning lot deemed an interior lot are more than adequately compensated by the fact that yard conditions of the existing adjacent buildings, are both idiosyncratic and deep, producing distances between rear walls of up to 120 ft. With respect to the adjacent nine-storey building along the proposed New Building’s western lot line, eight lot line windows will be blocked. In the as of right schemes three windows would be blocked.

The practical difficulties or unnecessary hardships are inherent in the zoning lot and were not created by the Applicant or its predecessor in title. ZRCNY Sec 72-21(d)

CSI acquired Lot 36 in 1895 and Lot 37 in 1949. Both were purchased specifically for development of the Synagogue and Community House, respectively. Conditions since the last

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alterations to the property in 1954 now impose economic hardships that could not have possibly been envisioned at the time the buildings were developed. Accordingly, neither the current nor the past Trustees have taken any steps leading to or increasing the extent of the conditions that result in the objections giving rise to this Application.

Within the intent and purposes of this resolution the variance, if granted, is the minimum variance necessary to afford relief. ZRCNY Sec. 72-21(e)

The Application provides nothing more than the waivers necessary to resolve CSI's religious, institutional and cultural programmatic difficulties. Specifically, the waivers are those minimally necessary to permit the New Building envelope to provide, in part: (1) the minimally necessary number of classrooms and the minimally necessary number of offices; both of suitable size, design and quality required, (2) a modest increase in the size of the Little Synagogue, (3) a multi-function room with ancillary kitchen facilities of suitable size and configuration for the many functions -- social, religious and educational -- any religious institution is called upon to provide, (4) archival facilities such that CSI's papers and relics can be brought back from an off-site facility and integrated into the religious, educational and cultural missions of CSI, (5) the incorporation in the New Building of a system of circulation designed to provide improved and barrier-free access to the sanctuaries in the Synagogue, and (6) the addition of residential units at floors 5 through 8 (plus penthouse) levels, representing a small amount of the unused zoning floor area available after the new community facility floor area is taken into account.

These programmatic elements described above must occupy a specific floor area and floor area configuration, which in the aggregate result in the New Building's development in a manner which requires the waivers described above. The waivers requested in this Application have been carefully reviewed so as to assure they both qualitatively and quantitatively represent

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the smallest necessary waiver to address each of the programmatic hardships.

Without the waivers requested in this Application, CSI will not be able to build a Community House in a manner which addresses the access deficiencies of the Synagogue, nor can it hope to provide better classrooms, offices, and specialized facilities that are critical to the continuation of its religious, educational and cultural missions. In every category the demand for these programmatically required elements is increased, and CSI considers it essential to provide these services without compromising the landmarked Synagogue building.

CONCLUSION

CSI has one of the longest histories of any existing religious institution in the City of New York, of attending to the needs of its congregants and the community. From the basement where it held its first services in 1654 through to the construction of the Community House in 1954, CSI has proceeded slowly and carefully to provide worship and cultural space. While this is its fifth location, a change of real estate venue averaging once every 75 years can hardly be considered aggressive. It has been in its present house of worship since 1896. Since that time its only expansion has been in 1954, at which time it combined the two rowhouses to form the current Community House. Now, 53 years since taking its last measures to adjust its space for programmatic purposes, it needs to do so again. It began those measures in 2001 with a \$9 million restoration of the Synagogue, raised entirely from within the Congregation. That work continues, under such strict (and self-imposed) preservation guidelines that it has been the subject of glowing reviews by such local entities as the Landmarks Conservancy and such foreign interested parties as the Vatican, which has sent a delegation to observe the work.

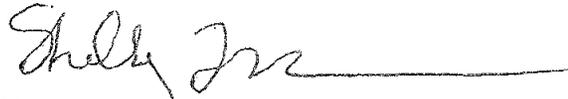
Having begun the work to preserve this sacred site with a world-class restoration, CSI

Revised 09/07/2007

must how address with equal conviction the gap between what its facilities can provide and its programmatic goals. The gap is presently wide, but through careful analysis a plan has emerged that leaves the Synagogue untouched but requires that CSI utilize 42,961.53 sf (or 35 percent) of the 116,751.76 sf of unused floor area available to it on its zoning lot to redress these deficiencies. The successful deployment of that floor area resolves a complex matrix of Synagogue circulation issues, educational issues and administrative issues. Successful deployment includes the construction of 22,907.49 sf of new residential space, a small fraction of the available floor area intended to subsidize the endeavor. This successful deployment cannot occur without the approval of this Application.

On the basis of the foregoing statements, the Applicant respectfully requests that the Board make the requisite findings and grant the requested variances.

Respectfully submitted,



Shelly S. Friedman, Esq.
FRIEDMAN & GOTBAUM, LLP

Dated: New York, New York
September 7, 2007

Revised 09/07/2007

September 6, 2007

Hon. Meenakshi Srinivasan, Chairperson
New York City Board of Standards and Appeals
40 Rector Street
New York, New York 10007

Re : 6-10 West 70th Street
New York, NY
74-07-BZ

Dear Chairperson Srinivasan:

The Notice of Objections of June 15, 2007 for the above referenced Zoning Variance Application requested response to several specific questions regarding the Feasibility Study, dated March 28, 2007, which was submitted as part of the application for a variance for the above referenced property.

We provide the following response to these questions:

***Notice of Objections #30:** Please provide a full plan set of lesser-variance drawings that show compliant height and setback (objections for ZR 23-633 are removed) that seeks to accommodate CSI's programmatic needs and excludes the proposed tenant school space; the remaining floor area shall be used for residential use.*

This Alternative Community Facility/Residential scheme (Plans set titled: AOR Scheme B Synagogue use & residential scheme, dated 8-27-2007) would consist of a new synagogue lobby on the ground floor, and community facilities on the second, third and a portion of the fourth floors, with a gross floor area of 14,123 sq.ft. The fourth, fifth and sixth floors would be three condominium units for sale with a gross residential area on the fourth and fifth floors of 8,854 sq.ft., and the sixth floor penthouse would have a gross residential area of 3,082 sq.ft. The total gross residential area, not including the cellar would be 13,648 sq.ft., which includes residential lobby and core.

The gross built area of this alternative would be 27,772 sq.ft., not including the cellar. The zoning floor area for this alternative would be 27,772. The residential sellable area is 8,593 sq.ft.

As described in Objection #35 below, the BSA has request that, for purposes of this study, market rate rents be assumed for community facility spaces. The analysis of this alternative, therefore, assumes market-rate rents for community facility space based on comparable rents in the vicinity of the subject property. Market rate community facility rents in the northern edge of Midtown, Upper West Side and Central Park West area were reviewed. Community Facilities that function as shared space, and individual units were used. As identified in Exhibit B, adjusted rents are in the \$29.93 to \$49.48/sq.ft. range for comparable community facilities, with an average of \$39.61/sq.ft.

For purposes of this analysis \$40/sq.ft. has been used for market rate community facility rentals.

This development program is referred to as the "Alternative As of Right Community Facility/Residential Development".

Notice of Objections #35: *Although it is recognized that Congregation Shearith Israel has not-for-profit status, for the purpose of this study, please ascribe standard market-rate rents for community facility space based on comparable rents in the vicinity of the subject site for both the as-of-right and proposed scenarios.*

Notice of Objection #35 requires analysis of a revised as of right development alternative, as well as, analysis of a revised proposed development alternative.

a) Revised As of Right Community Facility/Residential Development

As requested by the Board, we have provided an analysis of the Revised As of Right Development (Plans set titled: AOR - Scheme A (Original), dated 8-28-2007), which would consist of a new synagogue lobby on the ground floor, and community facilities on the second through fourth floors, with a gross floor area of 18,134 sq.ft. On the fifth and sixth floors there would be two condominium units for sale with a gross residential area on the fifth and sixth floors of 7,594 sq.ft. The total gross residential area, not including the cellar would be 9,638 sq.ft., and includes the lobby and core areas of the residential portion of the development.

The gross built area of this alternative would be 27,772 sq.ft. not including the cellar. The zoning floor area for this alternative would be 27,772. The residential sellable area is 5,316 sq.ft.

Market rate community facilities rentals, as was described above, were assumed for this development. For purposes of this analysis \$40/sq.ft. has been used for market rate community facility rentals.

This development program is referred to as the "Revised As of Right Community Facility/Residential Development".

b) Revised Proposed Development

The Revised Proposed Development alternative (Plans set titled Proposed Scheme, dated 8-28-2007) would consist of new construction of an eight-story plus penthouse mixed use building on lot 37 with the synagogue remaining untouched on the ground floor. The new development consists of a new synagogue lobby on the ground floor, and community facility space on floors two through four. Floors five through eight and the penthouse would be for sale condominium units. There would be a total of five residential units.

The gross built area of this alternative would be 42,962 sq.ft., not including the cellar. The zoning floor area for this alternative would be 42,962 sq.ft. The total gross residential area, which includes residential lobby and core but does not include the cellar, would be 22,907 sq.ft. The residential sellable area is 14,980 sq.ft.

Market rate community facilities rentals, as was described above, were assumed for this development. For purposes of this analysis \$40/sq.ft. has been used for market rate community facility rentals.

This development program is referred to as the "Revised Proposed Development".

***Notice of Objections #37:** Provided that the alleged hardship claim for the development site (Lot 36) is an inability to accommodate CSI's programmatic needs on Lot 37 please analyze a complying, fully residential development on Lot 36 as requested with Objection #31. This analysis is requested for the purposes of gauging what the economic potential of the development site would be without the alleged hardship.*

The As of Right Residential F.A.R. 4.0 Development alternative (Plans set titled: AOR – Scheme C Residential Scheme, dated 8-28-2007) consists of new construction of a six-story residential building on lot 37 with the synagogue remaining untouched. The new development consists of a ground floor residential and synagogue lobby and core, and floors 2-6 would be for sale condominium units. There will be a total of five residential units. The total gross residential area, not including the cellar would be 25,642 sq.ft., which includes residential lobby and core.

The gross built area of this alternative would be 25,642 sq.ft., not including the cellar. The zoning floor area for this alternative would be 25,642 sq.ft. The residential sellable area is 15,883 sq.ft. This development program is referred to as the "As of Right Residential F.A.R. 4.0".

Economic Analysis

In order to analyze and compare the economic characteristics of the four alternatives in response to objection #30, #35, and #37, as described above, we have prepared the attached Schedule A1: Analysis Summary; Schedule A2: Analysis Summary – Capitalized Value of Market Rate Classroom Space; Schedule B: Projected Development Costs; and Schedule C1-C4: Pricing Schedules.

The analyses incorporate the revised construction cost estimates provided by McQuilkin and Associates. The estimates are attached as Exhibit A to this letter. No construction costs related to development of the community facilities have been included.

All other assumptions are the same as those described in the Economic Analysis Report, dated March 28, 2007.

- a) Alternative As of Right Community Facility/Residential Development
(*Objection #30*)

The Feasibility Analysis estimated the net project value to be \$20,624,000. This amount is the sum of residential condominium unit sales, less sales commissions, plus the capitalized value of the market rate community facility space, which as shown in the attached Schedule A2, is \$2,133,000. The total required investment, including estimated Property Value, base construction costs, soft costs and carrying costs during the sales period for the Alternative As of Right Residential is estimated to be \$28,847,000. As shown in Schedule A, the development of the Alternative As of Right Residential Alternative would result in an annualized **capital loss of \$4,478,000.**

- b) Revised As of Right Community Facility/Residential Development (*Objection #35*)

As shown in the attached Schedule A, the Feasibility Analysis estimated the project value to be the sum of residential condominium unit sales, less sales commissions. Consideration of the economic feasibility of condominium projects is typically based on the potential profit generated from the sale of apartment units and other sources, on an annualized basis. Profit is the amount available for distribution to investors after all project expenses incurred in the development and sale of units are deducted from gross revenues. “Annualized Return on Total Investment” is measured by dividing the estimated annualized project profit by the total investment in the project.

Schedule A2 identifies the projected income and expenses for the market rate community facility space. A capitalization rate of 9%, which would be required to provide a minimum reasonable return on and return of capital was assumed. The Capitalized Value determined by the analysis for community facility space in the Revised As of Right Alternative is \$3,433,000.

The Feasibility Analysis estimated the net project value to be \$14,820,000. This amount is the sum of residential condominium unit sales, less sales commissions, plus the capitalized value of the community facility space. The total investment required, including estimated Property Value, base construction costs, soft costs and carrying costs during the sales period for the Revised As of Right Development is estimated to be \$28,139,000. As shown in Schedule A, the development of the Revised As of Right Development would result in an annualized **capital loss of \$7,064,000.**

c) Revised Proposed Development (*Objection #35*)

The Feasibility Analysis estimated the net project value to be \$39,556,000. This amount is the sum of residential condominium unit sales, less sales commissions, plus the capitalized value of the community facility space, which as shown in the attached Schedule A2, space is \$4,056,000. The total investment, including estimated Property Value, base construction costs, soft costs and carrying costs during the sales period for the Revised Proposed Development is estimated to be \$33,689,000.

As shown in Schedule A, the development of the Revised Proposed Development would provide an Annualized Return on Total Investment of 6.59%. We note that this return is not significantly higher than the previous return of 6.55%. This results from the assumption that the community facility areas will be rented at market rate. In fact, were the project to be undertaken today, as the proforma analysis assumes, the value of the project would be constrained by the fact that the community facility would produce no income and the lower return of 6.55% would be a more accurate reflection of the actual conditions.

d) As of Right Residential F.A.R. 4.0 Development (*Objection #37*)

The Feasibility Analysis estimated the net project value to be \$33,018,000. This amount is the sum of total estimated gross sales proceeds, less sales commissions. The total investment, including estimated Property Value, base construction costs, soft costs and carrying costs during the sales period for the As of Right Residential F.A.R 4.0 Development is estimated to be \$37,388,000. As shown in Schedule A, the development of the As of Right Residential F.A.R 4.0 Development would result in an annualized **capital loss of \$2,313,000.**

The Revised As of Right Residential Development, Alternative As of Right Residential Development and As of Right Residential F.A.R. 4.0 Development would each result in an annualized loss. The return provided by the Revised Proposed Development would provide 6.59% return on investment. The return provided by the Revised Proposed Development, in this case, therefore, would be considered acceptable.

Notice of Objection #36: It is noted that all comparable properties analyzed to determine the subject site's value (Schedule C, Page10-12) are all downward adjusted for "inferior zoning" (the subject site has split zoning – R8B and R10A – and the comparable are all located in R8 or R8 equivalent districts). Please note that for developments in contextual districts, each portion of the zoning lot shall be regulated by the height and setback applicable to the district in which such portion of the zoning lot is located. Further, it is noted that the subject site is located within a historic district which applies further regulation on the height of any development of this site. Given this information regarding height and setback controls, it does not appear that additional floor area above 4.0 FAR could be utilized on this site (please note that the as-of-right plans show an FAR of 3.23 or 5,513.60 sq.ft. on the R10A zoned portion of Lot 36). Therefore, it does not appear that the subject site's partial location within a 10.0 FAR district (R10A) should warrant any downward adjustment for comparable properties zoned R8, R8B, or C6-2A. Please revise this analysis.

Consideration of the comparable vacant properties submitted in Schedule C of the original report adjusted the properties upward, not downward for zoning as stated in the Notice of Objections. These adjustments were made in order to provide an equal comparison of the properties to the subject. In the valuation of the subject property, we examined the entire lot, which includes the synagogue. Since the application is based on the merging of two lots, and the majority of the merged lot is in the R10A zoning district, in order to provide the most accurate acquisition cost, it is necessary to assign value to the full potential developable area of the subject property. Therefore, the acquisition based on \$500 per sq.ft. is appropriate.

Please feel free to call me if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Freeman", with a long horizontal flourish extending to the right.

Jack Freeman

SCHEDULE A: ANALYSIS SUMMARY - CONDOMINIUM USE

	ALTERNATIVE AS OF RIGHT CF/RESIDENTIAL DEVELOPMENT	REVISED AS OF RIGHT CF/RESIDENTIAL DEVELOPMENT	REVISED PROPOSED DEVELOPMENT	ALL RESIDENTIAL F.A.R. 4.0
BUILDING AREA (SQ.FT.)				
BUILT RESIDENTIAL AREA	11,936	7,594	20,863	25,642
SELLABLE AREA	8,593	5,316	14,980	15,883
CAPITAL INVESTMENT SUMMARY				
ACQUISITION COST	\$18,944,000	\$18,944,000	\$18,944,000	\$18,944,000
HOLDING & PREP. COSTS	\$0	\$0	\$0	\$0
BASE CONSTRUCTION COSTS	\$4,249,000	\$3,722,000	\$7,488,000	\$10,831,000
SOFT CONSTRUCTION COSTS	\$5,080,000	\$4,919,000	\$6,594,000	\$6,873,000
	\$28,273,000	\$27,585,000	\$33,026,000	\$36,648,000
PROJECT VALUE				
SALE OF UNITS	\$19,671,000	\$12,114,000	\$37,766,000	\$35,126,000
(less) SALES COMMISSIONS	6% (\$1,180,000)	(\$727,000)	(\$2,266,000)	(\$2,108,000)
CAPITALIZED VALUE OF COMMUNITY FACILITIES	\$2,133,000	\$3,433,000	\$4,056,000	NA
EST. NET PROJECT VALUE	\$20,624,000	\$14,820,000	\$39,556,000	\$33,018,000
PROJECT INVESTMENT				
ACQUISITION COST	\$18,944,000	\$18,944,000	\$18,944,000	\$18,944,000
HOLDING & PREP. COSTS	\$0	\$0	\$0	\$0
BASE CONSTRUCTION COSTS	\$4,249,000	\$3,722,000	\$7,488,000	\$10,831,000
SOFT CONSTRUCTION COSTS	\$5,080,000	\$4,919,000	\$6,594,000	\$6,873,000
CARRYING COSTS DURING SALES PERIOD	\$574,000	\$554,000	\$663,000	\$740,000
EST. TOTAL INVESTMENT	\$28,847,000	\$28,139,000	\$33,689,000	\$37,388,000
RETURN ON INVESTMENT				
ESTIMATED PROJECT VALUE	\$20,624,000	\$14,820,000	\$39,556,000	\$33,018,000
(less) EST. TOTAL INVESTMENT	(\$28,847,000)	(\$28,139,000)	(\$33,689,000)	(\$37,388,000)
(less) EST. TRANSACTION TAXES	(\$359,000)	(\$221,000)	(\$689,000)	(\$641,000)
EST. PROFIT (loss)	(\$8,582,000)	(\$13,540,000)	\$5,178,000	(\$5,011,000)
DEVELOPMENT/SALES PERIOD (MONTHS)	23	23	28	26
ANNUALIZED PROFIT (loss)	(\$4,478,000)	(\$7,064,000)	\$2,219,000	(\$2,313,000)
RETURN ON TOTAL INVESTMENT	0.00%	0.00%	15.37%	0.00%
ANNUALIZED RETURN ON TOTAL INVESTMENT	0.00%	0.00%	6.59%	0.00%

NOTE : ALL \$ FIGURES ROUNDED TO NEAREST THOUSAND

SCHEDULE A2 : CAPITALIZED VALUE OF MARKET RATE COMMUNITY FACILITY

	ALTERNATIVE AS OF RIGHT CF/RESIDENTIAL DEVELOPMENT	REVISED AS OF RIGHT CF/RESIDENTIAL DEVELOPMENT	REVISED PROPOSED DEVELOPMENT
BUILDING AREA (SQ.FT.)			
RENTABLE COMMUNITY FACILITY AREA	8,500	12,510	14,430
CAPITAL INVESTMENT SUMMARY			
ACQUISITION COST	\$18,944,000	\$18,944,000	\$18,944,300
HOLDING & PREP. COSTS	\$0	\$0	\$0
BASE CONSTRUCTION COSTS	\$4,249,000	\$3,722,000	\$7,488,000
SOFT CONSTRUCTION COSTS	\$5,080,000	\$4,919,000	\$6,594,000
	\$28,273,000	\$27,585,000	\$33,026,300
INCOME AND EXPENSES			
CLASSROOM AREA INCOME	\$340,000	\$500,000	\$577,000
GROSS INCOME	\$340,000	\$500,000	\$577,000
(less)VACANCY (@ 10%)	(\$34,000)	(\$50,000)	(\$58,000)
EFFECTIVE INCOME	\$306,000	\$450,000	\$519,000
(less)M&O EXPENSES	(\$58,000)	(\$85,000)	(\$98,000)
(less)WATER & SEWER	\$0	\$0	\$0
(less)R.E. TAXES	(\$56,000)	(\$56,000)	(\$56,000)
NET OPERATING INCOME	\$192,000	\$309,000	\$365,000
CAPITALIZED VALUE OF NOI @	9% \$2,133,000	\$3,433,000	\$4,056,000

NOTE : ALL \$ FIGURES ROUNDED TO NEAREST THOUSAND

SCHEDULE B : DEVELOPMENT COSTS

	ALTERNATIVE AS OF RIGHT CF/RESIDENTIAL DEVELOPMENT	REVISED AS OF RIGHT CF/RESIDENTIAL DEVELOPMENT	REVISED PROPOSED DEVELOPMENT	ALL RESIDENTIAL F.A.R. 4.0
DEVELOPMENT COST SUMMARY				
ACQUISITION COSTS	\$18,944,000	\$18,944,000	\$18,944,000	\$18,944,000
HOLDING & PREP. COSTS:	\$0	\$0	\$0	\$0
BASE CONSTRUCTION COSTS	\$4,249,000	\$3,722,000	\$7,488,000	\$10,831,000
TENANT FIT-OUT COSTS	\$0	\$0	0	\$0
EST.SOFT COSTS	\$5,080,000	\$4,919,000	\$6,594,000	\$6,873,000
EST. TOTAL DEV.COSTS	\$28,273,000	\$27,585,000	\$33,026,000	\$36,648,000
ACQUISITION COSTS :				
Land Purchase Price	\$18,944,000	\$18,944,000	\$18,944,000	\$18,944,000
TOTAL LAND VALUE	\$18,944,000	\$18,944,000	\$18,944,000	\$18,944,000
HOLDING & PREP. COSTS:	\$0	\$0	\$0	\$0
BASE CONSTRUCTION COSTS :	\$4,249,000	\$3,722,000	\$7,488,000	\$10,831,000
EST.CONST.LOAN AMOUNT :	\$21,205,000	\$20,689,000	\$24,770,000	\$27,486,000
EST.CONST.PERIOD(MOS) :	20	20	24	18
EST. SOFT COSTS :				
Builder's Fee/Developer's Profit	3.00%	\$848,000	\$828,000	\$991,000
Archit. & Engin. Fees	8.00%	\$340,000	\$298,000	\$599,000
Bank Inspect.Engin.		\$12,000	\$12,000	\$34,000
Construction Management	5.00%	\$212,000	\$186,000	\$300,000
Inspections, Borings & Surveys				
Laboratory Fees	LS	\$5,000	\$5,000	\$5,000
Soil Investigation	LS	\$10,000	\$10,000	\$10,000
Preliminary Surveys	LS	\$5,000	\$5,000	\$5,000
Ongoing Surveys	LS	\$10,000	\$10,000	\$10,000
Environmental Surveys/Reports	LS	\$2,000	\$2,000	\$2,000
Controlled Inspection Fees	LS	\$45,000	\$45,000	\$45,000
Legal Fees				
Dev.Legal Fees		\$150,000	\$150,000	\$150,000
Con.Lender Legal		\$64,000	\$62,000	\$82,000
End Loan Legal		\$0	\$0	\$0
Permits & Approvals				
D.O.B. Fees	25.53%	\$126,000	\$125,000	\$147,000
Cond/Co-op Offering Plan		\$30,000	\$30,000	\$30,000
Other		\$40,000	\$40,000	\$40,000
Accounting Fees		\$5,000	\$5,000	\$5,000
Consultant Fees		\$0	\$0	\$0
Appraisal Fees		\$8,000	\$8,000	\$8,000
Marketing/Pre-Opening Expenses				
Rental Commissions	25.00%	\$0	\$0	\$0
Sales Expenses & Advertising		\$198,000	\$198,000	\$198,000
Financing and Other Charges				
Con.Loan Int. @ Loan Rate =	9.50%	\$1,679,000	\$1,638,000	\$2,353,000
Rent-up Loan Int. @ Loan Rate =	7.00%	\$0	\$0	\$0
Con.Lender Fees	1.00%	\$212,000	\$207,000	\$248,000
End Loan Fee	1.00%	\$0	\$0	\$0
Construction Real Estate Tax		\$334,000	\$334,000	\$445,000
Rent-up Real Estate Tax		\$0	\$0	\$0
Title Insurance	0.33%	\$93,000	\$91,000	\$109,000
Mtge.Rec. Tax	2.75%	\$583,000	\$569,000	\$681,000
Construction Insurance	1.00%	\$64,000	\$56,000	\$112,000
Water and Sewer		\$5,000	\$5,000	\$5,000
Other		\$0	\$0	\$0
TOTAL EST.SOFT COSTS	\$5,080,000	\$4,919,000	\$6,594,000	\$6,873,000

NOTE : ALL \$ FIGURES ROUNDED TO NEAREST THOUSAND

Freeman/Frazier & Associates, Inc.
 Date : September 6, 2007
 Property : 10 West 70th Street
 Block, Lot : Blk 1122, Lot 37
 Total Land Area : 6,472 sq.ft.
 Zone : R8B & R10A
 Page 10

Schedule C1: Alternative As of Right - Residential Condominium Pricing

Floor	Area	Price	Price/SF	Outdoor Space
Four	3,277	\$7,291,325	\$2,225	0
Five	3,277	\$7,537,100	\$2,300	0
Six	2,039	\$4,842,625	\$2,375	0
Total	8,593	\$19,671,050	\$2,289	

Schedule C2: Revised As of Right - Residential Condominium Pricing

Floor	Area	Price	Price/SF	Outdoor Space
Five	3,277	\$7,373,250	\$2,250	0
Six	2,039	\$4,740,675	\$2,325	0
Total	5,316	\$12,113,925	\$2,279	

Freeman/Frazier & Associates, Inc.
 Date : September 6, 2007
 Property : 10 West 70th Street
 Block, Lot : Blk 1122, Lot 37
 Total Land Area : 6,472 sq.ft.
 Zone : R8B & R10A
 Page 11

Schedule C3: Proposed Residential Condominium Pricing

Floor	Area	Price	Price/SF	Outdoor Space
Five	3,277	\$7,537,100	\$2,300	0
Six	3,277	\$7,782,875	\$2,375	0
Seven	3,277	\$8,110,575	\$2,475	0
Eight	3,277	\$8,765,975	\$2,675	0
PH	1,872	\$5,569,200	\$2,975	0
Total	14,980	\$37,765,725	\$2,521	

Schedule C4: As of Right - Residential F.A.R 4.0 Condominium Pricing

Floor	Area	Price	Price/SF	Outdoor Space
Two	3,461	\$7,181,575	\$2,075	0
Three	3,461	\$7,441,150	\$2,150	0
Four	3,461	\$7,700,725	\$2,225	0
Five	3,461	\$7,960,300	\$2,300	0
Six	2,039	\$4,842,625	\$2,375	0
Total	15,883	\$35,126,375	\$2,212	

Exhibit A

CONGREGATION SHEARITH ISRAEL

NEW YORK, N.Y.

AS OF RIGHT CONSTRUCTION COST ESTIMATE

SCHEME A

August 6, 2007

McQuilkin Associates, Inc.
Construction Consultants

500 Morris Avenue
Springfield, NJ 07081
Tel 973-218-1600
Fax 973-218-1700

MC QUILKIN ASSOCIATES INC.				DATE:	8/6/07
PROJECT: CONGREGATION SHEARITH ISRAEL				REV:	
LOCATION: NEW YORK, NY					
CSI #	TRADE SUMMARY	SCHOOL	RESIDENTIAL	TOTAL AMOUNT	
AS OF RIGHT - SCHEME A					
02050	BUILDING DEMOLITION	103,500	-	103,500	
02060	SELECTIVE DEMOLITION	25,000		25,000	
02080	ASBESTOS ABATEMENT	NIC	NIC	NIC	
02500	PAVING & SURFACING	24,786	-	24,786	
02900	EXCAVATION/FOUNDATION	1,967,652	24,000	1,991,652	
03010	CONCRETE AND CEMENT WORK	2,325,900	1,075,600	3,401,500	
04200	MASONRY	193,140	-	193,140	
05500	MISCELLANEOUS METALS	95,950	36,500	132,450	
06100	ROUGH CARPENTRY	43,500	16,200	59,700	
06400	FINISH CARPENTRY	21,720	21,812	43,532	
07530	ROOFING & FLASHING	-	152,625	152,625	
07900	JOINT SEALERS	15,000	5,000	20,000	
08100	HOLLOW METAL DOORS	19,930	5,890	25,820	
08200	WOOD DOORS	13,500	7,250	20,750	
08700	HARDWARE	32,800	5,700	38,500	
08900	EXTERIOR FAÇADE	636,176	293,004	929,180	
09250	GYPSUM WALLBOARD	295,356	139,228	434,584	
09300	TILEWORK	136,946	12,492	149,438	
09500	ACOUSTIC CEILING	120,876	1,316	122,192	
09600	WOOD FLOORING	8,376	37,992	46,368	
09680	CARPET & RESILIENT	38,392	764	39,156	
09700	TERRAZZO	181,840	22,920	204,760	
09900	PAINTING	81,224	21,260	102,483	
10100	VISUAL DISPLAY BOARDS	9,750	-	9,750	
10150	COMPARTMENTS & CUBICLES	21,200	-	21,200	
10520	FIRE PROTECTION SPECIALTIES	7,200	-	7,200	
10800	TOILET ACCCESSORIES	21,800	2,600	24,400	
11130	PROJECTION SCREENS	18,000	-	18,000	
11400	APPLIANCES	5,000	10,000	15,000	
14000	CONVEYING SYSTEM	150,000	260,000	410,000	
15300	FIRE PROTECTION	175,164	71,198	246,362	
15400	PLUMBING	365,940	167,238	533,177	
15500	HVAC	1,592,400	453,075	2,045,475	
16050	ELECTRICAL WORK	926,092	382,905	1,308,997	
	SUBTOTAL	9,674,109	3,226,568	12,900,677	
	GENERAL CONDITIONS	12%	1,160,893	387,188	1,548,081
	SUBTOTAL	10,835,002	3,613,756	14,448,758	
	LIABILITY INSURANCE	3%	325,050	108,413	433,463
	TOTAL	11,160,052	3,722,169	14,882,221	

CONGREGATION SHEARITH ISRAEL

NEW YORK, N.Y.

AS OF RIGHT CONSTRUCTION COST ESTIMATE

SCHEME B

August 6, 2007

McQuilkin Associates, Inc.
Construction Consultants

500 Morris Avenue
Springfield, NJ 07081
Tel 973-218-1800
Fax 973-218-1700

MC QUILKIN ASSOCIATES INC.					DATE:	8/6/07
PROJECT: CONGREGATION SHEARITH ISRAEL					REV:	
LOCATION: NEW YORK, NY						
CSI #	TRADE SUMMARY		SCHOOL	RESIDENTIAL	TOTAL AMOUNT	
AS OF RIGHT - SCHEME B						
02050	BUILDING DEMOLITION		103,500	-	103,500	
02060	SELECTIVE DEMOLITION		25,000		25,000	
02080	ASBESTOS ABATEMENT		NIC	NIC	NIC	
02500	PAVING & SURFACING		24,786	-	24,786	
02900	EXCAVATION/FOUNDATION		1,967,652	24,000	1,991,652	
03010	CONCRETE AND CEMENT WORK		2,342,300	1,059,200	3,401,500	
04200	MASONRY		193,140	-	193,140	
05500	MISCELLANEOUS METALS		89,350	43,100	132,450	
06100	ROUGH CARPENTRY		38,900	18,700	57,600	
06400	FINISH CARPENTRY		18,570	30,052	48,622	
07530	ROOFING & FLASHING		-	152,625	152,625	
07900	JOINT SEALERS		15,000	5,000	20,000	
08100	HOLLOW METAL DOORS		16,280	8,760	25,040	
08200	WOOD DOORS		8,750	10,750	19,500	
08700	HARDWARE		28,150	8,300	36,450	
08900	EXTERIOR FAÇADE		636,176	293,004	929,180	
09250	GYPSUM WALLBOARD		234,373	176,722	411,095	
09300	TILEWORK		108,022	18,728	126,750	
09500	ACOUSTIC CEILING		107,821	2,212	110,033	
09600	WOOD FLOORING		-	51,296	51,296	
09680	CARPET & RESILIENT		34,558	1,210	35,768	
09700	TERRAZZO		181,840	22,920	204,760	
09900	PAINTING		72,347	27,864	100,210	
10100	VISUAL DISPLAY BOARDS		5,850	-	5,850	
10150	COMPARTMENTS & CUBICLES		16,400	-	16,400	
10520	FIRE PROTECTION SPECIALTIES		6,000	-	6,000	
10800	TOILET ACCESSORIES		16,200	3,900	20,100	
11130	PROJECTION SCREENS		10,800	-	10,800	
11400	APPLIANCES		5,000	15,000	20,000	
14000	CONVEYING SYSTEM		150,000	280,000	430,000	
15300	FIRE PROTECTION		150,645	95,717	246,362	
15400	PLUMBING		319,352	213,226	532,577	
15500	HVAC		1,369,500	609,105	1,978,605	
16050	ELECTRICAL WORK		796,810	512,187	1,308,997	
		SUBTOTAL	9,093,071	3,683,577	12,776,648	
		GENERAL CONDITIONS	12%	1,091,169	442,029	1,533,198
		SUBTOTAL		10,184,240	4,125,606	14,309,846
		LIABILITY INSURANCE	3%	305,527	123,768	429,295
		TOTAL		10,489,767	4,249,374	14,739,141

CONGREGATION SHEARITH ISRAEL

NEW YORK, N.Y.

PROPOSED CONSTRUCTION COST ESTIMATE

August 6, 2007

McQuilkin Associates, Inc.
Construction Consultants

500 Morris Avenue
Springfield, NJ 07081
Tel 973-218-1600
Fax 973-218-1700

MC QUILKIN ASSOCIATES INC.				DATE:	8/6/07
PROJECT: CONGREGATION SHEARITH ISRAEL				REV:	
LOCATION: NEW YORK, NY					
CSI #	TRADE SUMMARY	SCHOOL	RESIDENTIAL	TOTAL AMOUNT	
	PROPOSED				
02050	BUILDING DEMOLITION	103,500	-	103,500	
02060	SELECTIVE DEMOLITION	25,000		25,000	
02080	ASBESTOS ABATEMENT	NIC	NIC	NIC	
02500	PAVING & SURFACING	24,786	-	24,786	
02900	EXCAVATION/FOUNDATION	1,967,652	56,000	2,023,652	
03010	CONCRETE AND CEMENT WORK	2,458,700	2,184,560	4,643,260	
04200	MASONRY	193,140	-	193,140	
05500	MISCELLANEOUS METALS	95,950	61,300	157,250	
06100	ROUGH CARPENTRY	43,500	47,200	90,700	
06400	FINISH CARPENTRY	21,720	33,400	55,120	
07530	ROOFING & FLASHING	-	166,680	166,680	
07900	JOINT SEALERS	15,000	10,000	25,000	
08100	HOLLOW METAL DOORS	19,930	17,680	37,610	
08200	WOOD DOORS	13,500	26,000	39,500	
08700	HARDWARE	32,800	17,600	50,400	
08900	EXTERIOR FAÇADE	654,326	737,084	1,391,410	
09250	GYPSUM WALLBOARD	303,236	359,208	662,444	
09300	TILEWORK	136,946	30,960	167,906	
09500	ACOUSTIC CEILING	134,316	4,004	138,320	
09600	WOOD FLOORING	8,376	97,258	105,634	
09680	CARPET & RESILIENT	42,352	2,102	44,454	
09700	TERRAZZO	181,840	22,920	204,760	
09900	PAINTING	82,169	56,934	139,103	
10100	VISUAL DISPLAY BOARDS	9,750	-	9,750	
10150	COMPARTMENTS & CUBICLES	21,200	-	21,200	
10520	FIRE PROTECTION SPECIALTIES	7,200	-	7,200	
10800	TOILET ACCESSORIES	21,800	6,500	28,300	
11130	PROJECTION SCREENS	18,000	-	18,000	
11400	APPLIANCES	5,000	25,000	30,000	
14000	CONVEYING SYSTEM	150,000	360,000	510,000	
15300	FIRE PROTECTION	185,724	144,551	330,275	
15400	PLUMBING	365,940	331,657	697,597	
15500	HVAC	1,688,400	919,870	2,608,270	
16050	ELECTRICAL WORK	981,772	772,178	1,753,950	
	SUBTOTAL	10,013,525	6,490,645	16,504,170	
	GENERAL CONDITIONS	12%	1,201,623	778,877	1,980,500
	SUBTOTAL		11,215,147	7,269,523	18,484,670
	LIABILITY INSURANCE	3%	336,454	218,086	554,540
	TOTAL		11,551,602	7,487,608	19,039,210

CONGREGATION SHEARITH ISRAEL

NEW YORK, N.Y.

AS OF RIGHT CONSTRUCTION COST ESTIMATE

SCHEME C

August 6, 2007

McQuilkin Associates, Inc.
Construction Consultants

500 Morris Avenue
Springfield, NJ 07081
Tel 973-218-1600
Fax 973-218-1700

MC QUILKIN ASSOCIATES INC.			DATE:	8/6/07
PROJECT: CONGREGATION SHEARITH ISRAEL			REV:	
LOCATION: NEW YORK, NY				
CSI #	TRADE SUMMARY			TOTAL
	AS OF RIGHT - SCHEME C			
02050	BUILDING DEMOLITION			103,500
02080	ASBESTOS ABATEMENT			NIC
02500	PAVING & SURFACING			24,786
02900	EXCAVATION/FOUNDATION			1,277,005
03010	CONCRETE AND CEMENT WORK			2,850,680
04200	MASONRY			83,358
05500	MISCELLANEOUS METALS			66,200
06100	ROUGH CARPENTRY			38,500
06400	FINISH CARPENTRY			62,128
07530	ROOFING & FLASHING			180,060
07900	JOINT SEALERS			5,000
08100	HOLLOW METAL DOORS			31,120
08200	WOOD DOORS			24,000
08700	HARDWARE			27,200
08900	EXTERIOR FAÇADE			889,180
09250	GYPSUM WALLBOARD			329,067
09300	TILEWORK			36,956
09500	ACOUSTIC CEILING			9,513
09600	WOOD FLOORING			106,976
09680	CARPET & RESILIENT			4,604
09700	TERRAZZO			22,920
09900	PAINTING			69,569
10800	TOILET ACCESSORIES			6,600
11400	APPLIANCES			30,000
14000	CONVEYING SYSTEM			365,000
15300	FIRE PROTECTION			188,903
15400	PLUMBING			350,161
15500	HVAC			1,202,110
16050	ELECTRICAL WORK			1,003,534
		SUBTOTAL		9,388,630
		GENERAL CONDITIONS	12%	1,126,636
		SUBTOTAL		10,515,265
		LIABILITY INSURANCE	3%	315,458
		TOTAL		10,830,723

Exhibit B

Freeman/Frazier & Associates, Inc.
 Date : September 6, 2007
 Property : 10 West 70th Street
 Block, Lot : Blk 1122, Lots 36 & 37
 Total Land Area : 6,472 sq.ft.
 Zone : R8B & R10A

Exhibit B: Comparable Market Rate Community Facility Rents

<u>RENTAL LOCATION</u>	<u>DATE</u>	<u>ANNUAL RENT</u>	<u>AREA</u>	<u>PRICE/SQ.FT.</u>	<u>TIME</u>	<u>LOCATION</u>	<u>SIZE</u>	<u>ZONING</u>	<u>OTHER</u>	<u>COMPOS FACTOR</u>	<u>ADJUSTED PRICE/S.F.</u>
1. 161 West 86th Street New York, NY Blk 1217 Lot 6	Asking	\$22,440	500	\$44.88	1.00	0.95	1.00	1.00	0.90	0.86	\$38.37
2. 125 West 72nd Street New York, NY Blk 1144 Lot 23	Asking	\$33,600	550	\$61.09	1.00	0.90	1.00	1.00	0.90	0.81	\$49.48
3. 1700 Broadway New York, NY Blk 1025 Lot 25	Asking	\$165,000	3,000	\$55.00	1.00	0.90	0.90	1.00	0.95	0.77	\$42.32
4. 175 West 79th Street New York, NY Blk 1210 Lot 1	Asking	\$48,000	1,000	\$48.00	1.00	0.95	0.95	1.00	0.90	0.81	\$38.99
5. 163 West 74th Street New York, NY Blk 1146 Lot 104	Asking	\$54,000	1,200	\$45.00	1.00	0.95	0.95	1.00	0.95	0.86	\$38.58
6. 27 West 96th Street New York, NY Blk 1832 Lot 16	Asking	\$13,500	450	\$30.00	1.00	1.05	1.00	1.00	0.95	1.00	\$29.93
Average											\$39.61
Subject Property											\$40.00
10 West 70th Street											1.00
New York, NY											1.00
Average											\$40.00

Exhibit B: Comparable Community Facility Rents

1. 161 West 86th Street

This is a 500 sq.ft. shared community facility office for rent. It is located on Manhattan's upper west side between Amsterdam and Columbus Avenues, and is approximately one mile south of the subject property. A -5% adjustment was made for superior location, and a -5% adjustment was made for the current "asking" status, as well as, a -5% adjustment for sharing. No adjustments were made for time, size or zoning.

2. 125 West 72nd Street

This is a 550 sq.ft. recently renovated shared community facility office for rent. It is located on Manhattan's Upper West side between Amsterdam and Columbus Avenues, and is approximately three blocks away from the subject property. A -10% adjustment was made for superior location, and a -5% adjustment was made for the current "asking" status, as well as, a -5% adjustment for sharing. No adjustments were made for time, size or zoning.

3. 1700 Broadway

This is a 3,000 sq.ft. community facility for rent. It is located between West 53rd and West 54th Streets and is approximately one mile south of the subject property. A -10% adjustment was made for the superior location, and a -10% adjustment was made for the large size. An additional -5% adjustment was made for the current "asking" status of this community facility. No adjustments were made for time or zoning.

4. 175 West 79th Street

This is a 1,000 sq.ft. shared community facility office for rent. It is located on Manhattan's Upper West Side between Columbus and Amsterdam Avenues, and is approximately nine blocks north of the subject property. A -5% adjustment was made for superior location, and a -5% adjustment was made for the large size. An additional -5% adjustment was made for the current "asking" status, as well as, a -5% adjustment for sharing. No adjustments were made for time or zoning.

Economic Analysis Report
6-10 West 70th Street
New York, New York
September 6, 2007

Exhibit B: Comparable Community Facility Rents

5. 163 West 74th Street

This is a 1,200 sq.ft. community facility for rent. It is located on Manhattan's Upper West Side between Columbus and Amsterdam Avenue, and is approximately half a mile north of the subject property. A -5% adjustment was made for superior location, and a -5% adjustment was made for the large size. An additional -5% adjustment was made for the current "asking" status. No adjustments were made for location or zoning.

6. 27 West 96th Street

This is a 450 sq.ft. community facility for rent. It is located on Manhattan's Upper West Side between Amsterdam Avenue and Central Park West, and is approximately 1.7 miles north of the subject property. A +5% adjustment was made for the inferior location relative to the subject property, and a -5% adjustment was made for the current "asking" status of this site. No adjustments were made for time, size or zoning.



City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT
PART I, GENERAL INFORMATION

Reference Numbers

1. 07-BSA-071M
 CEQR REFERENCE NUMBER (TO BE ASSIGNED BY LEAD AGENCY)

 ULURP REFERENCE NO. IF APPLICABLE

74-07-BZ
 BSA REFERENCE NO. IF APPLICABLE

 OTHER REFERENCE NO.(S) IF APPLICABLE
 (e.g. Legislative Intro, CAPA, etc)

Lead Agency & Applicant Information
 PROVIDE APPLICABLE INFORMATION

2a. Lead Agency
New York City Board of Standards and Appeals
 NAME OF LEAD AGENCY
Rory Levy
 NAME OF LEAD AGENCY CONTACT PERSON
40 Rector Street - 9th Floor
 ADDRESS

<u>New York</u>	<u>NY</u>	<u>10006-1705</u>
CITY	STATE	ZIP
<u>212-788-8749</u>		<u>212-788-8769</u>
TELEPHONE		FAX
<u>jweiss@dcas.nyc.gov</u>		
EMAIL ADDRESS		

2b. Applicant Information
Congregation Shearith Israel ("CSI")
 NAME OF APPLICANT
Friedman & Gotbaum, LLP/Shelly S. Friedman, Esq.
 NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON
568 Broadway - Suite 505
 ADDRESS

<u>New York</u>	<u>NY</u>	<u>10012</u>
CITY	STATE	ZIP
<u>212 925-4545</u>		<u>212 925-5199</u>
TELEPHONE		FAX
<u>sfriedman@frigot.com; lcuisinier@frigot.com</u>		
EMAIL ADDRESS		

Action Description
 SEE CEQR MANUAL SECTIONS 2A & 2B

3a. NAME OF PROPOSAL CSI / New Building
 3b. DESCRIBE THE ACTION(S) AND APPROVAL(S) BEING SOUGHT FROM OR UNDERTAKEN BY CITY (AND IF APPLICABLE, STATE AND FEDERAL AGENCIES) AND, BRIEFLY, DESCRIBE THE DEVELOPMENT OR PROJECT THAT WOULD RESULT FROM THE PROPOSED ACTION(S) AND APPROVAL(S):

Applicant proposes to construct new 8-story (plus PH) mixed-use community facility/residential building. Zoning Lot consists of two tax lots: lot 36 (improved with an existing CSI Synagogue Building) and lot 37 (the Project Site).

3c. DESCRIBE THE PURPOSE OF AND NEED FOR THE ACTION(S) AND APPROVAL(S):
Applicant proposes to replace an existing obsolete and inefficient community house with an 8-story plus Penthouse mixed-use New Building, which will accommodate CSI's educational, religious and cultural programs and provide a critical tie into the Synagogue's circulation system.

Required Action or Approvals

4. CITY PLANNING COMMISSION Yes No
 Change in City Map Zoning Certification Site Selection - Public Facility
 Zoning Map Amendment Zoning Authorization Disposition - Real Property Franchise
 Zoning Text Amendment Housing Plan & Project UDAAP Revocable Consent Concession
 Charter 197-a Plan _____
 Zoning Special Permit, specify type: _____
 Modification of _____
 Renewal of _____
 Other _____

5. UNIFORM LAND USE PROCEDURE (ULURP) Yes No

6. BOARD OF STANDARDS AND APPEALS Yes No
 Special Permit New Renewal Expiration Date _____
 Variance Use Bulk
 Specify affected section(s) of Zoning Resolution Z.R. §§ 24-11/77-24; 24-36; 23-633; 23-663

7. DEPARTMENT OF ENVIRONMENTAL PROTECTION Yes No
 Title V Facility Power Generation Facility Medical Waste Treatment Facility

PLEASE NOTE THAT MANY ACTIONS ARE NOT SUBJECT TO CEQR. SEE SECTION 110 OF TECHNICAL MANUAL

8. OTHER CITY APPROVALS Yes No
 Legislation Rulemaking; specify agency: _____
 Construction of Public Facilities Funding of Construction, Specify _____ Funding of Programs, Specify _____
 Policy or plan Permits, Specify: Landmarks Preservation Commission Certificate of Appropriateness (COFA) # 07-6281 issued 3/21/07, approving the demolition of the existing 4-story community house and construction of a new 8-story plus penthouse building.
 Other; explain: _____

9. STATE ACTIONS/APPROVALS/FUNDING Yes No
 If "Yes," identify _____

10. FEDERAL ACTIONS/APPROVALS/FUNDING Yes No
 If "Yes," identify _____

Action Type

11a. Unlisted; or Type I; specify category (see 6 NYCRR 617.4 and NYC Executive Order 91 OF 1977, as amended): 617.4(9)
Project Site is within the Upper West Side/Central Park West Historic District and adjacent to NYC Landmark
 11b. Localized action, site specific Localized action, change in regulatory control for small area Generic action

Analysis Year

12. Identify the analysis year (or build year) for the proposed action: 2008/2009
 Would the proposal be implemented in a single phase? Yes No NA.
 Anticipated period of construction: 18 months
 Anticipated completion date: December 2009
 Would the proposal be implemented in multiple phases? Yes No NA.
 Number of phases: _____
 Describe phases and construction schedule: _____

Directly Affected Area

INDICATE LOCATION OF PROJECT SITE FOR ACTIONS INVOLVING A SINGLE SITE ONLY (PROVIDE ATTACHMENTS AS NECESSARY FOR MULTIPLE SITES)

13a. LOCATION OF PROJECT SITE
10 West 70th Street, New York, NY 10023
 STREET ADDRESS Premises is situated the south side of West 70th Street, 108 feet west of the corner formed by the intersection of Central Park West and West 70th Street
 DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS
R8B / R10A (Upper West Side/Central Park West Historic District)
 EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION IF ANY
Block 1122, Lots 37 & 36 Manhattan ZONING SECTIONAL MAP NO. CB 7
 TAX BLOCK AND LOT NUMBERS BOROUGH COMMUNITY DISTRICT NO.

13b. PHYSICAL DIMENSIONS AND SCALE OF PROJECT
 TOTAL CONTIGUOUS SQUARE FEET OWNED OR CONTROLLED BY PROJECT SPONSOR: 17,286 SQ. FT.
 PROJECT SQUARE FEET TO BE DEVELOPED: 56,244.73gsf (New Building)* SQ. FT.
 GROSS FLOOR AREA OF PROJECT: 95,894.11 (New Building & Synagogue)* SQ. FT.
 IF THE ACTION IS AN EXPANSION, INDICATE PERCENT OF EXPANSION PROPOSED N/A % OF _____
 IN THE NUMBER OF UNITS, SQ. FT. OR OTHER APPROPRIATE MEASURE:
 DIMENSIONS (IN FEET) OF LARGEST PROPOSED STRUCTURE: 105.8' HEIGHT; 64' WIDTH; 100.50' LENGTH.
 LINEAR FEET OF FRONTAGE ALONG A PUBLIC THOROUGHFARE: 172' along West 70th Street; 105.5' along Central Park West

13c. IF THE ACTION WOULD APPLY TO THE ENTIRE CITY OR TO AREAS THAT ARE SO EXTENSIVE THAT A SITE-SPECIFIC DESCRIPTION IS NOT APPROPRIATE OR PRACTICABLE, DESCRIBE THE AREA LIKELY TO BE AFFECTED BY THE ACTION:
N/A

13d. DOES THE PROPOSED ACTION INVOLVE CHANGES IN REGULATORY CONTROLS THAT WOULD AFFECT ONE OR MORE SITES NOT ASSOCIATED WITH A SPECIFIC DEVELOPMENT? Yes No
 IF "YES", IDENTIFY THE LOCATION OF THE SITES PROVIDING THE INFORMATION REQUESTED IN 13a & 13b ABOVE.

*includes cellars

PART II, SITE AND ACTION DESCRIPTION

Site Description

EXCEPT WHERE OTHERWISE INDICATED, ANSWER THE FOLLOWING QUESTIONS WITH REGARD TO THE DIRECTLY AFFECTED AREA. THE DIRECTLY AFFECTED AREA CONSISTS OF THE PROJECT SITE AND THE AREA SUBJECT TO ANY CHANGE IN REGULATORY CONTROLS.

1. **GRAPHICS** Please attach: (1) a Sanborn or other land use map; (2) a zoning map; and (3) a tax map. On each map, clearly show the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. The maps should not exceed 8½ x 14 inches in size. **See Figures 1 through 3**

2. **PHYSICAL SETTING** (both developed and undeveloped areas)
 Total directly affected area (sq. ft.): 17,286 sq. ft. Water surface area (sq. ft.): N/A
 Roads, building and other paved surfaces (sq. ft.): N/A Other, describe (sq. ft.): N/A

3. **PRESENT LAND USE**
Residential N/A
 Total no. of dwelling units _____ No. of low-to-moderate income units _____
 No. of stories _____ Gross floor area (sq. ft.) _____
 Describe type of residential structures: _____

Commercial N/A
 Retail: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____
 Office: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____
 Other: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____
 Specify type(s): _____ No. of stories and height of each building: _____

Manufacturing/Industrial N/A
 No. of bldgs _____ Gross floor area of each building (sq. ft.): _____
 No. of stories and height of each building: _____
 Type of use(s): _____ Open storage area (sq. ft.) _____
 If any unenclosed activities, specify: _____

Community facility
 Type of community facility: _____
 No. of bldgs 2 _____
 No. of stories and height of each building: Synagogue: 4-story + attic/69.58 ft Community House: 4-story/52.81 ft
 Gross floor area of each building (sq. ft.): Synagogue: 39,649.38* Community House: 11,078.90 gsf

Vacant land
 Is there any vacant land in the directly affected area? Yes No
 If yes, describe briefly: _____

Publicly accessible open space
 Is there any existing publicly accessible open space in the directly affected area? Yes No
 If yes, describe briefly: _____

Does the directly affected area include any mapped City, State or Federal parkland? Yes No
 If yes, describe briefly: _____

Does the directly affected area include any mapped or otherwise known wetland? Yes No
 If yes, describe briefly: _____

Other land use N/A
 No. of stories _____ Gross floor area (sq. ft.) _____
 Type of use: _____

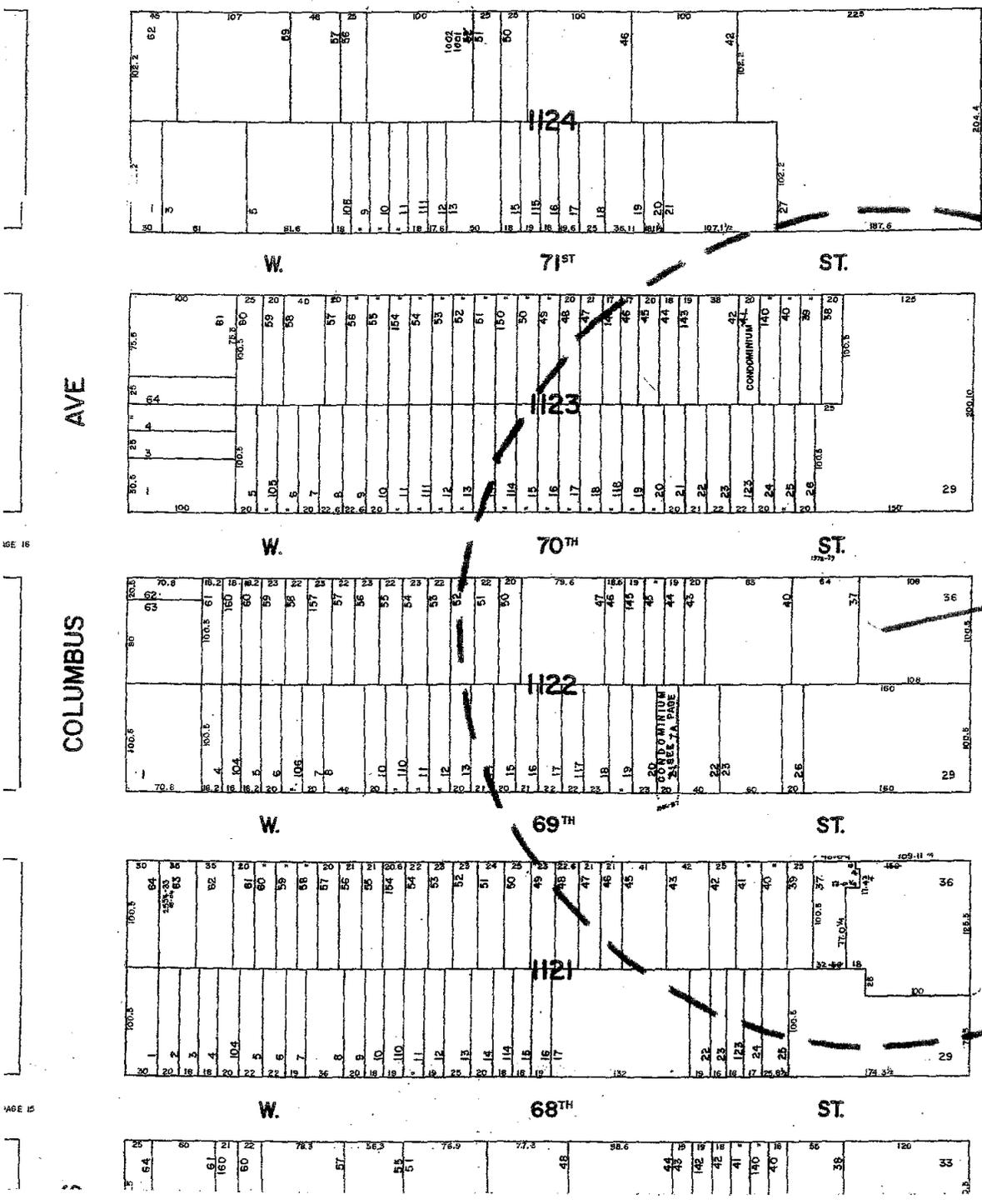
4. **EXISTING PARKING**
Garages
 No. of public spaces: None _____ No. of accessory spaces: _____
 Operating hours: _____ Attended or non-attended? _____

Lots
 No. of public spaces: None _____ No. of accessory spaces: _____
 Operating hours: _____ Attended or non-attended? _____

Other (including street parking) - please specify and provide same data as for lots and garages, as appropriate.

5. **EXISTING STORAGE TANKS**
 Gas or service stations? Yes No Oil storage facility? Yes No Other? Yes No
 If yes, specify: _____
 Number and size of tanks: _____ Last NYFD inspection date: _____
 Location and depth of tanks: _____

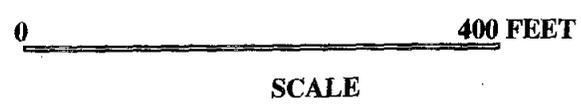
* Including Cellars



S.A.K.
BLOCK 1123
LOT NO. LOT AREA

1001	1
1002	2
1003	3A
1004	3B
1005	3C
1006	3D
1007	3E

 **Project Site**
 - - - - - **400 Foot Perimeter**



6-10 West 70th Street Congregation Shearith Israel

**Tax Map
Figure 3**

6. CURRENT USERS

No. of residents: N/A No. and type of businesses: 1 (community facility/community house for adjacent synagogue)
No. and type of workers by businesses: 25 No. and type of non-residents who are not workers: 165 (students)

7. HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES)

Answer the following two questions with regard to the directly affected area, lots abutting that area, lots along the same blockfront or directly across the street from the same blockfront, and, where the directly affected area includes a corner lot, lots which front on the same street intersection.

Do any of the areas listed above contain any improvement, interior landscape feature, aggregate of landscape features, or archaeological resource that:

- (a) has been designated (or is calendared for consideration as) a New York City Landmark, Interior Landmark or Scenic Landmark: **CSI Synagogue on lot 36** Yes
- (b) is within a designated New York City Historic District: **Upper West Side / Central Park West Historic District** Yes
- (c) has been listed on, or determined eligible for, the New York State or National Register of Historic Places; No
- (d) is within a New York State or National Register Historic District; or No
- (e) has been recommended by the New York State Board for listing on the New York State or National Register of Historic Places? No

Identify any resource:

Landmarks Preservation Commission files

Do any of the areas listed in the introductory paragraph above contain any historic or archaeological resource, other than those listed in response to the previous question? Identify any resource. No

8. WATERFRONT REVITALIZATION PROGRAM

Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries? Yes No
(A map of the boundaries can be obtained at the Department of City Planning bookstore.)

If yes, append a map showing the directly affected area as it relates to such boundaries. A map requested in other parts of this form may be used.

9. CONSTRUCTION

Will the action result in demolition of or significant physical alteration to any improvement? Yes No

If yes, describe briefly: **Demolition of existing Community House on Lot 37**

Will the action involve either above-ground construction resulting in any ground disturbance or in-ground construction? Yes No

If yes, describe briefly: **Excavation for new cellar & subcellar will be undertaken, as well as structural underpinning & reinforcing of the adjacent buildings' foundation: Synagogue's (lot 36) and 18 West 70th Street (lot 40).**

10. PROPOSED LAND USE

Residential
Total no. of dwelling units 5 No. of low-to-moderate income units 0 Gross floor area (sq. ft.) 22,907.49 gsf*
No. of stories Floors 5-8 (plus PH) Describe type of residential structures:

New Building

Commercial
Retail: No. of bldgs N/A Gross floor area of each building (sq. ft.): _____

Office: No. of bldgs N/A Gross floor area of each building (sq. ft.): _____

Other: No. of bldgs N/A Gross floor area of each building (sq. ft.): _____
Specify type(s): _____

No. of stories and height of each building: _____

Manufacturing/Industrial N/A

No. of bldgs _____ Gross floor area of each building (sq. ft.): _____

No. of stories and height of each building: _____

Type of use(s): _____ Open storage area (sq. ft.) _____ If any unenclosed activities, specify: _____

Community facility

Type of community facility: **Synagogue and Community House for adjacent Synagogue**

No. of bldgs 2 Gross floor area of each building (sq. ft.): **Synagogue: 39,649.38 gsf*
New Building (floors 1-4): 33,337.24 gsf***

No. of stories and height of each building: **Synagogue: 4-stories + attic/69.58 ft
New Building: 8-stories + PH/105.8 ft**

Vacant land

Is there any vacant land in the directly affected area? Yes No

If yes, describe briefly: **Approximately 50% of lot 37 is vacant.**

Project Description
THIS SUBPART SHOULD GENERALLY BE COMPLETED ONLY IF YOUR ACTION INCLUDES A SPECIFIC OR KNOWN DEVELOPMENT AT PARTICULAR LOCATIONS

* Including Cellars

Publicly accessible open space

Is there any existing publicly accessible open space in the directly affected area? Yes No
If yes, describe briefly:

Does the directly affected area include any mapped City, State, or Federal parkland? Yes No
If yes, describe briefly:

Does the directly affected area include any mapped or otherwise known wetland? Yes No
If yes, describe briefly:

Other land use
Gross floor area (sq. ft.) N/A No. of stories _____ Type of use: _____

11. PROPOSED PARKING

Garages **None**
No. of public spaces: _____ No. of accessory spaces: _____
Operating hours: _____ Attended or non-attended? _____

Lots **None**
No. of public spaces: _____ No. of accessory spaces: _____
Operating hours: _____ Attended or non-attended? _____

Other (including street parking) - please specify and provide same data as for lots and garages, as appropriate.
No. and location of proposed curb cuts: _____

12. PROPOSED STORAGE TANKS

Gas or service stations? Yes No Oil storage facility? Yes No Other? Yes No
If yes, specify: _____ Location and depth of tanks: _____
Size of tanks: _____

13. PROPOSED USERS

No. of residents: 13 (5 units) No. and type of businesses: 1 (community facility/community house for adjacent synagogue)
No. and type of workers by businesses: 50 No. and type of non-residents who are not workers: 165 (students)

14. HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES)

Will the action affect any architectural or archaeological resource identified in response to either of the two questions at number 7 in the Site Description section of the form? Yes No
If yes, describe briefly:

15. DIRECT DISPLACEMENT

Will the action directly displace specific business or affordable and/or low income residential units? Yes No
If yes, describe briefly:

16. COMMUNITY FACILITIES

Will the action directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations? Yes No
If yes, describe briefly:

17. What is the zoning classification(s) of the directly affected area? **R8B/R10A (Upper West Side/ Central Park West Historic District)**

18. What is the maximum amount of floor area that can be developed in the directly affected area under the present zoning?
Describe in terms of bulk for each use. **R8B portion of Zoning Lot : 4,723.5 sq.ft. @ 4 FAR = 18,894 sq.ft.**
R10A portion of Zoning Lot: 12,562.5 sq. ft. @ 10 FAR = 125,625 sq.ft.
Max. on Zoning Lot: 17,286 sq.ft. @ 8.38 adj.max. FAR = 144,856.68 sq.ft.

19. What is the proposed zoning of the directly affected area?
No zoning change is proposed; the proposed action is a variance

20. What is the maximum amount of floor area that could be developed in the directly affected area under the proposed zoning?
Describe in terms of bulk for each use. **See above, #18**

21. What are the predominant land uses and zoning classifications within a 1/4 mile radius of the proposed action?

Predominant Land Use: UG 2 (Residential); UG 3A (School); UG 4A (Ambulatory diagnostic or treatment health care facilities, Houses of worship; UG 6A (restaurants, grocery stores etc.); UG 6B (offices); UG 6C (clothing stores)

Zoning classification: R8; R8B; R10A; C1-8A; C4-7; C4-6A

SEE CEQR
TECHNICAL MANUAL
CHAPTER III B,
SOCIO-ECONOMIC
CONDITIONS

SEE CEQR
TECHNICAL MANUAL
CHAPTER III C,
COMMUNITY FACILI-
TIES & SERVICES

**Zoning
Information**

Additional Information

22. Attach any additional information as may be needed to describe the action. If your action involves changes in regulatory controls that affect one or more sites not associated with a specific development, it is generally appropriate to include here one or more reasonable development scenarios for such sites and, to the extent possible, to provide information about such scenario(s) similar to that requested in the Project Description questions 9 through 16.

Analyses

23. Attach analyses for each of the impact categories listed below (or indicate where an impact category is not applicable): **see pages 6a-6h**
- | | |
|--|---|
| a. LAND USE, ZONING, AND PUBLIC POLICY | See CEQR Technical Manual Chapter III.A. N/A |
| b. SOCIOECONOMIC CONDITIONS | See CEQR Technical Manual Chapter III.B. N/A |
| c. COMMUNITY FACILITIES AND SERVICES | See CEQR Technical Manual Chapter III.C. N/A |
| d. OPEN SPACE | See CEQR Technical Manual Chapter III.D. N/A |
| e. SHADOWS | See CEQR Technical Manual Chapter III.E. N/A |
| f. HISTORIC RESOURCES | See CEQR Technical Manual Chapter III.F. N/A |
| g. URBAN DESIGN/VISUAL RESOURCES | See CEQR Technical Manual Chapter III.G. N/A |
| h. NEIGHBORHOOD CHARACTER | See CEQR Technical Manual Chapter III.H. N/A |
| i. NATURAL RESOURCES | See CEQR Technical Manual Chapter III.I. N/A |
| j. HAZARDOUS MATERIALS | See CEQR Technical Manual Chapter III.J. N/A |
| k. WATERFRONT REVITALIZATION PROGRAM | See CEQR Technical Manual Chapter III.K. N/A |
| l. INFRASTRUCTURE | See CEQR Technical Manual Chapter III.L. N/A |
| m. SOLID WASTE AND SANITATION SERVICES | See CEQR Technical Manual Chapter III.M. N/A |
| n. ENERGY | See CEQR Technical Manual Chapter III.N. N/A |
| o. TRAFFIC AND PARKING | See CEQR Technical Manual Chapter III.O. N/A |
| p. TRANSIT AND PEDESTRIANS | See CEQR Technical Manual Chapter III.P. N/A |
| q. AIR QUALITY | See CEQR Technical Manual Chapter III.Q. N/A |
| r. NOISE | See CEQR Technical Manual Chapter III.R. N/A |
| s. CONSTRUCTION IMPACTS | See CEQR Technical Manual Chapter III.S. N/A |
| t. PUBLIC HEALTH | See CEQR Technical Manual Chapter III.T. N/A |

The CEQR Technical Manual sets forth methodologies developed by the City to be used in analyses prepared for the above-listed categories. Other methodologies developed or approved by the lead agency may also be utilized. If a different methodology is contemplated, it may be advisable to consult with the Mayor's Office of Environmental Coordination. You should also attach any other necessary analyses or information relevant to the determination whether the action may have a significant impact on the environment, including, where appropriate, information on combined or cumulative impacts, as might occur, for example, where actions are interdependent or occur within a discrete geographical area or time frame.

Applicant Certification

24. Lori G. Cuisinier, Esq.
 PREPARER NAME
Counsel
 PREPARER TITLE

 PREPARER SIGNATURE
Sept. 6, 2007
 DATE

Congregation Shearith Israel
 PRINCIPAL
Shelly S. Friedman, Esq.
 NAME OF PRINCIPAL REPRESENTATIVE
Counsel
 TITLE OF PRINCIPAL REPRESENTATIVE

 SIGNATURE OF PRINCIPAL REPRESENTATIVE
Sept. 6, 2007
 DATE

NOTE: Any person who knowingly makes a false statement or who knowingly falsifies any statement on this form or allows any such statement to be falsified shall be guilty of an offense punishable by fine or imprisonment or both, pursuant to Section 10-154 of the New York City Administrative Code, and may be liable under applicable laws.

**Impact
Significance**

PART III, ENVIRONMENTAL ASSESSMENT AND DETERMINATION

TO BE COMPLETED BY THE LEAD AGENCY

The lead agency should complete this Part after Parts I and II have been completed. In completing this Part, the lead agency should consult 6 NYCRR 617.7, which contains the State Department of Environmental Conservation's criteria for determining significance.

The lead agency should ensure the creation of a record sufficient to support the determination in this Part. The record may be based upon analyses submitted by the applicant (if any) with Part II of the EAS. The CEQR Technical Manual sets forth methodologies developed by the City to be used in analyses prepared for the listed categories. Alternative or additional methodologies may be utilized by the lead agency.

1. For each of the impact categories listed below, consider whether the action may have a significant effect on the environment with respect to the impact category. If it may, answer yes.

LAND USE, ZONING, AND PUBLIC POLICY	_____
SOCIOECONOMIC CONDITIONS	_____
COMMUNITY FACILITIES AND SERVICES	_____
OPEN SPACE	_____
SHADOWS	_____
HISTORIC RESOURCES	_____
URBAN DESIGN/VISUAL RESOURCES	_____
NEIGHBORHOOD CHARACTER	_____
NATURAL RESOURCES	_____
HAZARDOUS MATERIALS	_____
WATERFRONT REVITALIZATION PROGRAM	_____
INFRASTRUCTURE	_____
SOLID WASTE AND SANITATION SERVICES	_____
ENERGY	_____
TRAFFIC AND PARKING	_____
TRANSIT AND PEDESTRIANS	_____
AIR QUALITY	_____
NOISE	_____
CONSTRUCTION IMPACTS	_____
PUBLIC HEALTH	_____

2. Are there any aspects of the action relevant to the determination whether the action may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? If there are such impacts, explain them and state where, as a result of them, the action may have a significant impact on the environment.

3. If the lead agency has determined in its answers to questions 1 and 2 of this Part that the action will have no significant impact on the environment, a negative declaration is appropriate. The lead agency may, in its discretion, further elaborate here upon the reasons for issuance of a negative declaration.

4. If the lead agency has determined in its answers to questions 1 and 2 of this part that the action may have a significant impact on the environment, a conditional negative declaration (CND) may be appropriate if there is a private applicant for the action and the action is not Type I. A CND is only appropriate when conditions imposed by the lead agency will modify the proposed action so that no significant adverse environmental impacts will result. If a CND is appropriate, the lead agency should describe here the conditions to the action that will be undertaken and how they will mitigate potential significant impacts.

5. If the lead agency has determined that the action may have a significant impact on the environment, and if a conditional negative declaration is not appropriate, then the lead agency should issue a positive declaration. Where appropriate, the lead agency may, in its discretion, further elaborate here upon the reasons for issuance of a positive declaration. In particular, if supporting materials do not make clear the basis for a positive declaration, the lead agency should describe briefly the impact(s) it has identified that may constitute a significant impact on the environment.

**Lead Agency
Certification**

PREPARER NAME

NAME OF LEAD AGENCY REPRESENTATIVE

PREPARER TITLE

TITLE OF LEAD AGENCY REPRESENTATIVE

PREPARER SIGNATURE

SIGNATURE OF LEAD AGENCY REPRESENTATIVE

DATE

DATE

Attachment to Environmental Assessment Statement
8-10 West 70th Street/99 Central Park West,
New York, New York
07-BSA-071M /74-07-BZ

Project Description

The applicant proposes to construct an 8-story (plus penthouse) mixed use building at 6-10 West 70th Street (Block 1122, Lot 37) in the Borough of Manhattan (the "New Building"). The New Building will replace the current 11,079 sf Community House, a support building connected to the adjacent Congregation Shearith Israel ("CSI") Synagogue (the "Synagogue") located on the southwest corner of Central Park West and West 70th Street (tax lot 36). Following demolition of the Site's existing Community House, the proposed New Building will include, in part, (1) a new "Community House" (being the two cellars and the first four floors of the New Building) providing offices and specialized rooms supporting religious, educational and cultural uses that are essential to CSI's mission; and (2) residential use at the fifth through eighth floor (plus penthouse) levels. The New Building's circulation system will then be linked to that of the adjacent CSI Synagogue building. The 56,244.73 gsf/42,961.53 zsf New Building's development requires a variance from the Board of Standards and Appeals to waive the following sections of the Zoning Resolution of the City of New York ("ZR"): ZR 24/11/77-24 (lot coverage/R8B & R10A portion); ZR 24-36 (rear yard-interior lot/R8B & R10A portion); 23-633 (building and base height & setback/R8B portion); and ZR 23-663 (rear setback/R8B portion).

The proposed New Building Site, which has a 64-foot frontage on West 70th Street, and the landmarked CSI Synagogue to its east on lot 36 constitute a single Zoning Lot¹ and are located in the Upper West Side/Central Park West Historic District. The Zoning Lot is divided by zoning district boundaries: its eastern portion (12,562.5 sf, or 72.7%) is located within an R10A zoning district and the remainder of the Zoning Lot (4,723.5, or 27.3%) is located within an R8B zoning district. The Zoning Lot has a total square footage of 17,286 sf (Lot 36 contains 10,854 sf and is located entirely within an R10A-zoned portion of the Zoning Lot; Lot 37 contains 6,432 sf and is located partially within an R10A portion (1,708.5 sf) and partially within an R8B portion (4,723.5 sf) of the Zoning Lot). Lot 36, which is located on the southwest corner of West 70th Street and Central Park West, is developed with the CSI Synagogue building containing 27,759.20 zsf. The Zoning Lot's adjusted maximum permitted FAR for both community facility and residential use is 8.36².

¹ Applicant is the owner of both tax lots that constitute a single Zoning Lot: Lot 36 (99 Central Park West) and lot 37 (6-10 West 70th Street). The existing CSI Synagogue building on lot 36 will remain unchanged but will be linked to the New Building.

² Maximum permitted floor area ratio for both residential and community facility uses is 4 FAR for R8B districts and 10 FAR and for R10A districts. 27.3% of the Zoning Lot is located

The proposed action will result in development of a mixed-use New Building at the Project Site containing 42,961.53 zsf : 20,054.04 zsf (31,681.82 gsf) of community facility use and 22,907.49 zsf (24,562.91 gsf) of residential use (5 units). The Zoning Lot will contain a total of 70,720.73 zsf (4.09 FAR).

Absent the proposed action (i.e., the No Build scenario), the applicant would maintain current conditions on the site with the existing 27,759.20 zsf Synagogue and 11,078.90 zsf Community House. While the Zoning Lot's maximum permitted floor area is 144,510.96, the No Build Scenario utilizes 38,838.10 zsf and the Proposed Action utilizes 70,720.73 zsf. The difference between the Proposed Action and No Build scenario amounts to a net increase on the zoning lot of 31,882.63 zsf, or 27.3 percent of the potentially available air rights on the zoning lot after demolition of the existing Community House. The Proposed Action results in (i) 20,602.92 gsf of additional community facility use and 24,562.91 gsf of new residential use within the New Building.

The Proposed Action's FAR 4.09 and No Build scenario's FAR 2.25 are both significantly lower than the adjusted maximum permitted FAR for the Zoning Lot, which is FAR 8.36. Inasmuch as the No Build condition has existed with the Synagogue on Lot 36 for the past 110 years and the Community House on Lot 37 for 50 years without negative impacts, further analysis of the No Build scenario is not warranted. The landmark Synagogue would continue to serve its congregants as such and the Community House would continue to provide support space to the Synagogue and function as a school (both to CSI and its tenant school).

ANALYSIS SECTION

Land Use, Zoning and Public Policy – See AKRF attachment dated August 2007

Socioeconomic Conditions

In addition to the existing 39,649.38 gsf Synagogue, the proposed action would result in a 56,244.73 gsf New Building with approximately 31,681.82 gsf of community facility use and 24,562.91 gsf of residential use. This proposal would not create substantial socioeconomic changes within the surrounding area. The action would not directly displace any businesses. There would be no displacement of any residents. The proposed action would result in a mixed-use building of less than 200,000 square feet, the *CEQR Technical Manual* threshold, therefore, it would not have significant adverse socioeconomic impacts and a detailed assessment is not necessary.

within an R8B district, and the remaining 72.7% is located within an R10A district, thus permitting an adjusted maximum FAR of 8.36 on the Zoning Lot ($(0.273 \times 4.00 = 1.09) + (0.727 \times 10.00 = 7.27) = 8.36$).

Community Facilities and Services

In addition to the existing 39,649.38 gsf Synagogue, the proposed action would result in a 56,244.73-gsf New Building with approximately 31,681.82 gsf of community facility use and 24,562.91 gsf of residential use. The New Building includes replacement of the Synagogue's previously existing Community House (*i.e.* a community facility) within its new envelope. The proposed action would not displace or otherwise alter any additional community facilities and will result in only 5 new residential units on the site, therefore, it would not have significant adverse community facilities impact and, pursuant to the *CEQR Technical Manual*, a detailed assessment is not necessary.

Open Space

The proposed action does not displace or alter any public or private open space, nor is it adjacent to any public or private open space. The proposed action's population is fewer than 200 residents or 500 employees, the *CEQR Technical Manual threshold*. Therefore, pursuant to the *CEQR Technical Manual* the proposed action would not have any significant adverse open space impacts and a detailed assessment is not necessary.

Shadows – See AKRF attachment dated August 2007

Historic Resources

Archaeological Resources

It is not expected that the proposed action will result in an archaeological resources impact. On March 21, 2007, Landmarks Preservation Commission ("LPC") issued a Certificate of Appropriateness # 07-6281 approving the demolition of the existing Community House on lot 37 and construction of an eight-story (plus PH) community facility/residential building (attached).

Architectural Resources

It is not expected that the proposed action will result in an architectural resources impact. On March 21, 2007, Landmarks Preservation Commission ("LPC") issued a Certificate of Appropriateness # 07-6281 approving the demolition of the existing Community House on lot 37 and construction of an eight-story (plus PH) community facility/residential building (attached).

Urban Design and Visual Resources

As indicated previously, the applicant has worked extensively with the LPC to ensure that the New Building is an appropriate addition to the zoning lot and the UWS/CPW Historic District with

respect to its height, bulk, form, setbacks, size, scale use or arrangements. The action will not result in a building substantially different from its surroundings in its height, bulk, form, setbacks, size, scale use or arrangements. It will not alter the street grid. The New Building will not block any views, natural resources, or landmark structures, therefore, pursuant to the *CEQR Technical Manual*, no detailed assessment of urban design and visual resources is necessary.

Neighborhood Character

The Site is located within an R8B/R10A zoning district and the area surrounding the Site is characterized by a mix of residential walk-up and elevator buildings within the R8-B zoned area ranging from 3 to 8 stories in height, while the R10-A zoned area is predominantly developed with high-rise buildings up to 30-story high with ground floor doctors' offices. Central Park is located directly east of the Zoning Lot. Therefore, pursuant to the *CEQR Technical Manual*, the proposed action would not have any significant neighborhood character impacts and a detailed assessment is not necessary.

Natural Resources

There are no natural resources on the project site nor will the insignificant size of the net shadows cast by the Proposed Building impact Central Park. (see, Shadow Assessment performed by AKRF, dated August 2007). There are no other natural resources adjacent to the project Site, therefore, pursuant to the *CEQR Technical Manual*, the proposed action would not have any significant natural resources impacts and a detailed assessment is not necessary.

Hazardous Materials

There are no existing or proposed storage tanks at the New Building site or within the Synagogue. Prior to its current use as a Community House for the adjacent Synagogue, lot 37 was developed with four row houses. Neither uses (nor the Synagogue use) are listed in *CEQR Technical Manual* Hazardous Materials Appendix 1, List of Facilities, Activities, or Conditions Requiring Assessment. Plans include the removal of a non-working storage tank located in a vault below the sidewalk. The tank will be closed and removed properly during the construction.

A review of information obtained from USEPA and NYSDEC indicated no reported incidents concerning hazardous materials or wastes, major spills, or existing landfills at the subject property. The site is not listed as a CERCLIS, NPL or NYSDEC Inactive Hazardous Waste Disposal site and did not appear within the NYSDEC Spills Report.

There are no elevated levels of hazardous materials present at the project site; the proposed action will not introduce new activities or processes using hazardous materials, therefore there will be no risk of increase of human or environmental exposure. Accordingly, pursuant to the *CEQR Technical*

Manual, no further analysis is required.

Waterfront Revitalization Program

The area of proposed action is located outside of the coastal zone boundary.

Infrastructure

The proposed action would not result in an exceptionally large demand for water, nor is the Site located at the end of the water system. Therefore, pursuant to *CEQR Technical Manual*, no assessment of water supply is required.

Solid Waste and Sanitation Services

The proposed action would result in a New Building with approximately 31,681.82 gsf of community facility space with approximately 50 employees and 165 students, and 24,562.91 gsf of residential space with 13 residents. New residents would generate approximately 221 pounds of solid waste per week, while the solid waste generation by community facility use would be approximately 1,310 pounds per week. It is anticipated that waste generated by such uses (approximately 1,531 pounds per week, see Figure 4) would be collected and disposed of by the New York City Department of Sanitation. This represents less than 0.01 percent of the solid waste produced by City residents and would not affect the City's ability to provide these services. Additional solid waste generated by the existing Synagogue would likewise have a negligible impact on the City's ability to provide solid waste and Sanitation Services. Accordingly, the proposed action would have no significant adverse impacts on solid waste management and, pursuant to *CEQR Technical Manual*, no further analysis is necessary.

Figure 4

Solid Waste Generation

Use	Rate (lbs per week)³	Persons	Solid waste (lbs per week)
Residential, individual	17	13	221
Community Facility, employees	13	50	650
Community Facility, students (private school)	4	165	660

³ Rates taken from *CEQR Technical Manual*, Table 3M-1.

Total Solid waste generation	1,531
------------------------------	-------

Energy

In addition to the existing 39,649.38 gsf Synagogue, the proposed action would result in new construction on lot 37; all new structures requiring heating and cooling are subject to the New York State Energy Conservative Code, which reflects State and City energy policy. Therefore, no adverse energy impacts will be created and, pursuant to CEQR Technical Manual, no detailed energy assessment is necessary.

Traffic and Parking

In addition to the existing 39,649.38 gsf Synagogue, the proposed action would result in a mixed-use building containing approximately 24,562.91 gsf of residential use (5 units) and approximately 31,681.82 gsf of community facility use (a 20,602.92-gsf increase from the existing 11,078.90 gsf of community facility use at the existing Community House). This is less than 200 dwelling units or an increase of 25,000 gsf of community facility use, the CEQR Technical Manual threshold (See, Table 30-1). Therefore, no further analysis of traffic and parking is necessary.

Transit and Pedestrians

In addition to the existing 39,649.38 gsf Synagogue, the proposed action would result in development of a mixed-use building on lot 37 containing approximately 22,907.49 gsf of residential use (5 units) and approximately 31,681.82 gsf of community facility use (a 20,335.28-gsf increase from the existing 11,078.90 gsf of community facility use at the Community House). This is less than 200 dwelling units or an increase of 25,000 gsf of community facility use, the CEQR Technical Manual threshold (See, Table 30-1). Therefore, pursuant to the CEQR Technical Manual, no further analysis of transit and pedestrians is necessary.

Air Quality

Mobile Sources. The New Building, which is zoned R8B/R10A, would potentially result in only a minimal number of new vehicle trips to the Site and will generate less than 100 trips in the peak hour, the CEQR Technical Manual threshold. A negligible number of trips are currently generated by the Synagogue as Orthodox faith requires that congregants be within walking distance of the house of worship.

Stationary Sources. The boiler at the New Building Site will be fueled by natural gas. A screening analysis of a 56,244.73-gsf mixed-use building with an exhaust stack located approximately 108' above grade was conducted based on Figure 3Q-9 of the CEQR Technical Manual (See, Figure 5, attached). The proposed exhaust stack is anticipated to be located

approximately in the center of the New Building's roof, or beyond 35 feet distance from the nearest building of similar or greater height, therefore the action will have no significant impacts and no further analysis is necessary.

Based upon visual inspection, there are no power generating stations, medical or chemical incinerators, or other significant stationary sources of emissions within a 1,500 foot radius.

A review of the statewide list of air quality permits maintained by the NYS/DEC and the EPA for facilities within a 1,500 foot radius of the project site was performed with the following results:

- there are no permits maintained by the NYSDEC Division of Air Resources for facilities within a 1,500 foot radius of the project site;
- EPA Facility Registry System includes the following:
 - (1) 22-24 WEST 69TH STREET CORP. (22-24 West 69th Street, "Facility 1") with environmental interest type "Not in a universe" and no compliance record available (last updated date 07/08/1999)
 - (2) CON ED - V5625 (West 69th Street and Central Park West, "Facility 2") with environmental interest type "Not in a universe"; "Hazardous waste biennial reporter" and no compliance record available (last updated date 02/26/1998)
 - (3) 80 CENTRAL PARK WEST APTS. (80 Central Park West, "Facility 3") with environmental interest type "Air Minor" and compliance status "In compliance with procedural requirements" (last updated date 05/31/2002)
 - (4) ABC TELEVISION NETWORK (47 West 66th Street, "Facility 4") with environmental interest type "Hazardous waste biennial reporter" and no compliance record available (last updated date 09/15/2000)
 - (5) FUJI FILM USA INC. (1 West 67th Street, "Facility 5") with environmental interest type "SQG"; and no compliance record available (last updated date 06/26/2002)
 - (6) THE DAKOTA (1 West 72nd Street, "Facility 6") with environmental interest type "CESQG" and no compliance record available (last updated date 04/06/2004)
 - (7) CON ED - V3141 (1 West 71th Street, "Facility 7") with environmental interest type "Not in a universe"; "Hazardous waste biennial reporter"; and no compliance record available (last updated date 01/01/2001)

- (8) CHANEL FRENCH DRY CLEANERS (219 Columbus Ave, "Facility 8") with environmental interest type "Air Minor"; classification code "Potential emissions below major source thresholds if complies with federal regulations limits; and compliance status "In violation with regard to both emissions and procedural compliance" (last update date 07/12/2005)
- (9) CONGREGATION SHEARITH ISRAEL (8 West 70th Street and Central Park West, "Facility 9") with environmental interest type "SQG"; " and no compliance record available (last updated date 04/03/2002).

A field visit on February 21, 2007 revealed that Facilities 1 through 5 located south of the Project Site, Facilities 6 and 7 located North of the Project Site and Facility 8 located west of the Project Site are separated from the Project Site by mixed use buildings located south, north and west of the Site, respectively; interviews with the CSI staff revealed that a small generator is located in the basement of CSI Synagogue at 2 West 70th Street/ 99 Central Park West (Facility 9), therefore these nine facilities will have no potential effect on the Project.

Accordingly, the review of the statewide lists of air quality permits maintained by the NYS/DEC and the EPA for facilities within a 1,500 foot radius indicates there are no facilities that could have a potential impact on the Project.

The action will not create new stationary sources.

3. Construction. The construction period is expected to be up approximately 18 months, therefore any potential impacts are temporary and, pursuant to the *CEQR Technical Manual*, no further analysis is necessary.

Noise

Mobile Sources

Vehicular Traffic Noise. The proposed action would potentially result in only a minimal number of new vehicle trips to the Site; it will not reroute vehicular traffic and would not have the potential for a significant noise impact from vehicular traffic. It is not and will not be located near a heavily trafficked thoroughfare. West 70th Street (eastbound) is a one way street.

Aircraft Noise. The proposed action will not be a receptor and will not be within one mile of an existing flight path. It will not cause aircraft to fly through existing or new flight paths over or within one mile of a receptor.

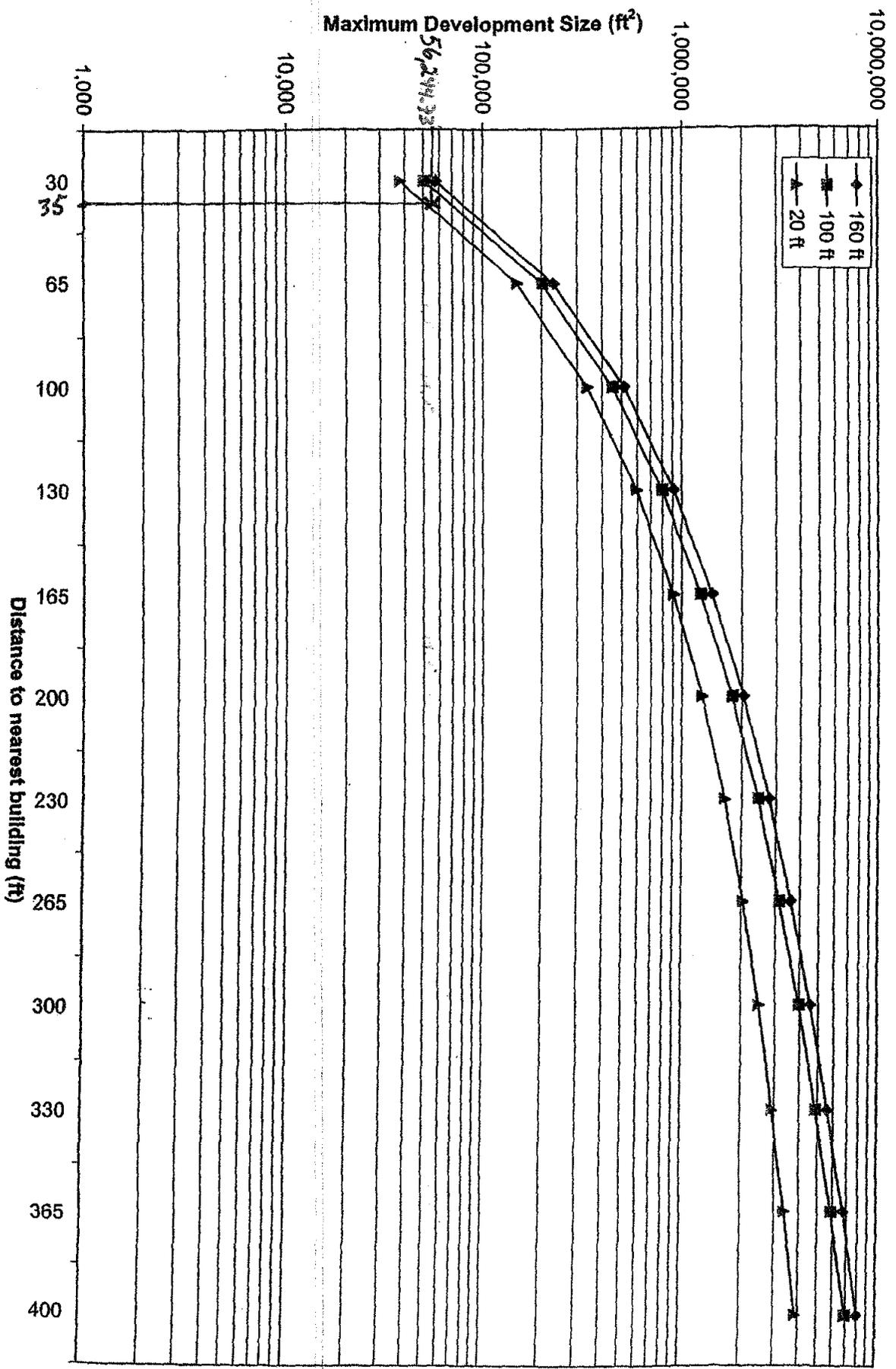


FIGURE 3Q-9
 NO₂ BOILER SCREEN
 RESIDENTIAL DEVELOPMENT - NATURAL GAS
 8-10 West 70th Street

Land Use, Zoning, and Public Policy

A. INTRODUCTION

This analysis of land use, zoning, and public policy follows the guidelines set forth in the 2001 *City Environmental Quality Review (CEQR) Technical Manual*. It characterizes the existing conditions in the area surrounding the project site and addresses any potential impacts to land use, zoning, and public policy that would be associated with the proposed action. The land use study area is defined as the area within 400 feet of the project site and is generally bounded by West 71st Street to the north, Central Park to the east, West 68th Street to the south, and the middle of the block between Central Park West and Columbus Avenue on the west. This is the area in which the proposed action would be most likely to have effects in terms of land use, zoning, or public policy.

Sources used to conduct this analysis of the land use and zoning characteristics of the study area include field surveys; evaluation of land use and zoning maps; and consultation of other sources, such as the *Zoning Resolution of the City of New York*.

B. EXISTING CONDITIONS

LAND USE

PROJECT SITE

The project site is located at 8-10 West 70th Street (Block 1122, Lots 36 and 37), on the southwest corner of West 70th Street and Central Park West. The project site consists of two buildings: the Congregation Shearith Israel (CSI) Synagogue (Lot 36) located on Central Park West and the adjacent four-story Community House (Lot 37), located to the west of Synagogue on West 70th Street. The CSI Synagogue provides daily religious services to the community. The Community House includes the administrative offices that support the Synagogue, multi-purpose space, and a religious day school.

STUDY AREA

The 400-foot study area is characterized by residential uses and Central Park (see attached land use map). The residential buildings along the midblocks of West 68th, 69th, 70th, and 71st Streets are typically 4 to 14 stories tall, while the tallest buildings within the study area, typically between 12 to 29 stories tall, are large apartment buildings along Central Park West. None of these buildings house retail space.

The two exceptions to this residential pattern are two institutional uses and a hotel (in addition to the applicant's property) all on West 71st Street. The two institutional uses are the Catholic Daughters of America, located in the ground floor of a residential building, and the Vendata Society, a religious organization.

Congregation Shearith Israel: Land Use, Zoning, and Public Policy

The proposed building would comply with all other aspects of the site's R10A and R8B zoning districts, including the proposed use and the proposed floor area. The requested waivers are required to allow development of appropriate floor plans that meet the programmatic requirements of the CSI's needs. The requested bulk waivers would result in a building that would overall be consistent with the diverse bulk and massing of buildings in the surrounding area and would remain much smaller in scale and massing than many of the large apartment buildings nearby. Overall, therefore, the proposed waivers would not result in significant adverse impacts with respect to zoning.

The project site's location in the Upper West Side/Central Park West Historic District requires that approval from the New York City Landmarks Preservation Commission (LPC) be obtained for new buildings as well as demolition or renovation. The proposed project has received a Certificate of Appropriateness from LPC and therefore is consistent with this public policy. *

Table 1
Summary of Zoning Requirements

Zoning Requirement	District	
	R10A	R8B
Maximum FAR Residential	10.0 (12.0 with Inclusionary Housing)	4.0
Community Facility	10.0	4.0
Maximum Lot Coverage		
Corner Lot	100%	80%
Interior Lot	70%	70%
Streetwall Requirements: Minimum and Maximum Base Heights Before Mandatory Setback		
Wide Street	55 - 60 feet	125 - 150 feet
Narrow Street	55 - 60 feet	60 - 125 feet
Maximum Building Height		
Wide Street	75 feet	210 feet
Narrow Street	75 feet	185 feet
Minimum Rear Yard Depth	30 feet (Not required for corner lots)	30 feet (Not required for corner lots)
Quality Housing	Required	Required
Source: Zoning Resolution of the City of New York.		

R8B Districts

R8B residential districts permit the same residential and community facility uses as R10A districts, and commercial uses are not permitted. R10A districts permit a maximum FAR for residential and community facility uses of 4.0. The bulk and massing requirements for residential and community facility buildings in R8B districts are summarized in Table 1. R8B districts are intended to result in “contextual” development that is compatible with existing neighborhoods. Buildings with streetwalls are encouraged and setbacks are required for portions of a building that rise above the base height. Quality Housing is mandatory in R8B districts.

The parking regulations for the R8B district are the same as those described above for the R10A district.

Other Nearby Zoning Districts

As shown on the zoning map included as Figure 2 of the EAS, the only zoning districts in the study area are the R10A and R8B zoning districts. Outside of the immediate study area, the R10A district is also mapped along West 72nd Street between Central Park West and Columbus Avenue, with a C1-5 overlay on the two eastern corners at Columbus Avenue. The C1-5 overlay in the underlying R10A district allows a maximum commercial FAR of 2.0 and allows retail uses such as typically serve a local neighborhood. South of West 72nd Street, a commercial district (C1-8A) is mapped along Columbus Avenue. The C1-8A district allows commercial (FAR of 2.0), residential (7.52 FAR), and community facility (7.5 FAR) uses. C1-8A commercial districts are mapped in areas that

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Congregation Shearith Israel: Land Use, Zoning, and Public Policy

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A. INTRODUCTION

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Sources used to conduct this analysis of the land use and zoning characteristics of the study area include field surveys; evaluation of land use and zoning maps; and consultation of other sources, such as the *Zoning Resolution of the City of New York*.

B. EXISTING CONDITIONS

LAND USE

PROJECT SITE

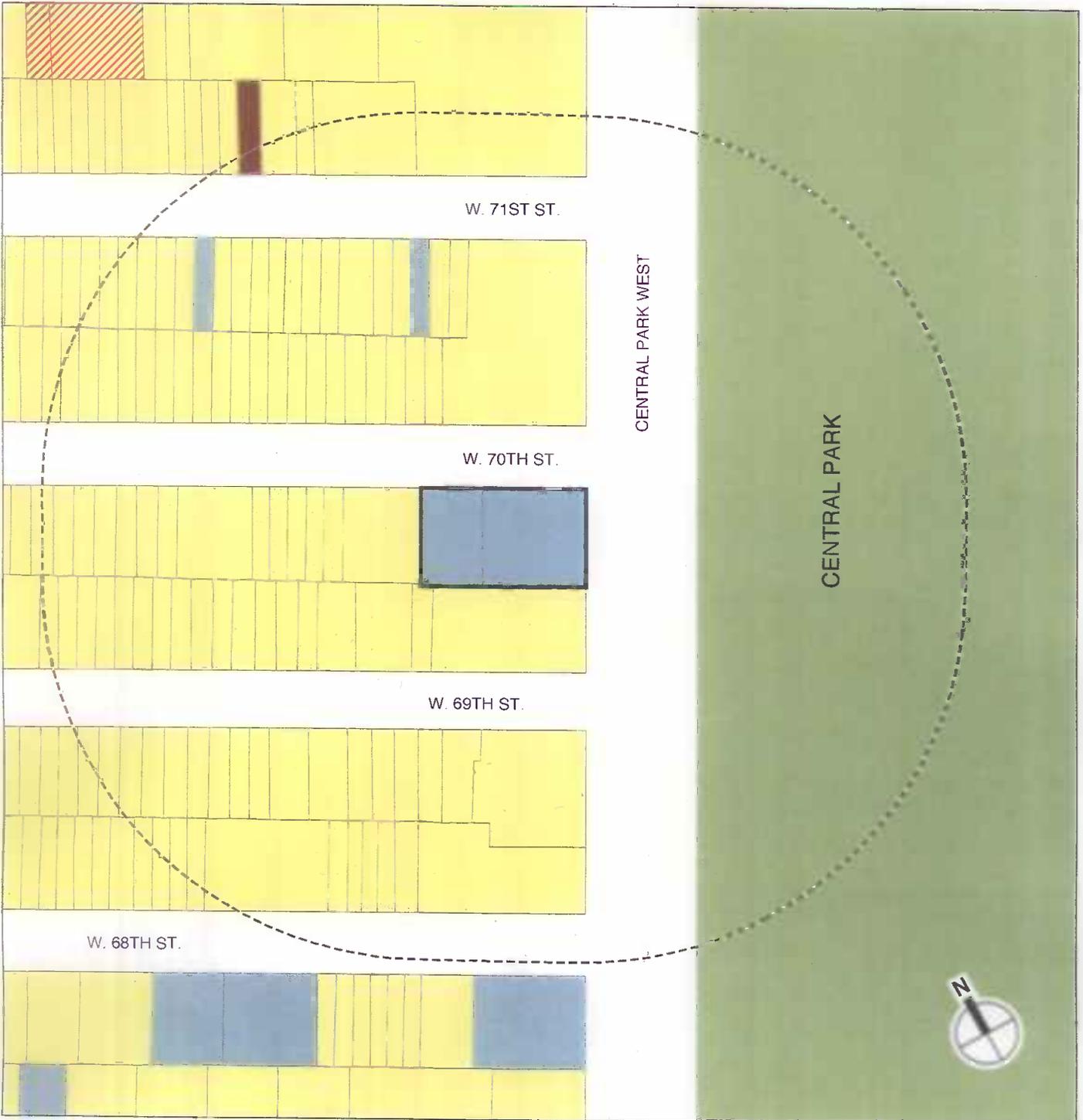
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STUDY AREA

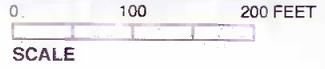
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8.28.07



-  Project Site
-  Residential
-  Residential with Commercial Below
-  Hotels
-  Public Facilities and Institutions
-  Open Space and Outdoor Recreation
-  Study Area Boundary (400-Foot Perimeter)



A. INTRODUCTION

The *City Environmental Quality Review Technical Manual* requires a shadow assessment if a proposed building is tall enough to cast new shadow on a publicly accessible open space.

B. METHODOLOGY

This analysis considers the effects of incremental shadow; that is, new shadow that would be cast by the project as an increment beyond the shadows cast by existing buildings. Following *CEQR Technical Manual* guidelines, this analysis considers shadows on four representative days of the year:

- December 21, the winter solstice, shortest day of the year, when shadows are longest;
- March 21, the vernal equinox (which is equivalent to September 21, the autumnal equinox);
- May 6, midpoint between the equinox and summer solstice (which is equivalent to August 6);
- June 21, the summer solstice, shortest longest day of the year, when shadows are shortest.

The *CEQR Technical Manual* methodology does not generally consider shadows and incremental increases in shadows within 1½ hours of sunrise or sunset.

The *CEQR Technical Manual* identifies the following situations when a proposed project may result in a significant shadow impact:

- Substantial reduction in sunlight where a sensitive use is already subject to substandard sunlight (i.e., less than the minimum time necessary for survival);
- Reduction in sunlight available to a sensitive use from more to less than the minimum time necessary for its survival;
- Substantial reduction in sunlight to a sun-sensitive use or feature; and
- Substantial reduction in the usability of the open space.

The determination of impact significance is based on an assessment of how a project's shadows specifically affect individual open space resources or historic resources with sunlight-dependent features; that is, the analysis focuses on the incremental shadow sweep on open space resources, and assesses the potential impact for each resource.

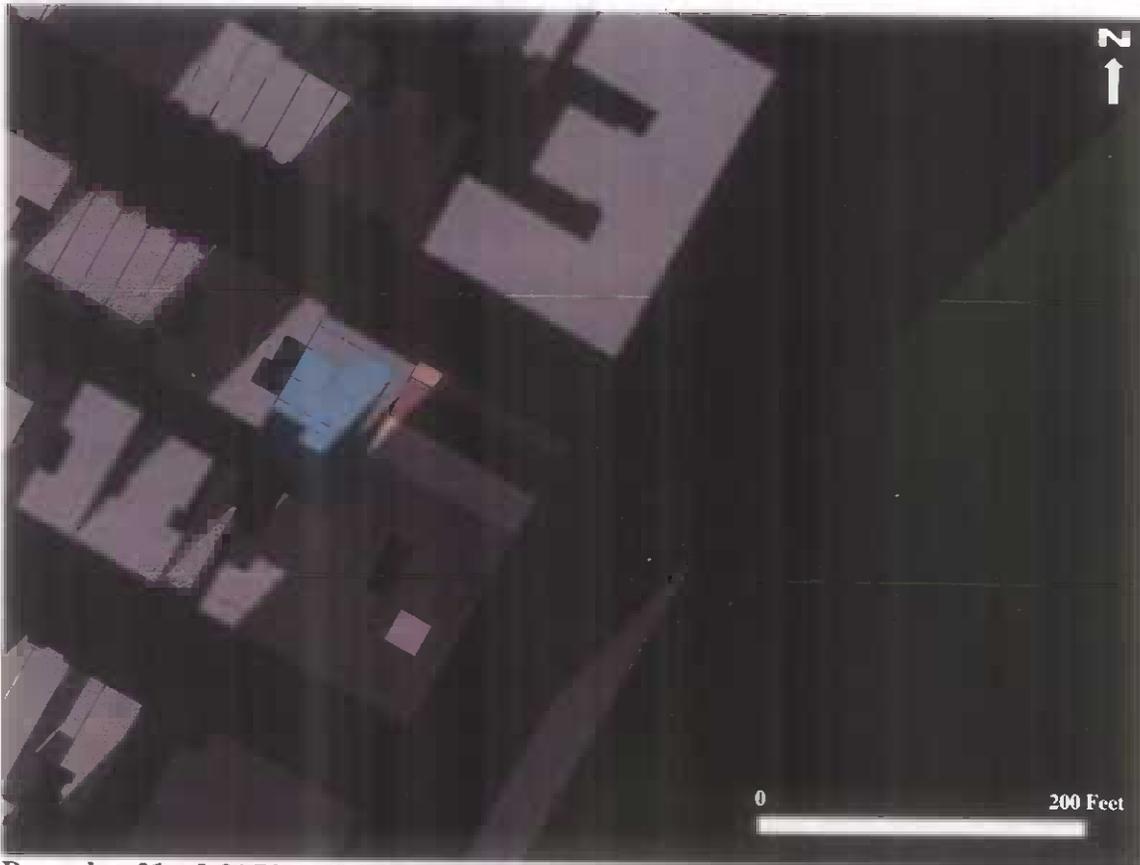
C. ASSESSMENT OF SHADOWS BY SEASON

The only publicly accessible open space which incremental shadow from the proposed building could reach is Central Park. At its closest point, the western edge of the park is approximately 208 feet east-southeast of the proposed building. Shadows are cast westward in the morning as the sun rises in the eastern sky, and then gradually move northward through midday, and finally are cast eastward near sunset (when the sun is in the eastern sky).

DECEMBER 21: 8:51 AM–2:53 PM EST

At the end of the analysis day, the shadow that would be cast by the proposed building would not fall westward enough to reach Central Park (see Figure 1). Therefore, the proposed building would not cast any incremental shadow on Central Park on December 21.

Figure 1



December 21 – 3:01 PM EST (8 minutes after the end of the analysis period)

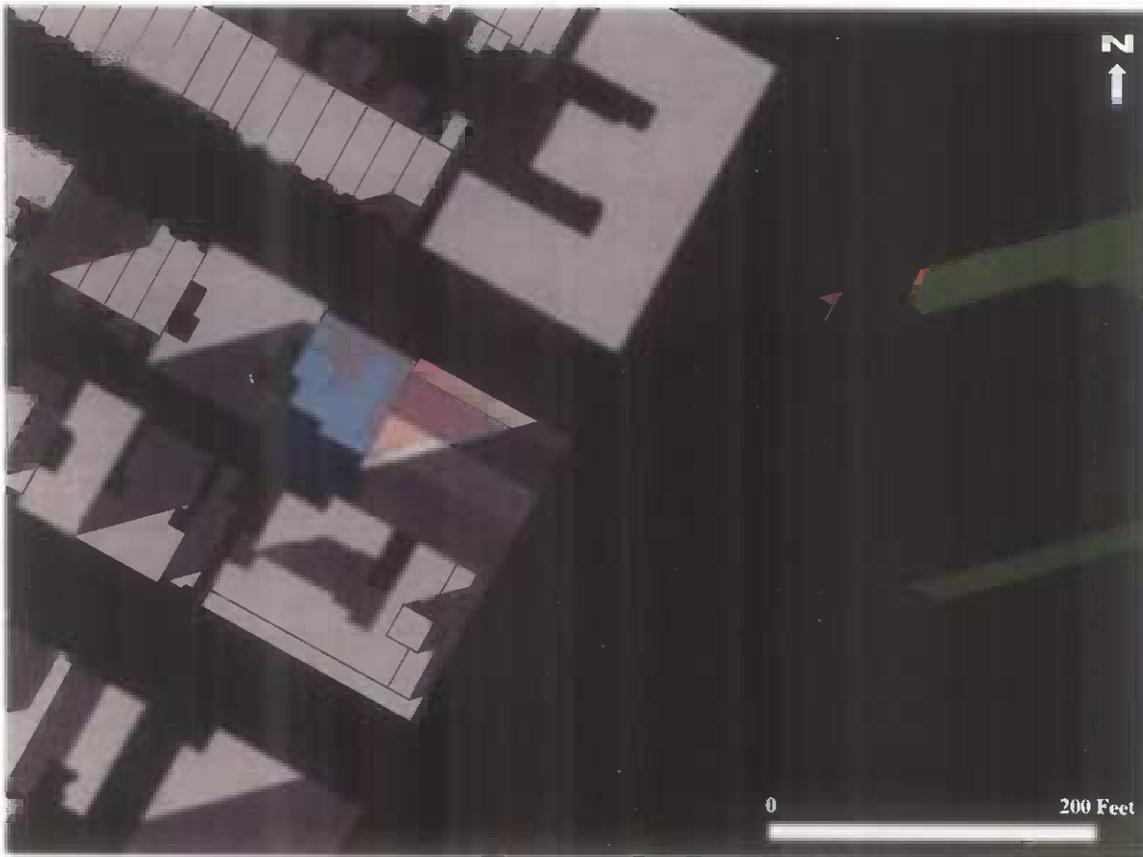
Key

			
Existing Street	Existing Sidewalk	Existing Building	Existing Park
			
Proposed Building	Existing Shadow	New Shadow	New Shadow Impact on Park

MARCH 21/SEPTEMBER 21: 8:36 AM - 5:29 PM EDT

On March 21, the incremental shadow cast by the proposed building would first fall on Central Park at 5:27 PM (see Figure 2), and would do so for two more minutes until the end of the analysis period at 5:29 PM. Before 5:27 PM, other buildings already cast shadows in the area that would otherwise be shaded by the new building. Therefore, the total duration of new shadow on the park on March 21 and September 21 would be two minutes, which would be insignificant.

Figure 2



March 21 – 5:27 PM EDT

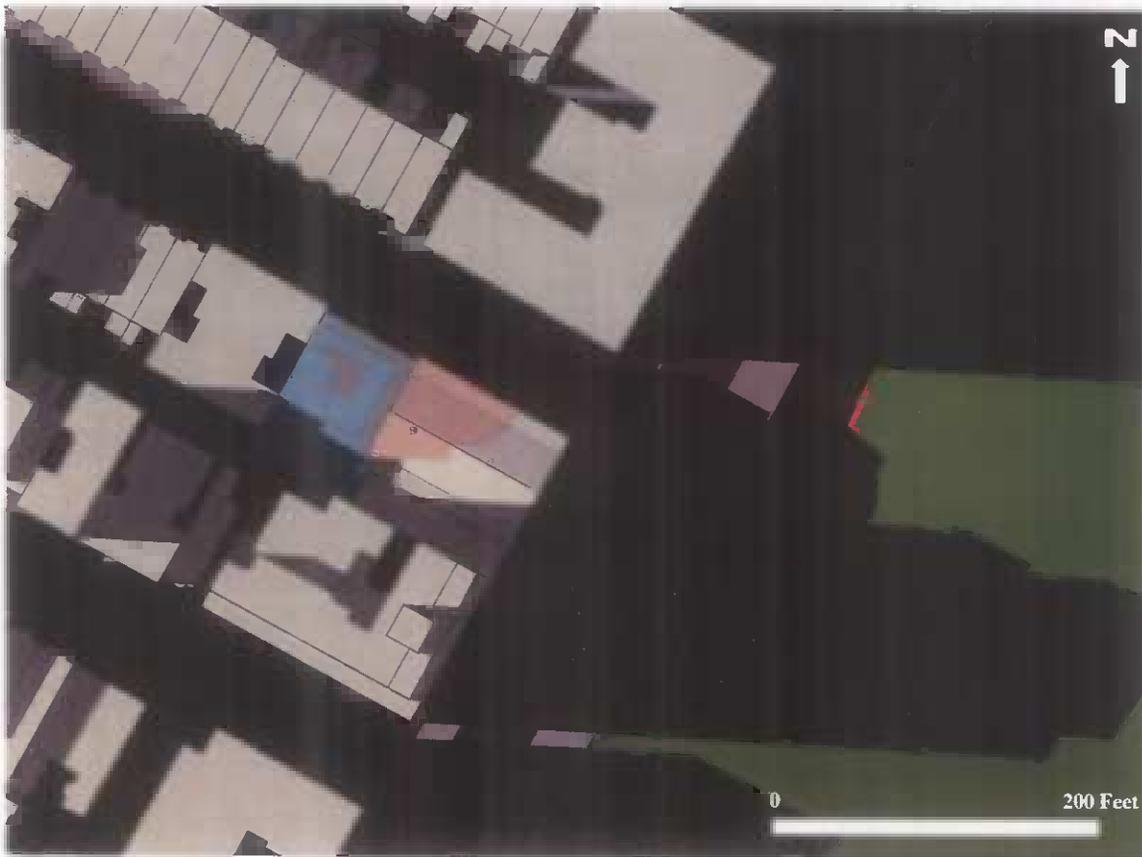
Key

			
Existing Street	Existing Sidewalk	Existing Building	Existing Park
			
Proposed Building	Existing Shadow	New Shadow	New Shadow Impact on Park

MAY 6/AUGUST 6: 7:27 AM - 6:18 PM EDT

The incremental shadow cast by the proposed building on May 6 and August 6 would first reach Central Park at 5:50 PM (see Figure 3). New shadow would be cast on the park for the remaining 28 minutes of the analysis period, until 6:18 PM. The new shadow would be small when it first reached the park (Figure 3) and would gradually extend eastward to cover a larger area. At 6:26 PM, eight minutes after the end of the analysis period, the proposed building would cast approximately 2,630 square feet of new shadow in the park (see Figure 4).

Figure 3

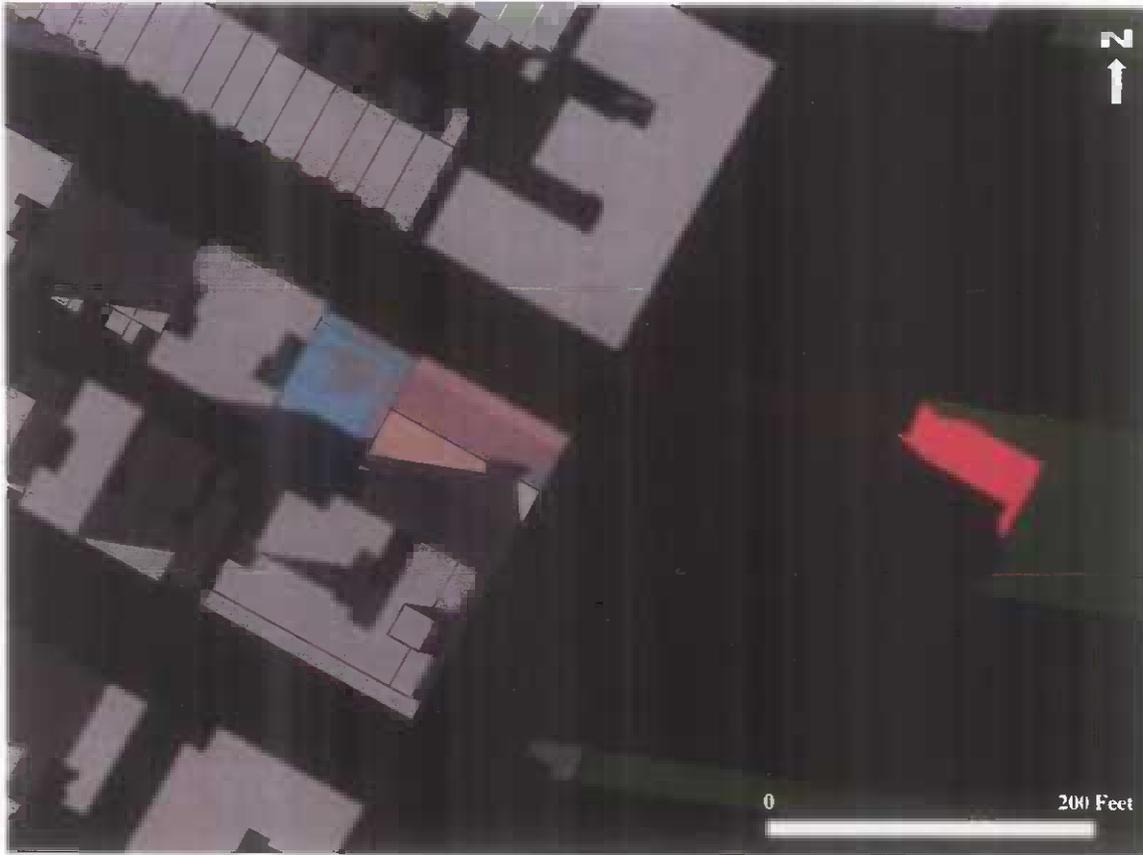


May 6 - 5:50 PM EDT

Key

			
Existing Street	Existing Sidewalk	Existing Building	Existing Park
			
Proposed Building	Existing Shadow	New Shadow	New Shadow Impact on Park

Figure 4



May 6 – 6:26 PM (eight minutes after the end of the analysis period)

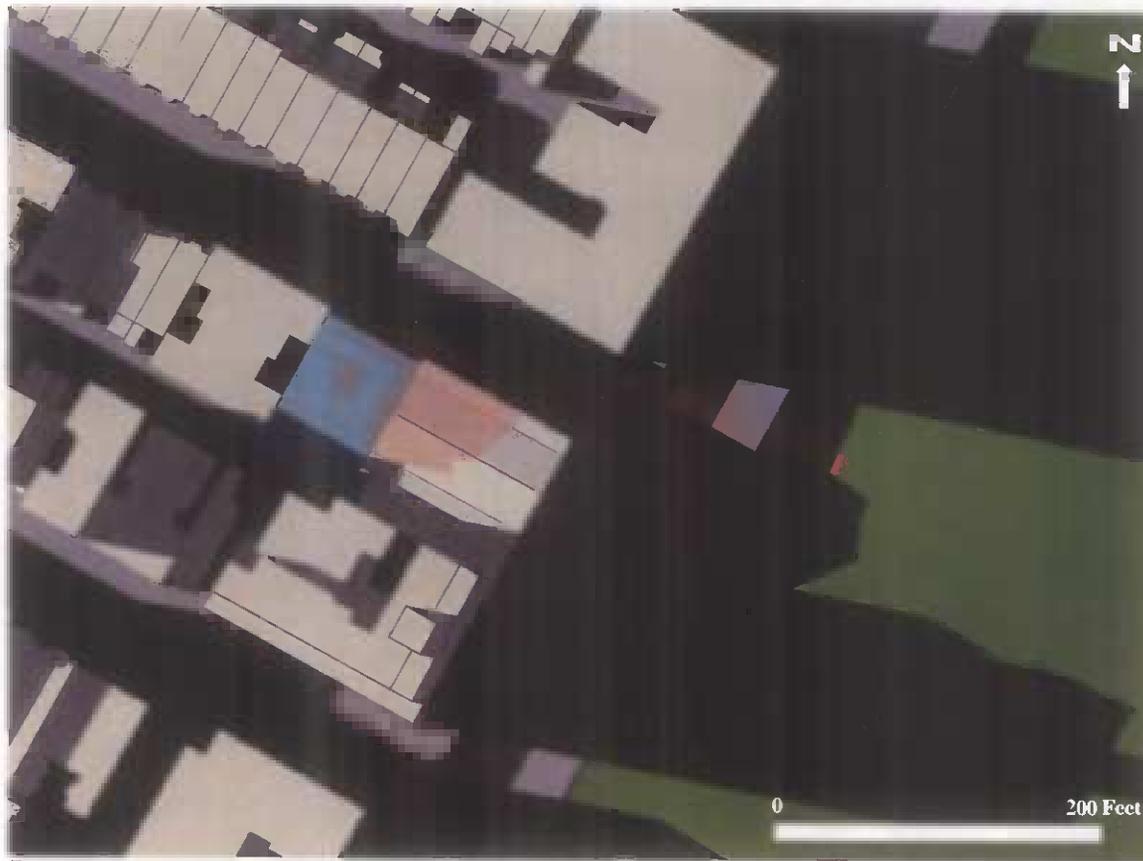
Key

			
Existing Street	Existing Sidewalk	Existing Building	Existing Park
			
Proposed Building	Existing Shadow	New Shadow	New Shadow Impact on Park

JUNE 21: 6:57 AM - 7:01 PM EDT

On June 21, the new shadow cast by the proposed building would first reach Central Park at 6:10 PM (see Figure 5). New shadow would be cast on Central Park for the rest of the analysis period, which ends at 7:01 PM. Similar to May 6, the area of incremental shadow would be small when it first reached the park and would gradually extend eastward to cover approximately 1,900 square feet by 7:01 PM (see Figure 6).

Figure 5

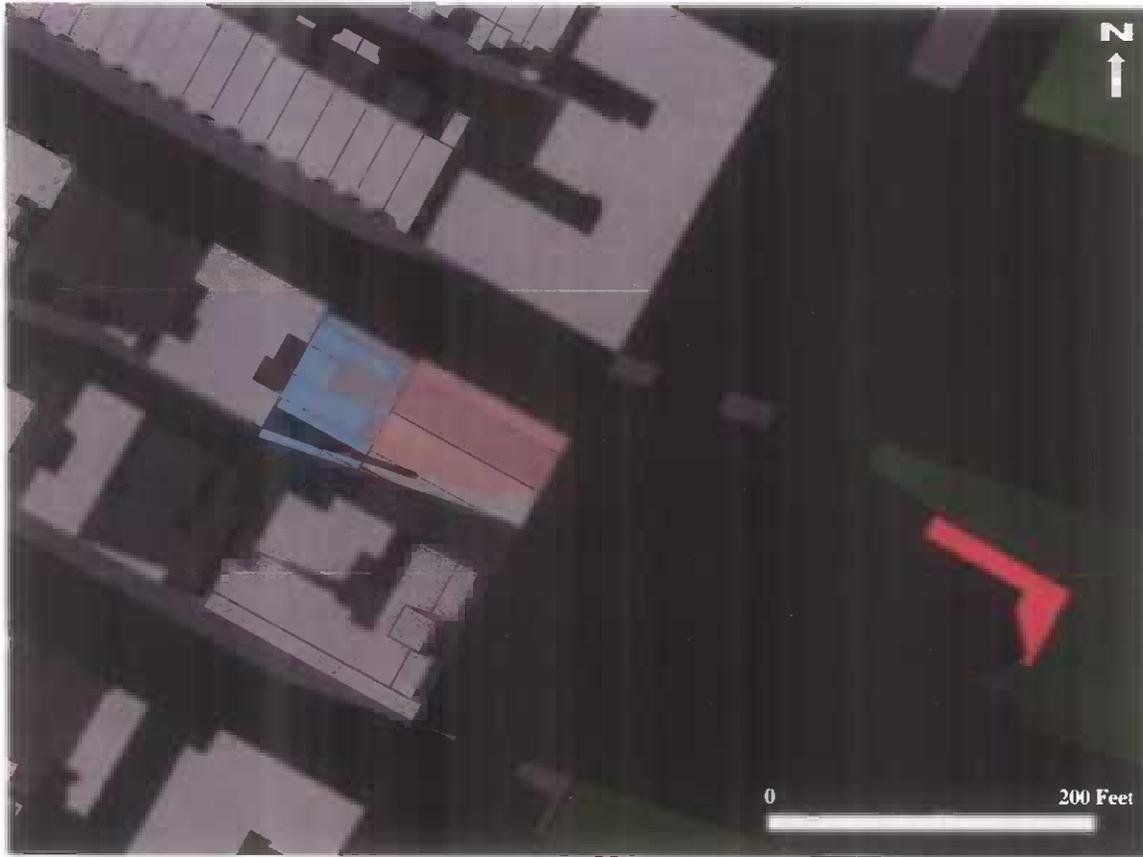


June 21 – 6:10 PM EDT

Key

			
Existing Street	Existing Sidewalk	Existing Building	Existing Park
			
Proposed Building	Existing Shadow	New Shadow	New Shadow Impact on Park

Figure 6



June 21 – 7:00 PM EDT

Key

			
Existing Street	Existing Sidewalk	Existing Building	Existing Park
			
Proposed Building	Existing Shadow	New Shadow	New Shadow Impact on Park

D. CONCLUSION

The proposed building would cast some new shadow on Central Park in the spring and summer. The new shadow would be cast at the end of the day and would slightly increase the long shadows already cast by other buildings on the park at this time.

The extent of incremental shadow would vary in size and location depending on the season but would never occur farther than 210 feet into the park (that is, never farther than 210 feet east of the western boundary of the park along Central Park West). In both spring and summer, the area affected would be limited to the area approximately between West 70th Street and West 71st Street, if those streets extended into the park. This affected area, 210 feet wide (west to east) and about one block

Congregation Shearith Israel: Shadows

long (north to south), contains trees, grass and a pedestrian path (see Figures 7, 8, and 9). There are no passive recreation facilities (i.e. benches), no playgrounds, and no active recreation facilities. The areas of grass and trees are currently fenced off and not publicly accessible. To the northwest and west of the affected area, beyond the reach of any incremental shadow from the proposed building, there is a vehicular road (West Drive); on the other side of this road to the northwest lies Strawberry Fields, well beyond the reach of any incremental shadow.

The duration of the incremental shadow would always be quite short, and never exceed 50 minutes at any time of year. The very small duration of additional shadow would not be likely to affect the ability of the vegetation to survive. The size of the net new shadow cast by the proposed building would be insignificant, especially in comparison to the shadows cast by existing buildings in the neighborhood. The proposed building would therefore not have a significant adverse shadow impact on Central Park.

Figure 7



Area of Central Park Where New Shadow Would Fall (View Southwest)

Figure 8



Area of Central Park Where New Shadow Would Fall (View Northwest)

Figure 9



Area of Central Park Where New Shadow Would Fall (View North)

*



Department of Buildings
 280 Broadway
 New York, New York 10007
 (212) 566-5000 | TTY (212) 566-4769
 nyc.gov/buildings

MANHATTAN (1)
 280 BROADWAY 3RD FLOOR
 New York, NY 10007

BRONX (2)
 1932 ARTHUR AVENUE
 BRONX, NY 10457

BROOKLYN (3)
 210 JORALEMON STREET
 BROOKLYN, NY 11201

QUEENS (4)
 120-55 QUEENS BLVD.
 QUEENS, NY 11424

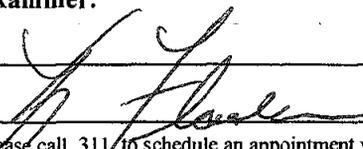
STATEN ISLAND (5)
 BORO HALL- ST. GEORGE
 STATEN ISLAND, NY 10301

Notice of Objections

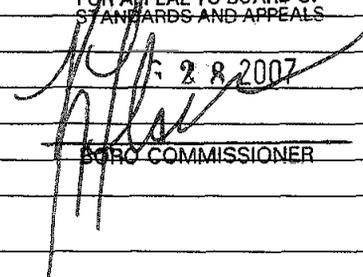
Applicant: Samuel White
 Platt Byard Dovell White Architects
 20 West 22nd Street
 New York, NY 10010

Date: 8/24/2007
Job Application #: 104250481
Application type: NB
Premises Address: 10 West 70th Street
Zoning District: R8B, R10A
Block: 1122 **Lot:** 37 **Doc(s):** 01

NYC Department of Buildings Examiner:

Examiner's Signature: 

To discuss and resolve these objections, please call 311 to schedule an appointment with the Plan Examiner listed above. You will need the application number and document number found at the top of this objection sheet. To make the best possible use of the plan examiner's and your time, please make sure you are prepared to discuss and resolve these objections before arriving for your scheduled plan examination appointment.

Obj. #	Doc #	Section of Code	Objections	Date Resolved	Comments
1.		24-11/77-24	Proposed lot coverage for the interior portions of R8B & R10A exceeds the maximum allowed. This is contrary to section 24-11/77-24. Proposed interior portion lot coverage is .80.		
2.		24-36	Proposed rear yard in R8B does not comply. 20.00' provided instead of 30.00' contrary to section 24-36.		
3.		24-36	Proposed rear yard in R10A interior portion does not comply. 20.00' provided instead of 30.00' contrary to section 24-36.		
4.		23-633	Proposed initial setback in R8B does not comply. 12.00' provided instead of 15.00' contrary to section 23-633.		
5.		23-633	Proposed base height in R8B does not comply. 94.80' provided instead of 60.00' contrary to section 23-633.		
6.		23-633	Proposed maximum building height in R8B does not comply. 113.70' provided instead of 75.00' contrary to section 23-633.		
7.		23-663	Proposed rear setback in R8B does not comply. 6.67' provided instead of 10.00' contrary to section 23-663.		
8.					
<p>D E N I E D FOR APPEAL TO BOARD OF STANDARDS AND APPEALS 8/28/2007  BOARD COMMISSIONER</p>					
9.					
10.					
11.					
12.					
13.					
14.					



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
 1 CENTRE STREET 9TH FLOOR NORTH NEW YORK, NY 10007
 TEL: 212 669-7700 FAX: 212 669-7780



P E R M I T

C E R T I F I C A T E O F A P P R O P R I A T E N E S S

ISSUE DATE: 03/21/07	EXPIRATION DATE: 03/14/2012	DOCKET #: 075585	CCFA #: COFA 07-6281
ADDRESS 8 WEST 70TH STREET <u>Congregation Shearith Israel Synagogue</u> UPPER WEST SIDE-CPW		BOROUGH: MANHATTAN	BLOCK/LOT: 1122 / 36

Display This Permit While Work Is In Progress

ISSUED TO:

Dr. Alan Singer
Congregation Shearith Israel
8 West 70th Street
New York, NY 10023

Pursuant to Section 25-307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission, at the Public Meeting of March 14, 2006, following the Public Hearing of November 26, 2002, and the Public Meetings of November 26, 2002, February 11, 2003, July 1, 2003, December 9, 2003, July 19, 2005, and January 17, 2006, voted to approve a proposal to demolish the existing community house and construct a new 8-story-plus-penthouse building at the subject premises; as you were notified in Status Update Letter 06-6545 (LPC 03-2628), issued on March 14, 2006.

The proposed work, as approved, consists of the demolition of the existing 4-story community building, and the construction of a new 8-story-plus-penthouse, building with a basement and sub-basement as shown in drawings 1 through 20, dated March 14, 2006, prepared by Platt Byard Dovell White Architects LLP. The proposal, as originally presented, included the demolition of the existing community house and the construction of a new 14-story building with a 20' setback from the rear on the third and fourth floors and a 30' setback from the fifth to the fourteenth floors as shown drawings 1 through 22, dated October 24, 2002, prepared by Platt Byard Dovell White Architects LLP, submitted as components of the application, and presented at the Public Hearing and Public Meetings.

In reviewing this proposal, the Commission noted that the designation report describes the Congregation Shearith Israel Synagogue, 99 Central Park West a/k/a 2-4 West 70th Street, as an Academic Classical and Beaux-Arts style synagogue, designed by Brunner & Tryon and built in 1896-97. The Commission also noted the presence of a 9 story building at 12-18 West 70th street adjacent to the proposed building, and an 8 story building at 30-36 West 70th street located in the middle of this block of predominantly 4-5 story rowhouses.

With regard to this proposal, the Commission found that the demolition of the four-story Community House will not eliminate a building which contributes to the special architectural and historic character of the Upper West Side/ Central Park West Historic District; that the height and massing of the proposed building will be compatible with the adjacent building and other apartment buildings located on side streets in this historic district; that the facades of the new building will be composed in a traditional arrangement of base, shaft and termination which is characteristic of the majority of apartment buildings in this historic district; that the composition of the façade featuring large-scale glass windows on the east side which become punched openings on the north side will provide a transition between the monumental scale of the Synagogue and the residential scale of the apartment buildings and rowhouses to the west; that the limestone, light-colored brick and aluminum materials for the new building will complement the lime-stone clad Synagogue, and will be harmonious with the materials, colors, and the surface textures of other buildings in the district and streetscape; that the set-back placement of the new building's façade adjacent to the Synagogue will expose the stone return on the Synagogue and preserve this portion of the building; that the floor to ceiling heights of the new building will be proportional to those found on the adjacent buildings, and will support a relationship between the new building and its neighbors to the west on West 70th Street; that the horizontal orientation and grid-like configuration of the aluminum fenestration will help to reduce the scale of the openings and to create a balance between the vertical and horizontal elements of the façade; that the symmetrical arrangement, simple design, and neutral palette of the east-facing façade, which will be seen in context with the Synagogue, will result in a deferential relationship to the Synagogue and will not detract from the special architectural character of the Individual Landmark or the Upper West Side/ Central Park West Historic District; that the south facing façade will read as a secondary façade due to its simpler design and materials palette; that the symmetrical arrangement, low-profile and neutral finish of the mechanical equipment, which will be seen from points south and north of the site in context with the Synagogue, will help to minimize its presence on the roof of the penthouse; that the simple design and recessed location of the Community House entrance, featuring louvered panels and doors all framed by a limestone lintel and pier, will be in keeping with the bases of the other apartment buildings in this historic district; that the apartment building entrance, located at the western-most portion of the West 70th Street façade is well scaled to the hierarchy of the new building's base; and that the proposed metal and glass entrance canopy at the entrances on West 70th Street will be well-scaled to the façade and will not overwhelm or detract from the new building, the Synagogue, or the streetscape; and that the proposed work will not detract from the special architectural and historic character of the Upper West Side/ Central Park West Historic District. Based on these findings, the Commission determined the proposed work to be appropriate, and voted to approve it.

The Commission notes that the applicant is applying to the Board of Standards and Appeals for certain variances. Any changes to the design required by the Board of Standards and Appeals approval must be submitted to the Landmarks Preservation Commission for review and approval prior to the issuance of the final approval letter.

PLEASE NOTE: This permit is issued contingent upon the Commission's review and approval of the final Department of Building filing set of drawings. No work can begin until the final drawings have been marked approved by the Landmarks Preservation Commission with a perforated seal. Please submit these drawings to the Landmarks Preservation Commission staff when they become available.

Also, as the approved work consists of subsurface work, the applicant is required to strictly adhere to the Department of Buildings TPPN 10/88 governing in-ground construction adjacent to historic buildings. It is the applicant's obligation at the time of applying for their permit to inform the Department of Buildings that the TPPN applies.

This permit is issued on the basis of the building and site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if the actual building or site conditions vary or if original or historic building fabric is discovered. The Commission reserves

the right to amend or revoke this permit, upon written notice to the applicant, in the event that the actual building or site conditions are materially different from those described in the application or disclosed during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of approval. The work is limited to what is contained in the perforated documents. Other work or amendments to this filing must be reviewed and approved separately. The applicant is hereby put on notice that performing or maintaining any work not explicitly authorized by this permit may make the applicant liable for criminal and/or civil penalties, including imprisonment and fines. This letter constitutes the permit; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to Terzing Charotsang



Robert B. Tierney
Chair

**PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:
Shelly S. Friedman, Friedman & Gottbaum LLP**

cc: Caroline Kane Levy, Deputy Director of Preservation, LPC; Platt Byard Dovell
White Architects LLP; Mark Silberman, Esq., Counsel, LPC.