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September 8, 2016

**By Federal Express**

Margery Perlmutter, RA, Esq., Chair  
New York City Board of Standards and Appeals  
250 Broadway, 29th Floor  
New York, NY 10007

Re: BSA Application No. 74-07-BZ  
6-10 West 70th Street  
Manhattan Block 1122, Lots 36 and 37  
**Response to Notice of Comments dated August 12, 2016**

RECEIVED  
BO S STANDARDS AND APPEAL  
2016 SEP - 8 P 4: 31  
CAL. NO.

Dear Chair Perlmutter,

On behalf of the Trustees of the Congregation Shearith Israel in the City of New York and in response to the Notice of Comments dated August 12, 2016 (the "Notice"), enclosed are the following materials:

- 00. BSA Submission Notice;
- 0. Table of Responses to the Notice;
- 1. Revised Statement of Facts;
- 6. Revised List of Violations;
- 7. Revised Certificate of Inspection and Compliance, signed and sealed by Samuel G. White, FAIA, LEED AP, Partner, PBDW Architects;
- 11. Revised BSA Zoning Analysis Form, signed and sealed by Samuel G. White, FAIA, LEED AP, Partner, PBDW Architects;
- 15. Revised Existing Conditions Plans dated September 8, 2016, prepared by PBDW Architects;
- 16. Revised Proposed Conditions Plans dated September 8, 2016, prepared by PBDW Architects;
- 17. Revised technical memorandum prepared by AKRF;
- 19. Drawings A.201.00 through A.204.00 dated revised August 6, 2014 and prepared by PBDW Architects, approved by the Landmarks Preservation Commission ("LPC") on December 26, 2014;

Opp. Ex. 009 p.2/9

**Trustees of the Congregation Shearith Israel in the City of New York**  
**BSA Application No. 74-07-BZ**

**September 8, 2016**

**Table of Responses to BSA Notice of Comments dated August 12, 2016**

Premises: 6-10 West 70<sup>th</sup> Street, Manhattan Block 1122, Lots 36 and 37

**A. Missing Items**

#	BSA Comment	Response
1.	Compliance chart and supporting evidence.	A revised certificate of inspection and compliance noting noncompliance with the Board's conditions, including (a) work substantially conforming to drawings, (b) the floor area parameters of the building, and (c) substantial construction being complete in accordance to ZR 72-32, is included with this submission.
2.	Submit all Certificates of Appropriateness issued by LPC.	All Certificate of Appropriateness issued by LPC are included with this submission.
3.	Floor plans for Existing Conditions.	Updated floor plans for existing conditions which reflect the demolition of the former Community House are included with this submission.
4.	Provide the February 21, 2012 Court of Appeals decision.	The February 21, 2012 Court of Appeals decision is included with this submission.
5.	Provide the LPC approval of the design from August 2015.	The LPC approval dated August 18, 2015 is included with this submission.
6.	Submit the LPC approved drawings.	LPC-approved drawings of the exterior design from August 2015 are included with this submission.
7.	Submit the building permit obtained in 2015.	Building Permit No. 121328919-01-NB issued September 25, 2015 is included with this submission.

**B. DOB Objections**

#	BSA Comment	Response
8.	Update the DOB Objections to include that a lapse of variance occurred under ZR 72-23.	DOB is seeking BSA's review of the current building plans for a determination of compliance with the 2008 approvals before re-reviewing the plans and determining whether any objections remain.
9.	Clarify if location of the caretaker's apartment has changed as is indicated in the Objections.	The caretaker's apartment is in the same location in the 2016 Plans and the BSA-Approved Plans. The objection noted by DOB was based on an earlier set of plans which were amended following the objection from DOB.



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



December 26, 2014

ISSUED TO:

Barbara Reiss  
The Congregation Shearith Israel Synagogue  
8 West 70th Street  
New York, NY 10023

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2016 SEP - 8 P 4: 26  
OAL. NO.

Re: MISCELLANEOUS/AMENDMENTS  
LPC - 165982  
MISC 16-6392  
8 WEST 70TH STREET  
Congregation Shearith Israel Synagogue  
INDIVIDUAL LANDMARK  
Borough of Manhattan  
Block/Lot: 1122 / 37

Pursuant to Section 25 307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission issued Certificate of Appropriateness 07-6281 (LPC 07-5585) on March 21, 2007 for the demolition of an existing 4-story community building, and the construction of a new 8-story-plus-penthouse, building with a basement and sub-basement and issued Miscellaneous/Amendment 15-2815 (LPC 15-2539) on January 7, 2014 to extend the expiration date of the Certificate of Appropriateness to August 6, 2015 due to litigation with third parties related to the Certificate of Appropriateness.

Subsequently, on August 6, 2013, the Commission approved to modify Certificate of Appropriateness 07-6281 to relocate the main entrance doors on the same elevation; to create a setback at the southwest corner of the rear façade; alter the profile of the east façade from a flat façade to slightly recessed at the upper floors; and install additional mechanical equipment and raise the height of bulkheads at the roof; as shown in photographs and drawings labeled LPC 1 through LPC 31, dated August 6, 2013, prepared by Platt Byard Dovell White Architects LLP, submitted as components of the application and presented at the Public Hearing and Public Meeting.

In reviewing the proposal, the Commission noted that the designation report describes 8 West 70th Street, Congregation Shearith Israel, as an Academic Classical and Beaux-Arts style synagogue, designed by Brunner & Tryon and built in 1896-97. The Commission also noted that Certificate of Appropriateness 07-6281 was issued on March 21, 2007 to demolish the existing community house and construct a new 8-story-plus penthouse building at the subject premises contingent on approval of changes required by the Board of

Standards and Appeals. The Commission further notes that Certificate of Appropriateness 07-6281 was issued with perforated presentation handouts on March 21, 2007 in order for the application to proceed at the Board of Standards and Appeals but that DOB filing drawings were never approved for the original Certificate of Appropriateness; and that drawings perforated with this Certificate of Appropriateness for an amendment to the original approved proposal will serve as approved drawings for both Certificates of Appropriateness.

With regard to this proposal, the Commission found that the alterations at the ground floor infill including reconfiguring the entrances will maintain the number and general configuration of the doors at the ground floor; that the proposed entrance doors will not project beyond the plane of the building facade and will maintain the relationship of the approved recessed entrance area to the rest of the building facade; that the color and texture of the proposed light color brick will relate to the limestone material of the synagogue while maintaining a distinct individual character; that the proposed setback at the rear of the seventh floor will reduce the bulk of the approved building and will not have a detrimental impact on the relationship of the building to neighboring buildings; that the proposed condensing units within the acoustical enclosure will be minimally visible over the principal facades of the synagogue and the new building at an oblique angle and from limited vantage points and will not call undue attention to themselves; that the alterations to the fenestration at the penthouse level will be minimally perceptible from any public thoroughfare and will not affect the symmetry of the new building; and the installation of a generator enclosure and a taller mechanical bulkhead will only be slightly more visible than the previous proposal over the north elevation along West 70th Street and through an alley way from West 69th Street and will not call undue attention to itself. Based on these findings, the Commission determined the work to be appropriate to the building and voted to approve this application.

However, in voting to grant this approval, the Commission stipulated that two final signed and sealed Department of Buildings filing drawings showing the approved proposal be submitted to the Landmarks Preservation Commission for review and approval.

Subsequently, on November 18, 2014, the Landmarks Preservation Commission received final drawings T.000.00, Z.001.00 through Z.006.00, A.001.00, A.003.00, A.011.00, A.012, A.013.00, A.099.00 through A.110.00, A.119.00 through A.130.00, A.201.00 through A.204.00, A.310.00, A.311.00, A.401.00 through A.421.00, A.432.00, A.434.00, A.503.00, A.504.00, A.505.00, A.558.00, A.555.00, A.570.00, A.600.00 through A.607.00, EN.101.00, and EN.102.00, dated revised August 6, 2014 and prepared by Samuel G. White, R.A.; FO-099.00, FO-200.00 through FO-205.00, S-100.00 through S-111.00, S-200.00 through S-204.00, S-210.00, S-211.00, S-220.00 through S-224.00, S-300.00 through S-306.00, S-400.00 through S-403.00, S-500.00 through S-512.00, S-600.00, S-601.00 and S-602.00, dated revised March 3, 2014 and prepared by Chris Anastos, P.E.; M-100.00, M-199.00, M-200.00 through M-211.00, M-299.00 through M-311.00, M-400.00, M-500.00, M-501.00, M-600.00, M-601.00, M-700.00 and M-701.00, dated revised August 6, 2014 and prepared by Jacob JL Lawrence III, P.E.

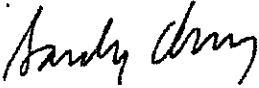
Accordingly, the staff of the Commission reviewed the drawings, and found that the proposal approved by the Commission has been maintained, and that the drawings additionally show the elimination of the starregre door adjacent to the entrance and the elimination of the transom bar at the penthouse windows; and installation of signage, featuring six-inch high individual bronze letters, at the front entrance. The Commission finds that the proposed signage will not obscure significant architectural features; and that it be simple and not detract from adjacent buildings or the streetscape; and that the revised scope of work is keeping with the intent of the original approval. Based on these findings, Certificate of Appropriateness 07-6281 (LPC 07-5585) is hereby amended.

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

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of the approval. The approved work is limited to what is contained in the perforated documents. Other work 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 amendment; a copy must be prominently displayed at the site while work is in progress. Any additional work or further amendments must be reviewed and approved separately. Please direct inquiries regarding this property to Sandy Chung, Landmarks Preservationist.

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 DOB permit to inform DOB that the TPPN applies.



Sandy Chung

cc: Caroline Kane Levy, Deputy Director of Preservation/LPC; Jared Knowles, Director of Preservation/LPC

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WALL TYPE KEY	
(SEE SPEC FOR FULL DESCRIPTIONS)	
WT-1	TYPICAL CURTAIN WALL
WT-2	1-HR RATED CURTAIN WALL
WT-3A	CMU/MTL STUD W/ BRICK 1
WT-3B	CMU/MTL STUD W/ BRICK 2
WT-4	STONE RAINSCREEN WALL
WT-5	METAL RAINSCREEN WALL
WT-6	CMU/MTL STUD W/ INSUL. MTL PANEL
WT-7	BRICK 2 ON C.I.P. CONCRETE

Platt Baer & Social White Architects, LLP  
12-26-14  
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Code Consultant  
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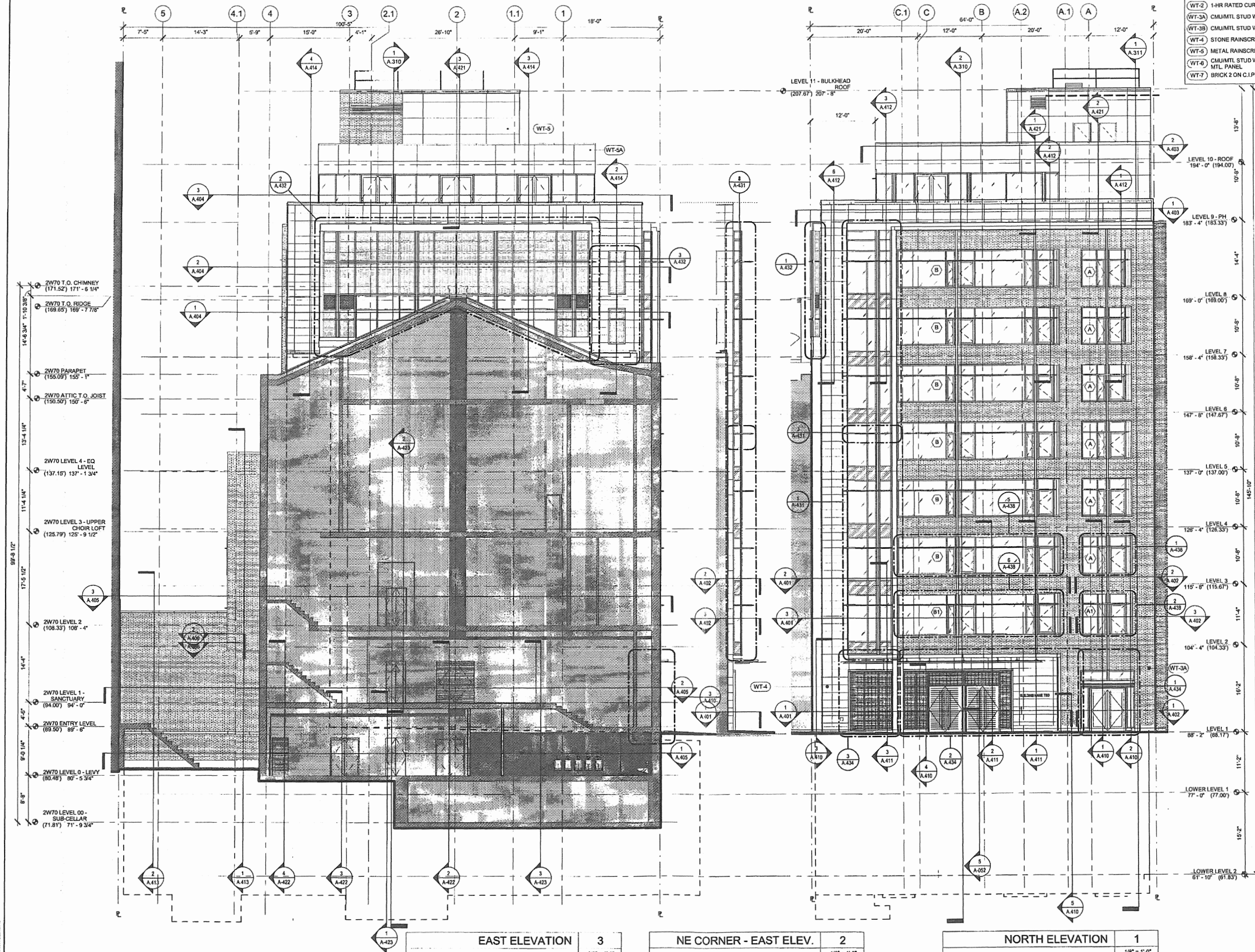
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01.31.14	Guaranteed Max Price (80% CD)
07.01.13	80% CD Pricing Set
05.10.13	DOB Zoning & Egress

Date: No.: Description:  
Project:  
8 West 70th  
8 West 70th St.  
New York, NY 10023

Sheet Title:  
**BUILDING ELEVATIONS -  
NORTH & EAST**

Project Number:  
12639  
Drawn By:  
Author  
Checked By:  
Checker  
Scale:  
As Indicated  
Sheet Number:  
A.201.00

NYC DOB Number:  
121328919  
Sheet:  
37 of 81





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01.31.14	Guaranteed Max Price (80% CD)
07.01.13	80% CD Pricing Set
05.10.13	DOB Zoning & Egress
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Project:  
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8 West 70th St,  
New York, NY 10023

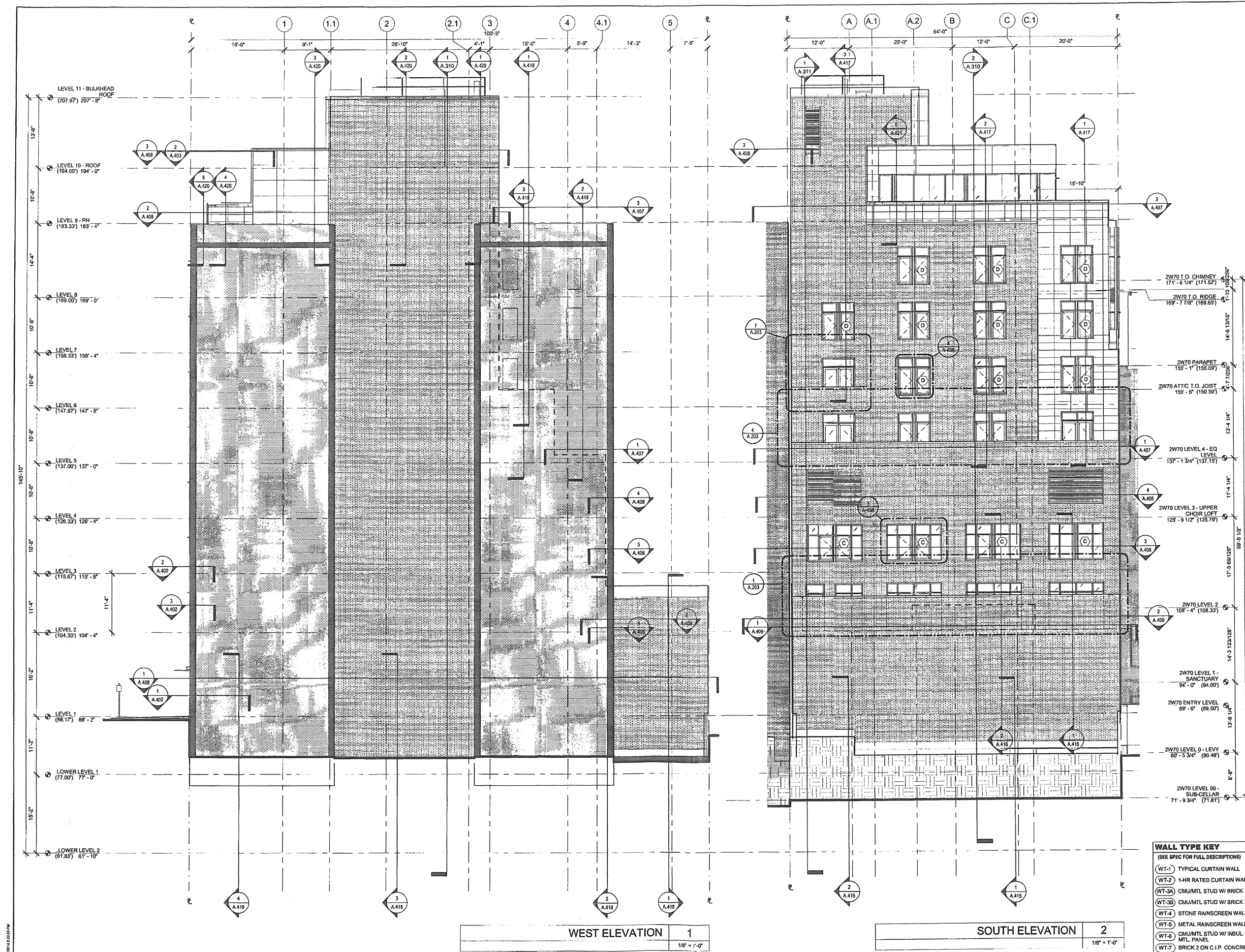
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Drawn By:  
Author  
Checked By:  
Checker  
Scale:  
As indicated  
Sheet Number:

Signature & Seal:  


NYC DOB Number:  
121328919

Sheet:  
38 of 81



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08.08.14	DOB New Building Permit Set
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Project:  
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8 West 70th St,  
New York, NY 10023

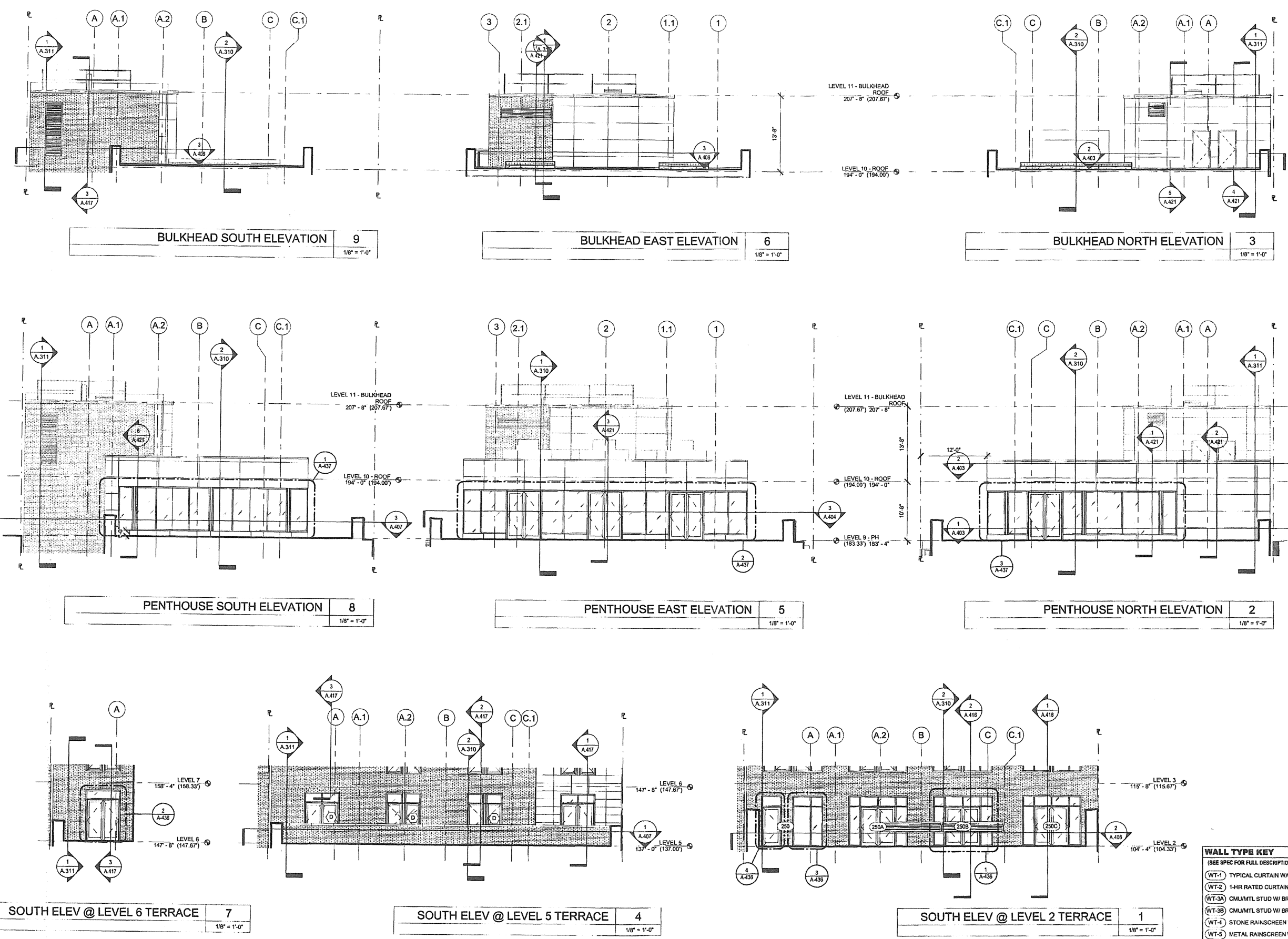
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**BUILDING ELEVATIONS -  
PENTHOUSE & BULKHEAD**

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Author  
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Checker  
Scale:  
As indicated  
Sheet Number:

Signature & Seal:  


NYC DOB Number:  
121328919

Sheet:  
39 of 81





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07.01.13	80% CD Pricing Set
Date:	No.: Description:

Project:  
8 West 70th  
8 West 70th St,  
New York, NY 10023

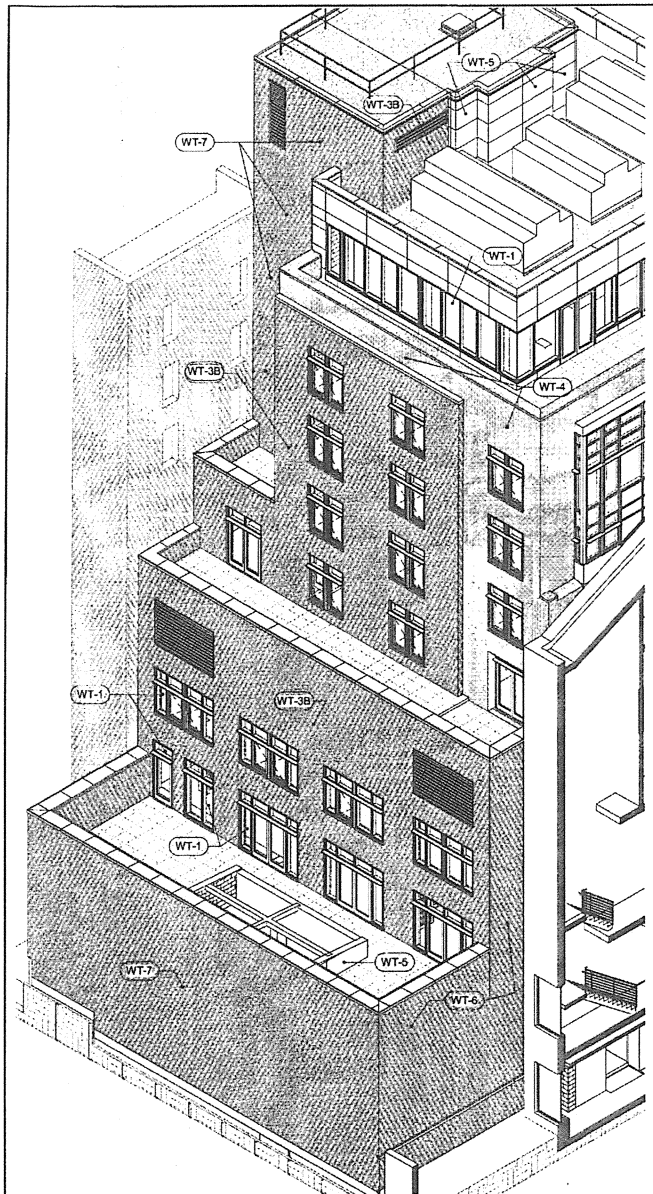
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AXONOMETRIC VIEWS

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Checked By:  
Checker  
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Sheet Number:

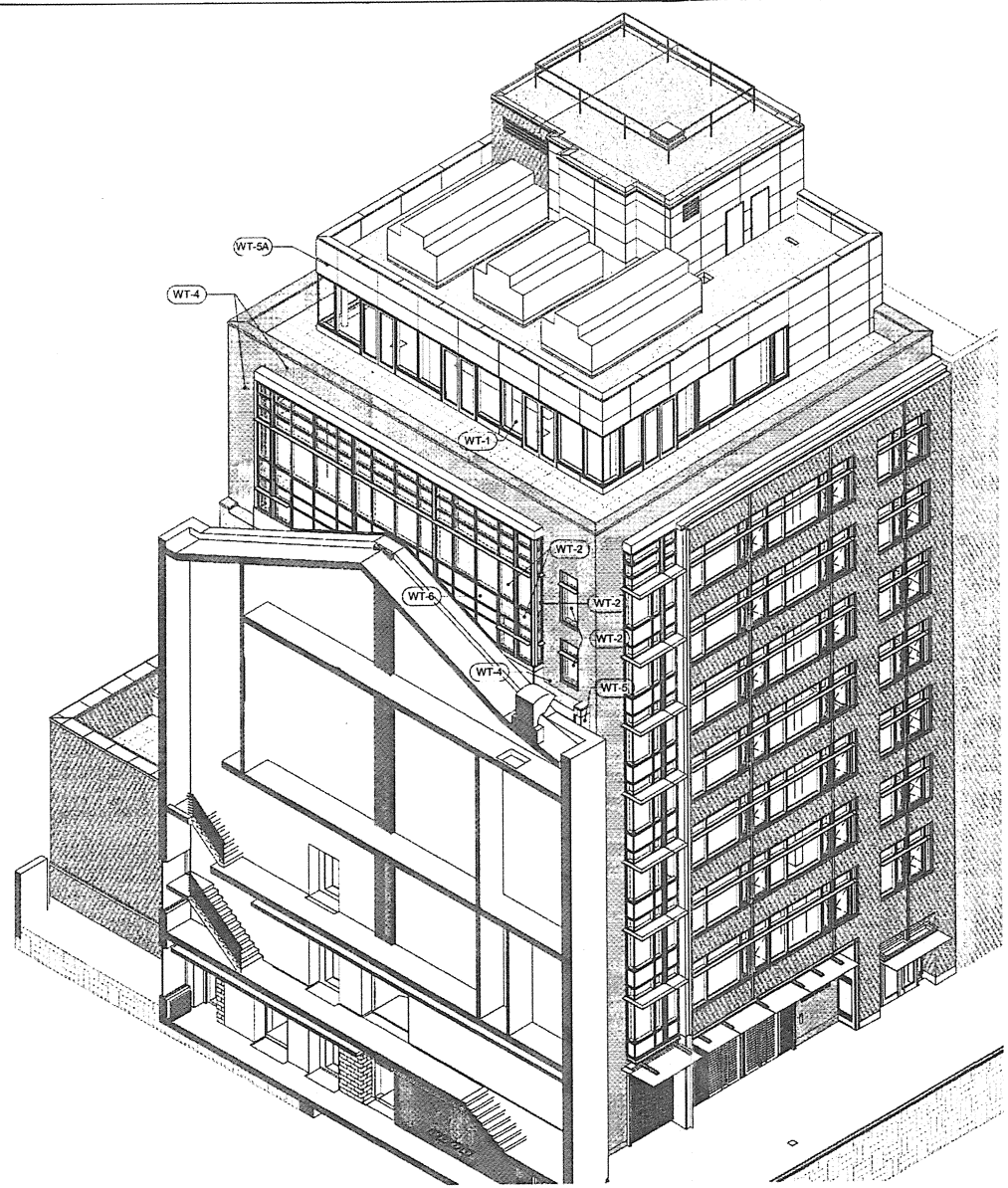


A.204.00

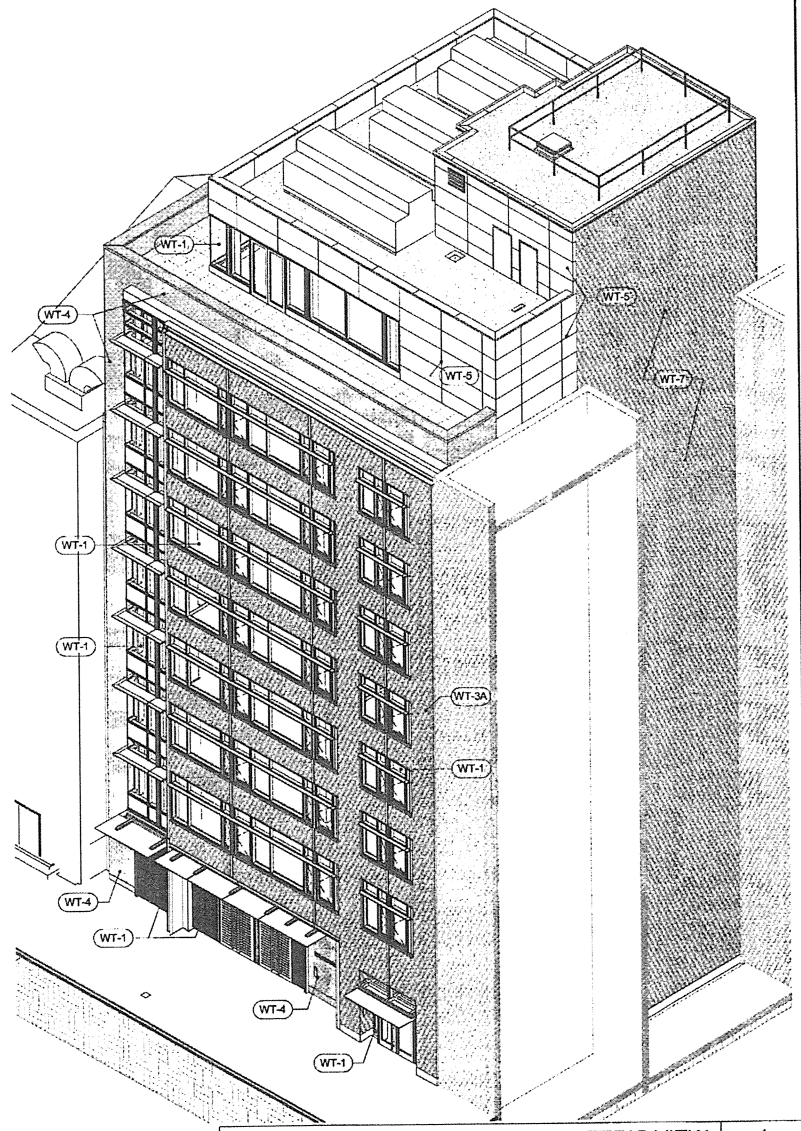
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121328919  
Sheet:  
40 of 81



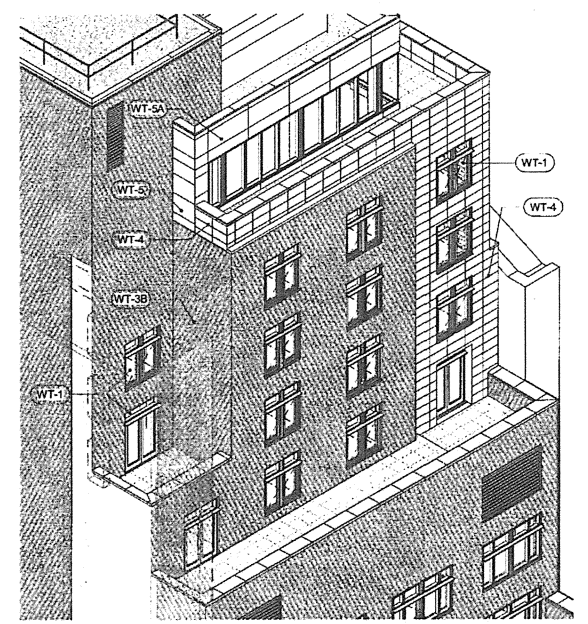
SE AXONOMETRIC VIEW 3



NE AXONOMETRIC VIEW 2



NW AXONOMETRIC VIEW 1



SW VIEW OF UPPER TERRACES 4

GLAZING TYPE KEY	WALL TYPE KEY
NOTE: REFER TO SPEC SECTION 084413 FOR FULL DESCRIPTION OF GLASS TYPES	
GL-1 TYPICAL VISION IGU	WT-1 TYPICAL CURTAIN WALL
GL-2 CURTAIN WALL SPANDREL IGU	WT-2 1-HR FIRE-RATED CURTAIN WALL
GL-3 FIRE-RATED VISION IGU	WT-3A CMU/MTL STUD W/ BRICK 1
GL-4 FIRE-RATED SPANDREL IGU	WT-3B CMU/MTL STUD W/ BRICK 2
GL-5 ENTRANCE TYPICAL VISION IGU	WT-4 STONE RAINSCREEN WALL
GL-6 ENTRANCE CUSTOM PATTERN IGU	WT-5 METAL RAINSCREEN WALL
GL-7 SOLERA SKYLIGHT GLAZING	WT-6 CMU/MTL STUD W/ INSUL. MTL. PANEL
GL-8 INTERIOR STOREFRONT GLAZING	WT-7 BRICK 2 ON C.I.P. CONCRETE
GL-9 INTERIOR FIRE-RATED STOREFRONT GLAZING	