

Zoning Challenge and Appeal Form (for approved applications)

Must be typewritten

BIS Job Number 121328919 Bis Document Number Bin 1028510, Borough MANHATTAN House No(s) 8 Street Name West 70th Street 2 Challenger Information Optional. Mote to all challengers: This form will be scanned and posted to the Department's website. Last Name Sugarman First Name Alan Affiliated Organization On behalf of myself, Nizam Kettaneh, Jay Greer, and other interested parties. E-Mail sugarman@sugarlaw.com Contact Number 212-873-1371 3 Description of Challenge Required for all challenges. Note: Use this form only for challenges related to the Zoning Resolution Select one: Initial challenge Appeal to a previously denied challenge (denied challenge must be atta indicate total number of pages submitted with challenge, including attachments: (attachment may not be larger than indicate relevant Zoning Resolution section(s) below. Improper citation of the Zoning Resolution may affect the processing and challenge. 24-67, 23-633, 24-36, 23-633, 23-663, 24-11/77-24 Describe the challenge in detail below. (continue on page 2 if additional space is required) The Challengers herewith challenge the approval of the building plans for 8 West 70th Street, Manha Congregation Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decision Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decision DOB (Scott D. Paven) dated 9/22/2015, and scanned 10/14/2015. We hereby challenge the 9/22/2015 decision to the extent that decision did not accept items #2 and #2 item #2 of the Decision states: "Consistent with BSA and DOB practice, rooftop mechanical bulkhee elevator bulkheads may be modified post-BSA-approval provided they fully comply with the applicable regulations for height and/or coverage for such permitted obstructions above a building height limit." CHALLENGE AS TO #2: The building height is substantially in excess of the regulation height of SBA. Unit provided with the plans as filed with the DOB, which the DOB will not do, it is not possible to be more	
2 Challenger Information Optional. Note to all challengers: This form will be scanned and posted to the Department's website. Last Name Sugarman First Name Alan Middle Initial D. Affiliated Organization On behalf of myself, Nizam Kettaneh, Jay Greer, and other interested parties. E-Mail sugarman@sugarlaw.com Contact Number 212-873-1371 3 Description of Challenge Required for all challenges. Note: Use this form only for challenges related to the Zoning Resolution Select one: Initial challenge Appeal to a previously denied challenge (denied challenge must be attaindicate total number of pages submitted with challenge, including attachments: (attachment may not be larger than indicate relevant Zoning Resolution section(s) below. Improper citation of the Zoning Resolution may affect the processing and challenge. 24-67, 23-633, 24-36, 23-633, 23-663, 24-11/77-24 Describe the challenge in detail below: (continue on page 2 if additional space is required) The Challengers herewith challenge the approval of the building plans for 8 West 70th Street, Manha Congregation Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decis the DOB (Scott D. Paven) dated 9/22/2015, and scanned 10/14/2015. We hereby challenge the 9/22/2015 decision to the extent that decision did not accept items #2 and item #2 of the Decision states: "Consistent with BSA and DOB practice, rooftop mechanical bulkhee elevator bulkheads may be modified post-BSA-approval provided they fully comply with the applicable regulations for height and/or coverage for such permitted obstructions above a building height limit." CHALLENGE AS TO #2: The building height is substantially in excess of the regulation height of 75 BSA, in considering the variances, addressed the bulkheads and required the owner to modify bulkhe Codocuments, there also appear in front of the building to be changes not approved by BSA. Unit provided with the plans as filed with the DOB, which the DOB will not do, it is not possible to be more	
2 Challenger Information Optional. Note to all challengers: This form will be scanned and posted to the Department's website. Last Name Sugarman First Name Alan Middle Initial D. Affiliated Organization On behalf of myself, Nizam Kettaneh, Jay Greer, and other interested parties. E-Mail sugarman@sugarlaw.com Contact Number 212-873-1371 3 Description of Challenge Required for all challenges. Note: Use this form only for challenges related to the Zoning Resolution Select one: ☐ Initial challenge ☑ Appeal to a previously denied challenge (denied challenge must be atta Indicate total number of pages submitted with challenge, including attachments: (attachment may not be larger than Indicate relevant Zoning Resolution section(s) below. Improper citation of the Zoning Resolution may affect the processing and challenge. 24-67, 23-633, 24-36, 23-633, 23-663, 24-11/77-24 Describe the challenge in detail below: (continue on page 2 if additional space is required) The Challengers herewith challenge the approval of the building plans for 8 West 70th Street, Manha Congregation Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decis the DOB (Scott D. Paven) dated 9/22/2015, and scanned 10/14/2015. We hereby challenge the 9/22/2015 decision to the extent that decision did not accept items #2 and a ltem #2 of the Decision states: "Consistent with BSA and DOB practice, rooftop mechanical bulkhea elevator bulkheads may be modified post-BSA-approval provided they fully comply with the applicable regulations for height and/or coverage for such permitted obstructions above a building the limit." CHALLENGE AS TO #2: The building height is substantially in excess of the regulation height of 75 BSA, in considering the variances, addressed the bulkheads and required the owner to modify bulkheads, in considering the variances, addressed the bulkheads and required the owner to modify bulkheads and required the owner to modify bulkheads and required the owner to modify bulkheads and required the	28510,
Note to all challengers: This form will be scanned and posted to the Department's website. Last Name Sugarman First Name Alan Middle Initial D. Affiliated Organization On behalf of myself, Nizam Kettaneh, Jay Greer, and other interested parties. E-Mail Sugarman@sugarlaw.com Contact Number 212-873-1371 3 Description of Challenge Required for all challenges. Note: Use this form only for challenges related to the Zoning Resolution Select one: Initial challenge Appeal to a previously denied challenge (denied challenge must be atta Indicate total number of pages submitted with challenge, including attachments: (attachment may not be larger than Indicate relevant Zoning Resolution section(s) below. Improper citation of the Zoning Resolution may affect the processing and challenge. 24-67, 23-633, 24-36, 23-633, 23-663, 24-11/77-24 Describe the challenge in detail below: (continue on page 2 if additional space is required) The Challengers herewith challenge the approval of the building plans for 8 West 70th Street, Manha Congregation Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decision Decision Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decision Decision Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decision Decision Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decision Decision Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decision Decision Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decision Decision Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decision Decision Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decision Decision Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decision Decision Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decision Decision Shear	70th Street
Last Name Sugarman First Name Alan Middle Initial D. Affiliated Organization On behalf of myself, Nizam Kettaneh, Jay Greer, and other interested parties. E-Mail sugarman@sugarlaw.com Contact Number 212-873-1371 3 Description of Challenge Required for all challenges. Note: Use this form only for challenges related to the Zoning Resolution Select one: Initial challenge Appeal to a previously denied challenge (denied challenge must be attaindicate total number of pages submitted with challenge, including attachments: (attachment may not be larger than Indicate relevant Zoning Resolution section(s) below. Improper citation of the Zoning Resolution may affect the processing and challenge. 24-67, 23-633, 24-36, 23-633, 23-663, 24-11/77-24 Describe the challenge in detail below: (continue on page 2 if additional space is required) The Challengers herewith challenge the approval of the building plans for 8 West 70th Street, Manha Congregation Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decision DOB (Scott D. Paven) dated 9/22/2015, and scanned 10/14/2015. We hereby challenge the 9/22/2015 decision to the extent that decision did not accept items #2 and item #2 of the Decision states: "Consistent with BSA and DOB practice, rooftop mechanical bulkhea elevator bulkheads may be modified post-BSA-approval provided they fully comply with the applicable regulations for height and/or coverage for such permitted obstructions above a building height limit." CHALLENGE AS TO #2: The building height is substantially in excess of the regulation height of 75 BSA, in considering the variances, addressed the bulkheads and required the owner to modify bulkhe LPC documents, there also appear in front of the building to be changes not approved by BSA. Unt provided with the plans as filed with the DOB, which the DOB will not do, it is not possible to be more	
Affiliated Organization On behalf of myself, Nizam Kettaneh, Jay Greer, and other interested parties. E-Mail sugarman@sugarlaw.com Contact Number 212-873-1371 3 Description of Challenge Required for all challenges. Note: Use this form only for challenges related to the Zoning Resolution Select one: Initial challenge Image: Appeal to a previously denied challenge (denied challenge must be atta Indicate total number of pages submitted with challenge, including attachments: (attachment may not be larger than Indicate relevant Zoning Resolution section(s) below. Improper citation of the Zoning Resolution may affect the processing and challenge. 24-67, 23-633, 24-36, 23-633, 23-663, 24-11/77-24 Describe the challenge in detail below: (continue on page 2 if additional space is required) The Challengers herewith challenge the approval of the building plans for 8 West 70th Street, Manha Congregation Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decision Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decision Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decision United Policy Consistent with BSA and DOB practice, rooftop mechanical bulkhea elevator bulkheads may be modified post-BSA-approval provided they fully comply with the applicable regulations for height and/or coverage for such permitted obstructions above a building height limit." CHALLENGE AS TO #2: The building height is substantially in excess of the regulation height of 75 BSA, in considering the variances, addressed the bulkheads and required the owner to modify bulkhe LPC documents, there also appear in front of the building to be changes not approved by BSA. Unt provided with the plans as filed with the DOB, which the DOB will not do, it is not possible to be more	
Bescription of Challenge Required for all challenges. **Note: Use this form only for challenges related to the Zoning Resolution** Select one: Initial challenge Appeal to a previously denied challenge (denied challenge must be atta Indicate total number of pages submitted with challenge, including attachments: (attachment may not be larger than Indicate relevant Zoning Resolution section(s) below. Improper citation of the Zoning Resolution may affect the processing and challenge. 24-67, 23-633, 24-36, 23-633, 23-663, 24-11/77-24 Describe the challenge in detail below: (continue on page 2 if additional space is required) The Challengers herewith challenge the approval of the building plans for 8 West 70th Street, Manha Congregation Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decis the DOB (Scott D. Paven) dated 9/22/2015, and scanned 10/14/2015. We hereby challenge the 9/22/2015 decision to the extent that decision did not accept items #2 and item #2 of the Decision states: "Consistent with BSA and DOB practice, rooftop mechanical bulkhea elevator bulkheads may be modified post-BSA-approval provided they fully comply with the applicable regulations for height and/or coverage for such permitted obstructions above a building height limit." CHALLENGE AS TO #2: The building height is substantially in excess of the regulation height of 75 BSA, in considering the variances, addressed the bulkheads and required the owner to modify bulkheads. In considering the variances, addressed the bulkheads and required the owner to modify bulkhead with the plans as filed with the DOB, which the DOB will not do, it is not possible to be more. **Note to challengers: An official decision to the challenge will be made available no earlier than 75 days as a content of the provided with the plans as filed with the DOB.	Initial D.
Note: Use this form only for challenges related to the Zoning Resolution Select one: ☐ Initial challenge ☑ Appeal to a previously denied challenge (denied challenge must be atta Indicate total number of pages submitted with challenge, including attachments: (attachment may not be larger than Indicate relevant Zoning Resolution section(s) below. Improper citation of the Zoning Resolution may affect the processing and challenge. 24-67, 23-633, 24-36, 23-633, 23-663, 24-11/77-24 Describe the challenge in detail below: (continue on page 2 if additional space is required) The Challengers herewith challenge the approval of the building plans for 8 West 70th Street, Manha Congregation Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decisithe DOB (Scott D. Paven) dated 9/22/2015, and scanned 10/14/2015. We hereby challenge the 9/22/2015 decision to the extent that decision did not accept items #2 and #2 Item #2 of the Decision states: "Consistent with BSA and DOB practice, rooftop mechanical bulkhea elevator bulkheads may be modified post-BSA-approval provided they fully comply with the applicable regulations for height and/or coverage for such permitted obstructions above a building height limit." CHALLENGE AS TO #2: The building height is substantially in excess of the regulation height of 75 BSA, in considering the variances, addressed the bulkheads and required the owner to modify bulkhe LPC documents, there also appear in front of the building to be changes not approved by BSA. Untiprovided with the plans as filed with the DOB, which the DOB will not do, it is not possible to be more	parties.
Note: Use this form only for challenges related to the Zoning Resolution Select one: Initial challenge Appeal to a previously denied challenge (denied challenge must be atta Indicate total number of pages submitted with challenge, including attachments: (attachment may not be larger than Indicate relevant Zoning Resolution section(s) below. Improper citation of the Zoning Resolution may affect the processing and challenge. 24-67, 23-633, 24-36, 23-633, 23-663, 24-11/77-24 Describe the challenge in detail below: (continue on page 2 if additional space is required) The Challengers herewith challenge the approval of the building plans for 8 West 70th Street, Manha Congregation Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decis the DOB (Scott D. Paven) dated 9/22/2015, and scanned 10/14/2015. We hereby challenge the 9/22/2015 decision to the extent that decision did not accept items #2 and #1 ltem #2 of the Decision states: "Consistent with BSA and DOB practice, rooftop mechanical bulkhea elevator bulkheads may be modified post-BSA-approval provided they fully comply with the applicable regulations for height and/or coverage for such permitted obstructions above a building height limit." CHALLENGE AS TO #2: The building height is substantially in excess of the regulation height of 75 BSA, in considering the variances, addressed the bulkheads and required the owner to modify bulkhe LPC documents, there also appear in front of the building to be changes not approved by BSA. Unt provided with the plans as filed with the DOB, which the DOB will not do, it is not possible to be more	371
Select one: Initial challenge Appeal to a previously denied challenge (denied challenge must be atta Indicate total number of pages submitted with challenge, including attachments: (attachment may not be larger than Indicate relevant Zoning Resolution section(s) below. Improper citation of the Zoning Resolution may affect the processing and challenge. 24-67, 23-633, 24-36, 23-633, 23-663, 24-11/77-24 Describe the challenge in detail below: (continue on page 2 if additional space is required) The Challengers herewith challenge the approval of the building plans for 8 West 70th Street, Manha Congregation Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decis the DOB (Scott D. Paven) dated 9/22/2015, and scanned 10/14/2015. We hereby challenge the 9/22/2015 decision to the extent that decision did not accept items #2 and #2 litem #2 of the Decision states: "Consistent with BSA and DOB practice, rooftop mechanical bulkhee elevator bulkheads may be modified post-BSA-approval provided they fully comply with the applicable regulations for height and/or coverage for such permitted obstructions above a building height limit." CHALLENGE AS TO #2: The building height is substantially in excess of the regulation height of 75 BSA, in considering the variances, addressed the bulkheads and required the owner to modify bulkhe LPC documents, there also appear in front of the building to be changes not approved by BSA. Unt provided with the plans as filed with the DOB, which the DOB will not do, it is not possible to be more	
The Challengers herewith challenge the approval of the building plans for 8 West 70th Street, Manha Congregation Shearith Israel. Reference is made to our prior Challenge of 6/8/2015 and to the Decision the DOB (Scott D. Paven) dated 9/22/2015, and scanned 10/14/2015. We hereby challenge the 9/22/2015 decision to the extent that decision did not accept items #2 and #2 Item #2 of the Decision states: "Consistent with BSA and DOB practice, rooftop mechanical bulkhear elevator bulkheads may be modified post-BSA-approval provided they fully comply with the applicable regulations for height and/or coverage for such permitted obstructions above a building height limit." CHALLENGE AS TO #2: The building height is substantially in excess of the regulation height of 75 BSA, in considering the variances, addressed the bulkheads and required the owner to modify bulkheads. LPC documents, there also appear in front of the building to be changes not approved by BSA. Unit provided with the plans as filed with the DOB, which the DOB will not do, it is not possible to be more than 15 days as Note to challengers: An official decision to the challenge will be made available no earlier than 75 days as Note to challengers: An official decision to the challenge will be made available no earlier than 75 days as Note to challengers:	e larger than 11" x 17")
Item #2 of the Decision states: "Consistent with BSA and DOB practice, rooftop mechanical bulkhead elevator bulkheads may be modified post-BSA-approval provided they fully comply with the applicable regulations for height and/or coverage for such permitted obstructions above a building height limit." CHALLENGE AS TO #2: The building height is substantially in excess of the regulation height of 75 BSA, in considering the variances, addressed the bulkheads and required the owner to modify bulkheads. LPC documents, there also appear in front of the building to be changes not approved by BSA. Unterprovided with the plans as filed with the DOB, which the DOB will not do, it is not possible to be more to be more than 15 days at 15 d	
elevator bulkheads may be modified post-BSA-approval provided they fully comply with the applicable regulations for height and/or coverage for such permitted obstructions above a building height limit." CHALLENGE AS TO #2: The building height is substantially in excess of the regulation height of 75 BSA, in considering the variances, addressed the bulkheads and required the owner to modify bulkheads. LPC documents, there also appear in front of the building to be changes not approved by BSA. Unterprovided with the plans as filed with the DOB, which the DOB will not do, it is not possible to be more to be more than 15 days at the bulkheads. An official decision to the challenge will be made available no earlier than 75 days at the bulkheads.	ns #2 and #3.
BSA, in considering the variances, addressed the bulkheads and required the owner to modify bulkheads. LPC documents, there also appear in front of the building to be changes not approved by BSA. Unterprovided with the plans as filed with the DOB, which the DOB will not do, it is not possible to be more than the bulkheads and required the owner to modify bulkheads an	e applicable underlying
	odify bulkheads. Based on BSA.Until the public is
opment Challenge process begins. For more information on the status of the Development Challenge process begins. For more information on the status of the Development Challenge process begins. For more information on the status of the Development Challenge process begins. For more information on the status of the Development Challenge process begins. For more information on the status of the Development Challenge process begins. For more information on the status of the Development Challenge process begins. For more information on the status of the Development Challenge process begins. For more information on the status of the Development Challenge process begins be	

Zoning Challenge and Appeal Form

PAGE 2

4 Description of Challenge (continued from page 1)

Item #3 of the Decision states: The setback terrace proposed in DOB plans, while not specifically identified in BSA plans as being an accessible terrace, is substantially in compliance with BSA approval.

CHALLENGE AS TO #3: The BSA variances allowed intrusion into the rear space. Allowing further noisy use of the terrace by school children and partiers is a further infringement of the rear space and was not approved by BSA.

We reserve the right to amend this challenge once we are able to review the 205 pages of plans, as filed with the DOB.

Thank you.

Dated October 28, 2015

Alan D. Sugarman, Esq. 17 W. 70th Street New York, NY 10023 sugarman@sugarlaw.com 212-873-1371

Oct 29, 2015

Note to challengers: An official decision to the challenge will be made available no earlier than 75 days after the Development Challenge process begins. For more information on the status of the Development Challenge process see the Challenge Period Status link on the Application Details page on the Department's website.

ADMINISTRATIVE USE ONLY		
Reviewer's Signature:	Date:	Time:

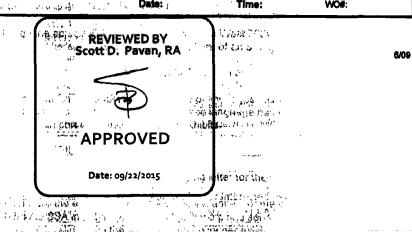


of the second se Zoning Challenge and Appeal Form (for approved applications)

and the control of the state of a or provinged order to a composition of the state of the state

121328919

BIS Job Number 121328919		BIS Document Number Bin 1028	
Borough MANHATTAN	N House No(s) 8	Street Name West 70ti	n Street
Challenger Information Optional.		- Annual Control of the Control of t	
Note to all challengers: This form will			
Last Name Sugarman, E. Affiliated Organization On behalf of I		Middle Init	
E-Mail sugarman@s		Contact Number 212-873-137	
Description of Challenge Required			
Note: Use this form only for challenge	**************************************	, , , , , , , , , , , , , , , , , , ,	
Select one: A initial challenge		·· / denied challenge (denied challenge mu	ust be attached)
Indicate total number of pages submitted		·	
Indicate relevant Zoning Resolution secti	on(s) below improper citation of the	a Zoning Resolution may affect the proof	essing and review of this
chellenge. 24-67, 23-633, 24-36, 23-633, 23			•
24-07, 23-033, 24-30, 23-033, 23			
	· · · · · · · · · · · · · · · · · · ·	१ १ १ १ १ १ १ १ १ १ १ १ १ १ १ १ १ १ १	
Describe the challenge in detail below: (congregation Shearith Israel. A in addition, we submit document and Appeals, Landmarks Preser documents are listed in Exhibit 1	nge the approval of the build ttached hereto is the Challer is of submissions of and stat vation Commission, Commu and the full documents prov	ce is required) ling plans for 8 West 70th Street nge in the form of an 8-page lette ements by the Congregation to to inity Board 7, and the Department ided. Relevant pages have bee	er. he Board of Standa nt of Buildings. The n selected and will
The Challengers herewith challe Congregation Shearith Israel. At In addition, we submit document and Appeals, Landmarks Preser documents are listed in Exhibit 1 filed by e-mail and by submission a 15-page spreadsheet extraction.	nge the approval of the build ttached hereto is the Challer is of submissions of and stat vation Commission, Commu- and the full documents pro- n of a CD to DOB. In addition g certain pairt of the accomp	ce is required) ling plans for 8 West 70th Street age in the form of an 8-page lette ements by the Congregation to to inity Board 7, and the Department ided. Relevant pages have been ans, selected language has been	er. he Board of Standa nt of Buildings. The n selected and will
The Challengers herewith challe Congregation Shearith Israel. At In addition, we submit document and Appeals, Landmarks Preser documents are listed in Exhibit 1 filed by e-mail and by submission	nge the approval of the build ttached hereto is the Challer is of submissions of and stat vation Commission, Commu- and the full documents pro- n of a CD to DOB. In addition g certain pairt of the accomp	ce is required) ling plans for 8 West 70th Street age in the form of an 8-page lette ements by the Congregation to to inity Board 7, and the Department ided. Relevant pages have been ans, selected language has been	er. he Board of Standa nt of Buildings. The n selected and will
The Challengers herewith challe Congregation Shearith Israel. At In addition, we submit document and Appeals, Landmarks Preser documents are listed in Exhibit 1 filed by e-mail and by submission a 15-page spreadsheet extraction.	nge the approval of the build ttached hereto is the Challer is of submissions of and stat vation Commission, Commu- and the full documents proving of a CD to DOB. In addition g certain paint of the accompange is a FOIL Request.	ing plans for 8 West 70th Street rige in the form of an 8-page letter ements by the Congregation to the inity Board 7, and the Department rided. Relevant pages have been anying exhibitional beautiful and the congregation to the inity Board 7, and the Department rided. Relevant pages have been anying exhibitional beautiful and the congregation of the congregation o	er. he Board of Standa nt of Buildings. The in selected and will extracted to Exhibi
The Challengers herewith challe Congregation Shearith Israel. At In addition, we submit document and Appeals, Landmarks Preser documents are listed in Exhibit 1 filed by e-mail and by submission a 15-page spreadsheet extraction. Also, accompanying this Challer	nge the approval of the build ttached hereto is the Challer is of submissions of and stativation Commission, Commu and the full documents proving of a CD to DOB. In additing certain part of the accompage is a FOIL Request.	ing plans for 8 West 70th Street age in the form of an 8-page letter ements by the Congregation to the plant of the Department of the Congregation to the plant of the companying exhibits and the full Charter of the variances for the companying letter for the full Charter of the variances for the companying letter for the full Charter of the variances for the companying letter for the full Charter of the variances for the companying letter for the full Charter of the variances for the companying letter for the full Charter of the variances for the companying letter for the full Charter of the variances for the companying letter for the full Charter of the companying letter for the companying letter for the companying letter for the full Charter of the companying letter for the companying letter f	er. the Board of Standa the of Buildings. The selected and will extracted to Exhibit allenge); munity spaces as
The Challengers herewith challe Congregation Shearith Israel. At in addition, we submit document and Appeals, Landmarks Preser documents are listed in Exhibit 1 filed by e-mail and by submission a 15-page spreadsheet extraction. Also, accompanying this Challen The challenge can be summarized. 1. The programmatic needs while obtained by the Congregation from	nge the approval of the build ttached hereto is the Challer is of submissions of and stativation Commission, Commu and the full documents proving of a CD to DOB. In additing certain part of the accompage is a FOIL Request.	ing plans for 8 West 70th Street age in the form of an 8-page letter ements by the Congregation to the plant of the Department of the Congregation to the plant of the companying exhibits and the full Charter of the variances for the companying letter for the full Charter of the variances for the companying letter for the full Charter of the variances for the companying letter for the full Charter of the variances for the companying letter for the full Charter of the variances for the companying letter for the full Charter of the variances for the companying letter for the full Charter of the variances for the companying letter for the full Charter of the companying letter for the companying letter for the companying letter for the full Charter of the companying letter for the companying letter f	er. the Board of Standa the of Buildings. The selected and will extracted to Exhibit allenge); munity spaces as
The Challengers herewith challe Congregation Shearith Israel. At in addition, we submit document and Appeals, Landmarks Preser documents are listed in Exhibit 1 filed by e-mail and by submission a 15-page spreadsheet extraction. Also, accompanying this Challen The challenge can be summarized. 1. The programmatic needs while obtained by the Congregation from	nge the approval of the build ttached hereto is the Challer is of submissions of and stat vation Commission, Commu and the full documents proin of a CD to DOB. In addition go certain pairt of the accompage is a FOIL Request. But a follows (refer to the accompage is a follows) (refer to the accomp	ing plans for 8 West 70th Street age in the form of an 8-page letter ements by the Congregation to the plant of the Department of the Congregation to the plant of the companying exhibits and the full Charter of the variances for the companying letter for the full Charter of the variances for the companying letter for the full Charter of the variances for the companying letter for the full Charter of the variances for the companying letter for the full Charter of the variances for the companying letter for the full Charter of the variances for the companying letter for the full Charter of the variances for the companying letter for the full Charter of the companying letter for the companying letter for the companying letter for the full Charter of the companying letter for the companying letter f	er. the Board of Standa the of Buildings. The selected and will extracted to Exhibit allenge); munity spaces as
The Challengers herewith challe Congregation Shearith Israel. At in addition, we submit document and Appeals, Landmarks Preser documents are listed in Exhibit 1 filed by e-mail and by submission a 15-page spreadsheet extractin Also, accompanying this Challer. The challenge can be summarized. The programmatic needs while obtained by the Congregation from the PWI-A. Thus, these variances where the challenges are conficient of the challenges process begins	nge the approval of the build ttached hereto is the Challer of submissions of and stativation Commission, Communand the full documents proving of a CD to DOB. In addition go certain pairt of the accompage is a FOIL Request. The description of the description of the BSA in 2008 are not invalid, since the understation to the challenge will be retained in the challenge will be re	ing plans for 8 West 70th Street age in the form of an 8-page letter ements by the Congregation to the inity Board 7, and the Department ided. Relevant pages have been anying exhibitional the companying letter for the full Charte of the variances for the companying letter for the full Charte of the variances for the companying letter for the full Charte of the variances for the companying letter for the full Charte of the variances for the companying letter for the full Charte of the variances for the companying letter for the full Charte of the variances for the companying no longer exists.	he Board of Standant of Buildings. The selected and will extracted to Exhibit allenge): munity spaces as o DOB as reflected
The Challengers herewith challe Congregation Shearith Israel. At in addition, we submit document and Appeals, Landmarks Preser documents are listed in Exhibit 1 filed by e-mail and by submission a 15-page spreadsheet extraction. Also, accompanying this Challer. The challenge can be summarized. The programmatic needs while obtained by the Congregation from the PWI-A. Thus, these variances.	nge the approval of the build ttached hereto is the Challer of submissions of and stativation Commission, Communand the full documents proving of a CD to DOB. In addition go certain pairt of the accompage is a FOIL Request. The description of the description of the BSA in 2008 are not invalid, since the understation to the challenge will be retained in the challenge will be re	ing plans for 8 West 70th Street age in the form of an 8-page letter ements by the Congregation to the inity Board 7, and the Department ided. Relevant pages have been anying exhibitional the companying letter for the full Charte of the variances for the companying letter for the full Charte of the variances for the companying letter for the full Charte of the variances for the companying letter for the full Charte of the variances for the companying letter for the full Charte of the variances for the companying letter for the full Charte of the variances for the companying no longer exists.	he Board of Standant of Buildings. The selected and will extracted to Exhibit allenge): munity spaces as o DOB as reflected



Zoning Challenge and Appeal Form

PAGE 2

4 Description of Challenge (continued from page 1)

- 2. The variances for the condominiums atop the community spaces are predicated upop, the assertion that condominiums may not be built on floors 2, 3 and 4 because of programmatic needs no longer included in the building, and thus the The state of the s condominium variances are invalid.
- 3. The Congregation obtained the approval from the LPC to increase the height of the building by 10-15 feet, but has not obtained approval from the BSA for such increase, after the BSA had already cut down the proposed building height and provided a variance of over 30 feet in increased height.
- 4. The plans appear to add a terrace on Floor 2, which was not approved by BSA.

e . . Get The real

. OYr

(中部是1的) \$100 miles ed : i measock to ; ji b & 2% . . .

We refer to the attached challenge for a complete description of the challenge.

As a convenience to DOB, we will forward a CD of this challenge and the documents forthwith and hard copy.

in addition, we reserve the right to amend this challenge once we are able to obtain the plans as filed with the DOB.

Thank you.

Alan D. Sugarman, Esq. 17 W. 70th Street New York, NY 10023 sugarman@sugarlaw.com 212-873-1371

HANDS AND THE STATE OF THE STAT D. A. Andrews and the control of the

a of the north

3737

游客構造 医细胞性结核 rainfeally this city

hiote to challengers: An official decision to the challenge will be made available no earlier than 75 days after the Development Challenge process begins. For more information on the status of the Development Challenge process see the Challenge Period Status link on the Application Details page on the Department's website.

ADMINISTRATIVE USE ONLY			
Reviewer's Signature:	2 W.	Date:	Time:
 र्मक १८ १४ १८ ११ ११	REVIEWED B Scott D. Pavan,	D. P. C.	



ZRD2: Zoning Challenge with response

Scan sticker will be affixed by Department staff

Review Decision: Challenge Dened	Comments:	ZR 72-20 (Va	☑ Issue	natice of intent to	Orbydke (W) Thu	
Applicable Zoning Section(s): ZR 72-20 (Variances). Comments: This challenge to the Department's zoning agricoval for the afteration and residential enlargement of the existing hous worship has been accepted for the challenger's listed (ferms 1 & 4) as a ruthfor of valid questions have been relied we respect to consistency between the DOB-approved plans and the gland approved in connection with the BSA variance (BSA Catendar No. 74-07-82.). The four main challenge points raised are addressed below: 1. The Department is unable to make a determination on the specific question of the validity of the BSA variance on the grounds that the underpinning for the "programmatic need" argument has changed, however the fact that intention layouts have very substantially changed throughout all floors of the proposed bulling warrant that the applicant returned to the Board of Standards and Appeals for a modification of the previous approval, or other measure as deemed appropriate by the Board. 2. Consistent with BSA and DOB practice, rooftop mechanical bulkheads and stair or elevator bulkheads may be modified post-BSA-approval provided they fully comply with the applicable underlying regulations for height and/or coverage for such permitted obstructions above a building height limit. 3. The setback terrace proposed in DOB plats, while not specifically identified in BSA plans as being an accessible terrace, is substantially in compliance with the BSA approval. 4. With respect to the altered location of the caretaker's apartment, such changels not substantially consistent with the BSA-approval variance plans, and the applicant shall return to the Beaudof Standards and Appeals for a modificat of the previous approval, or other measure as deemed appropriate by the Board. Therefore, this zoning challenge to the Department's approval or new building application #121328919 is accepted for the previous approval, or other measure as deemed appropriate by the Board. **Time:** **Indicate:**Indicate:** **Long Change Change Chan	Comments:	ZR 72-20 (Va	☐ Issue			
Applicable Zoning Section(s): ZR 72-20 (Variances) Comments: This challenge to the Department's zoning approval for the elteration and residential reinlargement of the existing hous worship has been accepted for the challenger's listed (ferris 1 & 4" as a number of valid duestions have been raised we respect to consistency between the DOB-approved plans and the plans approved in connection with the BSA variance (BSA Calendar No. 74-07-BZ). The four main challenge points raised are addressed below. 1. The Department is unable to make a determination on the specific question of the validity of the BSA variance on the grounds that the underpinning for the "programmatic need" argument has changed, however the fact that interior layouts have very substantially changed throughout all floors of the proposed building warrant that the applicant to the Board of Standards and Appeals for a modification of the previous approval, or other measure as deemed appropriate by the Board. 2. Consistent with BSA and DOB practice, rooftop mechanical bulkheads and stair or elevator bulkheads may be modified post-BSA-approval provided they fully comply with the applicable underlying regulations for height and/or coverage for such permitted obstructions above a building height limit. 3. The setback terrace proposed in DOB plats, while not specifically identified in BSA plans as being an accessible terrace, is substantially in compliance with the BSA approval. 4. With respect to the altered location of the caretaker's apartment, such change is not substantially consistent with it BSA approved variance plans, and the applicant-shall return to the Boardot Standards and Appeals for a modification of the previous approval, or other measure as deemed appropriate by the Boardot Standards and Appeals for a modification of the previous approval or her building application #121328919 is accepted for the previous approval or the results of suit in the Boardot Standards and Appeals for a modification of the provious approval or the provious	Comments:	ZR 72-20 (Va			Exercise water	
This challenge to the Department's coning approval for the alteration and residential enlargement of the existing hous worship has been accepted for the challenger's listed (fems. 1, 8, 4; as a nUmber of valid duestions have been related to respect to consistency between the DDB approved plans and the plans approved the plans and the plans approved to the part of the validity of the BSA variance on the specific question of the validity of the BSA variance on the grounds that the underpinning for the "programmatic need" argument has changed, however the fact that interior layouts have very substantially changed throughout all floors of the proposed building warrant that the applicant re to the Board of Standards and Appeals for a modification of the previous approval, or other measure as deemed appropriate by the Board. 2. Consistent with BSA and DOB practice, rooftop mechanical bulkheads and stair or elevator bulkheads may be modified post-BSA-approval provided they fully comply with the applicable underlying regulations for height and/or coverage for such permitted obstructions above a building height limit. 3. The setback terrace proposed in DOB plats, while not specifically identified in BSA plans as being an accessible terrace, is substantially in compliance with the BSA approval. 4. With respect to the altered location of the caretaker's apartment, such change is not substantially consistent with the BSA-approved variance plans, and the applicant helal return to the Department's applicant helal return to the Department will be BSA-approved variance plans, and the applicant helal return to the Department will be BSA-approved variance plans, and the applicant helal return to the Department will be applicated by the Board. Therefore, this zoning challenge to the Department's approval of new building application #121328919 is accepted to the provious approval, or other measure as deemed appropriate by the Board. **The provious approval** or the information submitted with the challenge request, the Zoning	Comments:	Z Z	ren, r		1	
This challenge to the Department's zoning approval for the alteration and residential entargement of the existing hous worship has been accepted for the challenge's listed flems 1 & 4' as a number of valid questions have been raised we respect to consistency between the DOB-approved plans and the plans approved to connection with the BSA variance (BSA Calendar No. 74-07-BZ). The four main challenge points raised are addressed below. 1. The Department is unable to make a determination on the specific question of the validity of the BSA variance on the specific question of the validity of the BSA variance on the specific question of the validity of the BSA variance on the specific question of the validity of the BSA variance on the specific question of the proposed building warrant that the applicant retor to the Board of Standards and Appeals for a modification of the previous approval, or other measure as deemed appropriate by the Board. 2. Consistent with BSA and DOB practice, rooftop mechanical bulkheads and stair or elevator bulkheads may be modified post-BSA-approval provided they fully comply with the applicable underlying regulations for height and/or coverage for such permitted obstructions above a building height limit. 3. The setback terrace proposed in DOB plats, while not specifically identified in BSA plans as being an accessible terrace, is substantially in compliance with the BSA approval. 4. With respect to the altered location of the caretaker's approval of new building application standards and Appeals for a modification of the previous approval, or other measure as deemed approval of new building application #121328919 is accepted for items 1 & 4. Upon review of the information submitted with the challenge request, the Zoning Resolution, and other available information concerning the property and project, the Department will take appropriate action based on the results of said investigation. **PROVED** **Approved** **Approved** **Approved** **Approved** **Approved** **Approved** **					5 1 6 5 8 9 8 9 9 9 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
worship has been accepted for the challenger's listed (femis) 8 4; as a number of visited desired the property of pains approved plans and the applicants approved plans approved plans and the applicants approved plans approved plans and the applicants approved plans and the applicants approved plans and the applicants approved plans and appears and the applicants approved plans and appears and the applicants approved plans approved plans and the applicant shall return to the Board. Therefore, this zoning challenge to the Department's approvel of new building application #121328919 is accepted for items 1 & 4. Upon review of the information submitted with the challenge request, the Zoning Resolution, and other available information concerning the property and project, the Department will take appropriate action based on the results of said investigation. Approved by the Board appropriate action based on the results of said investigation.	This challenge to the Den		· · · · · ·			C THE MAN WHAT WAS STREET AS A
worship has been accepted for the challenger's listed (feins 1, 8, 4; as a number of validation where the DOB approved plans and the plans and plans and the plans and plans	This challenge to the Den	4 :	4 1	1.7	and the second of the second o	
grounds that the underpinning for the "programmatic need" argument has changed, however the fact that interior layouts have very substantially changed throughout all floors of the proposed building warrant that the applicant reto the Board of Standards and Appeals for a modification of the previous approval, or other measure as deemed appropriate by the Board. 2. Consistent with BSA and DOB practice, rooftop mechanical builkheads and stair or elevator builkheads may be modified post-BSA-approval provided they fully comply with the applicable underlying regulations for height and/or coverage for such permitted obstructions above a building height limit. 3. The setback terrace proposed in DOB plats, while not specifically identified in ESA plans as being an accessible terrace, is substantially in compliance with the BSA approval. 4. With respect to the altered location of the caretaker's apartment, such changes and the provious approval, or other measures as deemed appropriate by the Board. Therefore, this zoning challenge to the Department's approval of new building application #121328919 is accepted for items 1 & 4. Upon review of the information submitted with the challenge request, the Zoning Resolution, and other available information concerning the property and project, the Department will take appropriate action based on the results of said investigation. Name of Authorized Reviewer (please print): Authorized Signature: Date: Time: Time: Savers: write signature, date, and time on each age of the opening affects in the formation of the property and project, the Department will take appropriate action based on the results of said investigation.	worship has been accepted respect to consistency be	ed for the challenge tween the DOB-ap	er's listed item proved plans	is 1 & 4, as a n and the plans	umber of valid que approved in conne	stions have been raised ction with the BSA varian
modified post-BSA-approval provided they fully comply with the applicable underlying regulations for height and/or coverage for such permitted obstructions above a building height limit. 3. The setback terrace proposed in DOB plats, while not specifically identified in BSA plans as being an accessible terrace, is substantially in compliance with the BSA approval. 4. With respect to the altered location of the caretaker's apartment, such change is not substantially consistent with the BSA-approved variance plans, and the applicant shall return to the Boardon standards and Appeals for a modification of the previous approval, or other measure as deemed appropriate by the Board. Therefore, this zoning challenge to the Department's approval of new building application #121328919 is accepted for items 1 & 4. Upon review of the information submitted with the challenge request, the Zoning Resolution, and other available information concerning the property and project, the Department will take appropriate action based on the results of said investigation. Name of Authorized Reviewer (please print): Title (please print): Authorized Signature: Date: Time: Supera: write signature, date, and time on each separative challenge and affect the storm. separative challenge and separative challenge an	grounds that the under layouts have very subs to the Board of Standa	rpinning for the "pro stantially changed t ards and Appeals fo	ogrammatic ne throughout all	eed" argument floors of the pr	has changed, how roposed building w	vever the fact that interior varrant that the applicant i
terrace, is substantially in compliance with the BSA approval. 4. With respect to the altered location of the caretaker's apartment, such change is not substantially consistent with the BSA-approved variance plans, and the applicant shall return to the Board of Standards and Appeals for a modification of the previous approval, or other measure as deemed appropriate by the Board. Therefore, this zoning challenge to the Department's approval of new building application #121328919 is accepted for items 1 & 4. Upon review of the information submitted with the challenge request, the Zoning Resolution, and other available information concerning the property and project, the Department will take appropriate action based on the results of said investigation. Name of Authorized Reviewer (please print): Authorized Signature: Date: Time: Issuers: write signature, date, and time on each large of the challenge and distant it is form APPROVED.	modified post-BSA-app	proval provided the	y fully comply	with the applic	cable underlying re	
terrace, is substantially in compliance with the BSA approval. 4. With respect to the altered location of the caretaker's apartment, such change is not substantially consistent with the BSA-approved variance plans, and the applicant shall return to the Board of Standards and Appeals for a modification of the previous approval, or other measure as deemed appropriate by the Board. Therefore, this zoning challenge to the Department's approval of new building application #121328919 is accepted for items 1 & 4. Upon review of the information submitted with the challenge request, the Zoning Resolution, and other available information concerning the property and project, the Department will take appropriate action based on the results of said investigation. Name of Authorized Reviewer (please print): Authorized Signature: Date: Time: Issuers: write signature, date, and time on each large of the challenge and distant it is form APPROVED.			(b)			Se as boing an accessible
4. With respect to the altered location of the caretaker's apartment, such change is not substantially consistent with the BSA-approved variance plans, and the applicant shall return to the Boardst Standards and Appeals for a modification of the previous approval, or other measure as deemed appropriate by the Board. Therefore, this zoning challenge to the Department's approval of new building application #121328919 is accepted for items 1 & 4. Upon review of the information submitted with the challenge request, the Zoning Resolution, and other available information concerning the property and project, the Department will take appropriate action based on the results of said investigation. Name of Authorized Reviewer (please print): Authorized Signature: Date: Time: Issuers: write signature, date, and time on each segment the content of the property and the	terrace, is substantially	y in compliance wit	h the BSA apr	specifically ide proval.	armed in BOV bisu	is as noting an accessible
Name of Authorized Reviewer (please print): Authorized Signature: Date: Time: APPROVED APPROVED APPROVED APPROVED APPROVED	BSA-approved variance of the previous approvement of the p	ce plans, and the apyal, or other measurable allenge to the Depa of the information :	pplicant shall in the as deemed artment's appropriet	return to the Bo l appropriate by oval of new bu h the challenge	pard/of Standards / the Board ilding application # request, the Zonir	and Appeals for a modifice the state of the
Name of Authorized Reviewer (please print): Title (please print): Authorized Signature: Date: Time: Issuers: write signature, date, and time on each page of the charles and time on each page of the charles and time on each page of the charles and time of the charles and time on each page of the charle			y and project,	the Departmen	nt will take appropr	riate action based on the
Name of Authorized Reviewer (please print): Title (please print): Authorized Signature: Date: Time: Authorized Signature, date, and time on each age of the charge with a strength attential is form APPROVED.	Tours of said investigation	₹				
Name of Authorized Reviewer (please print): Title (please print): Authorized Signature: Issuers: write signature, date, and time on each age of the chartest warms good attential is form APPROVED.			M. Lida	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	arm denial subs	July .
Name of Authorized Reviewer (please print): Title (please print): Authorized Signature: Date: Time: Issuers: write signature, date, and time on each age of the charge warms good attent its form APPROVED		n many	prove Trails	學語學語	aphoven med	· · · · · · · · · · · · · · · · · · ·
Name of Authorized Reviewer (please print): Title (please print): Authorized Signature: Date: Time: Issuers: write signature, date, and time on each page of the charge print attent it is form APPROVED		7 + 4356 # 1/4	hills are	de distrib	a latin pașell bar	
Name of Authorized Reviewer (please print): Title (please print): Authorized Signature: Date: Time: Issuers: write signature, date, and time on each page of the charge print attent it is form APPROVED		e e e e e e e e e e e e e e e e e e e	الرازية المؤالي	e de la companya de l	a chem the A.	
Authorized Signature: Date: Issuers: write signature, date, and time on each page of the charters and attent to some charters. APPROVED	Name of Authorized Reviewer	नुसर्गात्र्यं भ	Cryst Transfer T		and the state of t	
Authorized Signature: Issuers: write signature, date, and time on each page of the charge paid attent to some signature. APPROVED						
Issuers: write signature, date, and time on each page of the charge paid attent it is form APPROVED.	The product printy.		*		· · · · · · · · · · · · · · · · · · ·	
APPROVED	Authorized Signature:				ate:	Time:
APPROVED	Incurre wells signature data				2 dista	
APPROVED	ssuers. Write signature, date,		Service Service Control of the Contr			
APPROVED		L (#			16 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	*
APPROVED				· ·	· ·	
APPROVED			T ASIA A	Æ		
APPROVED A SECOND ASSESSMENT OF THE PROPERTY O			Contraction of the contraction	Described to	1 AL PROPERTY BEATS OF	
			13.74	Transcriberal	than the bates	

E WITH THE BOOKS

Alan D. Sugarman Attorney At Law 17 W. 70 Street
Suite 4
New York, NY 10023
212-873-1371
mobile 917-208-1516
fax 212-202-3524
sugarman@sugarlaw.com
www.sugarlaw.com

June 10, 2015

E-mail: publicchallenge@buildings@nyc.com

Martin Rebholz
Borough Commissioner
NYC Department of Buildings
Manhattan Borough Office
280 Broadway, 3rd Fl.
New York, NY 10007

280 Broadway
Call Center-Fifth Floor
New York, NY 1007

Re:

Challenge and Appeal

8 West 70th Street, Manhattan, Congregation Shearith Israel Proposed Condominium-Community House

Dear Commissioner Rebholz:

On behalf of Nizam Kettaneh, Jay Greer, other interested parties, and myself, this letter constitutes a challenge and appeal to the determination of the DOB of May 4, 2015 approving the plans of Congregation Shearith Israel ("CSI" or "Congregation") to construct a new condominium-community house building at 8 West 70th Street, Manhattan. BIS-32. The challenge period is open until June 18, 2015. BIS-36.

The relevant Zoning Resolutions are 24-67, 23-633, 24-36, 23-633, 23-663, 24-11/77-24. The BIS Job Number is 121328919 and the Bin Document Number is Bin 1028510. This is an initial challenge to the DOB.

This matter was the subject of my letter to you of April 22, 2015, Exhibit 3.

The property of the control of the desired myself and the property of the control of the control

ert, Stanfeler

The State of the

Attached are documents presented by CSI to BSA to obtain its variances (cited as A-xxxx) and several documents obtained from BIS, cited as BIS-xxxx, as well as other documents with the prefix "MISC.". These documents are described in the annexed Exhibit A, together with a second Exhibit B containing excerpts from those documents. Copies of these documents are being e-mailed with the challenge and hard copy will follow.

Commissioner Martin Rebholz June 10, 2015 Page of 2 of 8

In support of its permit application, CSI submitted to DOB the variance decision BSA 74-07 BZ of the Board of Standards and Appeals ("BSA") of August 26, 2008 (A-56-A-65) and the plans approved by BSA at the same time in 2008. BIS-1. There are no subsequent full plans on BIS or filed with the BSA.

1.20

We are filing herewith a Freedom of Information Law request to DOB for the plans and other information. Exhibit 5.

- 1. The variances granted by the BSA were predicated upon the assertions by the Congregation of critical mandatory religious programmatic needs to house three floors of classrooms (15 in all as shown on the 2008 plans) and related bathrooms and offices on Floors 2, 3, and 4. These assertions to the BSA and CB7 were made repeatedly many of these assertions are presented in the table annexed hereto as Exhibit 2. These claimed programmatic needs were the predicate of both the community house variances and the variances for the condominiums atop the community school floors. These variances must be vacated, for, once application was made to the DOB for final approval of its plans, the Congregation eliminated most of the classrooms, replacing them with general offices and other uses for which there is no programmatic need to house these facilities only in the new building.
- 2. The BSA furthermore had restricted the height of the building to 105' 10" ¶ 27, A-53. Subsequent to the BSA 2008 determination and without the approval of BSA, as shown by plans provided in 2103 to LPC and approved by LPC, the Congregation increased the size and height of the bulkheads atop the building from 105' 10" to 1192" feet, far exceeding the as-of-right height and BSA approved height. MISC-01-MISC-05. These 2013 LPC-approved plans differ materially from the BSA 2008 plans. BIS-1-BIS-20. Thus, DOB should not have approved the application.
- 3. The Congregation in its application also stated that it intended to provide an outdoor terrace on Floor 2. BIS-28. This was not in the BSA-approved-2008 plans and, given that the BSA had already provided rear yard extension variances, we believe the BSA would not have approved such a use, because of the impingement upon surrounding buildings such as the penthouse at 18 West 70th Street.
- 5. Finally, from the BIS filings, we note that the DOB appears to have required that CSI place a restrictive covenant for a 1200 square foot apartment, now located on the third floor, for the superintendent/caretaker, BIS-46. First, CSI was always clear that the caretaker's apartment was required to be on the Fourth Floor and critically must be in the community house building. A-54 (¶39, ¶41), A-4193, BIS-12. Thereafter, in 2013, CSI filed plans with the DOB showing no caretaker's apartment in the proposed building, BIS-21. Then, in 2015, suddenly the caretaker's 1200 square foot apartment reappears, but now on Floor 3. BIS-29. The restrictive covenant does not indicate whether the duties of the superintendent will also include acting as superintendent for the five luxury condominiums and as well for the luxury

AND SHALL WAS TO AN CHRESCHARION

The state of the s

Commissioner Martin Rebholz June 10, 2015
Page of 3 of 8

townhouse on the same zoning lot known as the Parsonage. The Congregation offers to rent the Parsonage for \$21,000 a month with on-site support. Anyone paying \$10 million for a condominium or paying \$21,000 a month for rent is going to expect a full time superintendent. If the superintendent is to take care of the condominiums and/or the Parsonage rental, then this apartment does not represent a programmatic need of the Congregation. We believe that this apartment is not a "programmatic need."

Factual Background ह केल्सिलेंग । का मानिस कि मिन्स अविशेष्ट्र अविशेष्ट

A. In 2008 BSA approved plans showing that floors 2, 3, and 4 are, to be devoted to 15 classrooms, bathrooms for the classrooms, and offices supporting a school (plus one superintendent's apartment.) BIS-10, BIS-11, and BIS-12. Floor 2 is shown as having six toddler classrooms and four bathrooms. BIS-10. Floor 3 is shown as having six classrooms and two large bathrooms, and a Boys Room and a Girls Room. BIS-11. Floor 4 is shown as having three classrooms and a large Boys Room and Girls Room. BIS-12.

See the property of the second of the second

- B. During the BSA approval process, CSI repeatedly stated that these classrooms spaces required ample "floor plates" and that there needed to be bathrooms and offices to support the classrooms. A-2264, A-2265, A-2414-7, A-2425, A-2491, A-2814-5, A-2819-20, A-2822, A-3328, A-4025, A-4189, A-4199, A-4205-6. In other words, smaller floors, according to CSI, just would not meet the critical CSI programmatic needs for three floors of classrooms. The BSA accepted CSI's arguments, and extended the gear-yard setbacks; A-54, A-55.
- C. Because of these programmatic needs, CSI argued repeatedly that waivers were required to allow larger floors on Floors 2, 3 and 4, A-55, A-2417, A-2491, A-2814-5, A-2819, A-2820, A-2822, A-3328, A-4189, A-4199, A-4203, A-4204-5.
- D. CSI stated that these classrooms were an essential programmatic need of CSI and could not be accommodated elsewhere on the zoning lot, such as in the Levy Auditorium and the Parsonage. BIS-8, 9, 10, 11 & 12, A-53, A-55, A-1989, A-2819, A-4025, A-4170. See e.g. A-4170: "... 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 Community House..."
- E. CSI stated repeatedly that these classrooms on floors 2, 3; and 4 were needed and critical to CSI, even were the classrooms not utilized by a third-party school renting the classrooms during the day. A-56, A-1980, A-1981, A-2413, A-2414, A-2486, A-2490, A-2494, A-2718-9, A-4026, A-4169, A-4178. As just one example, counsel for CSI stated at A-2718:

"MR. FRIEDMAN: We were asked of (sic) the BSA whether this had anything whether the application was predicated on the tenant school and we stated in front of the BSA as we stated in front of this committee [CB7 Committee], it does not. The

in the second property of the second second

sating a new backgrown and

160814 382

3

Madali Man D. Sugarman

Commissioner Martin Rebholz
June 10, 2015
Page of 4 of 8

offices that are, the rooms that are there for a synagogue as opposed to a school can be multi-purpose."

F. CSI argued that because of these critical programmatic needs represented by the classrooms, it could not build any condominiums on floors 2: 3 and 4 and generate income and therefore CSI argued that is should be allowed variances to build condominiums on floors 5-9, exceeding height and setback requirements. A-2816, A-4025, A-4170, A-4420.

As CSI counsel stated at A-4025:

"The resulting configuration of the proposed new residential floor area on the narrow development parcel further requires that such residential uses not begin until elevation 49' 1", and end at elevation 75 ft in an R8B district, which will not allow the residential use as proposed."

The State State

This latter point is unequivocally articulated by counsel to CSI at A-2816:

"With the entire development footprint of the site consumed by the community house volume within the New Building for four stories, the otherwise fully legal as-or-right residential floors cannot begin until the fifth floor." A-2816.

CSI in its Closing Statement to the BSA was emphatic at A-4220:

the regular

"The residential component of the Application ... could be built as-of-right were it not for the limitations placed on the siting of the Community. House to provide necessary adjacencies with the Synagogue and the minimal properly-configured religious and educational spaces to overcome the current programmatic deficiencies. All of the requested height and setback waivers owe their origins to the need to overcome the programmatic deficiencies within the volume of lower portions of the building currently designed for religious and educational uses." A 4220,

- G. The five condominiums would have five bathrooms and four bedrooms with direct Central Park West views through large windows and approximately 6000 square feet of floor space. See floor plan of Floor 5 at BIS-44 and elevations and cross-sections of Floors 5-9 at BIS-18 and BIS-19. These luxury condominiums could easily sell for \$10 million each and have a dramatic impact on the space available on the lower floors because of the extra elevator shafts, mechanical rooms, superintendent's apartment, lobby, stairs, and very likely storage rooms.
- H. In 2013, when CSI finally applied for a construction approval, it filed a "PWIA: Schedule A- Occupancy/Use" form BIS-21-BIS-25. In 2013, CSI in its PWIA showed a subsub-basement Banquet Hall (340 Persons) and on Floor 1, a Community Facility (305 persons) and now apparently only one classroom on Floor 2, classrooms (for only 60 persons) and other uses on Floor 3, and NO classrooms on Floor 4. BIS-21, BIS-22, BIS-23. The 2013 PWIA did not show a caretaker's apartment. Thus, CSI had virtually eliminated the facilities

The state of the s

The state of the s

ika ya ji ee e manty kk u

· mail with the

Commissioner Martin Rebholz June 10, 2015 Page of 5 of 8

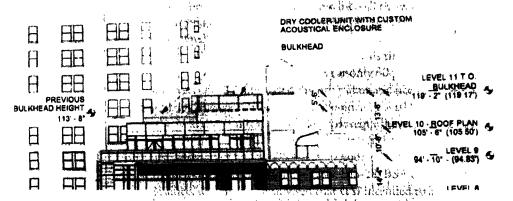
satisfying the urgent and critical programmatic needs upon which all the variances were predicated.

I. On or about March 13, 2015, CSI filed a revised PWIA - this time showing NO classrooms on Floors 3 and 4 and a classroom or classrooms for only 60 persons on Floor 2. BIS-28, BIS-29. Once again, CSI had virtually eliminated the programmatic needs upon which all the variances were predicated. DOB has not made the associated approved 2015 plans available to the public and has not provided them in response to a FOIL request by a related party.

الجعرفة جالدا فكسعمانان

J. The 2015 PWIA also shows an Outdoor Terrace on Floor 2, which was never presented to the BSA, and which obviously affects neighbors. BIS-28. BSA considered the impact of the rear depth variance, without being advised that CSF intended to also build a terrace. Compare BIS-10 and BIS-28.

K. In 2013, CSI presented plans to LPC, ostensibly to obtain approval for certain changes which had been required by BSA in 2008. But CSI in 2013 did more than that: CSI increased the height of the building to 119.17 feet and otherwise enlarged the rooftop bulkhead - so the building was now 25 feet higher than the façade of the adjoining 18 West 70th Street Building. CSI elected to sneak this change through DOB and chose not to resubmit its proposal to BSA. Clearly, the CSI's new plans must be rejected for this reason alone. See photographs of plans submitted by CSI to LPC in 2013. MISC-1-5.



M. As to the caretaker's apartment, the restrictive declaration submitted by CSI must be modified to restrict the resident caretaker from providing services to the condominiums and the parsonage. Otherwise, the unit should be reassigned as a taxable support facility for the residences, and not as a programmatic need.²

4. M.A.

majisyi k Trampaba

or Allenger Land

² Department of Finance Records appear to show that property tax is not being paid on the Parsonage, though a rental property.

Commissioner Martin Rebholz June 10, 2015 Page of 6 of 8

On April 24, 2015, as shown in the letter attached as Exhibit 2, DOB (as well as BSA N. and CB7) were advised of the impropriety of the approval request and the invalidity of the BSA variances. Yet, on May 4, 2015, notwithstanding this notification, DOB went ahead and approved the new building plan. BIS-32. Larger Garden

Upon review of these facts, the proposed conclusions may be made as to the predicate of the variances:

False representation that rear setbacks on 2, 3, and 4 were required because of classrooms and that no other configuration or arrangement was possible. A-2815, A-2813-22, A-3328, A-4025, A-4199, A-4202, A-4203-4, A-4204-6, A-4420 and as cited above.

1 14 4 5 1

- 2. False representation that classrooms on Floors 2, 3, and 4 were required primarily by Congregation, whether or not rented to private school. A-2415, A-2718, A-4026, A-4169, A-4178, A-4189, A-4192, A-4204-6; and as cited above.
- False representation that Parsonage space and space beneath Sanctuary not usable or feasible for programmatic needs. A. 2829, A.4170, and as cited above. False representation that the Parsonage and Assembly Room could not be used for any of the purposes ultimately assigned to floors 2, 3, and 4. The offices and caretaker's apartment in the new configuration, as assigned to moors 2, 3, and a an example, could easily be placed in the Parsonage.
- 4. False representation that variances on floor 5-9 required because floors 2, 3, and 4 are "taken" for religious programmatic needs. See citations above. 📉 💥 💮

Discussion:

The BSA variances allow the Congregation to eliminate upper floor setbacks in the front and rear and increase overall height beyond 75 feet and to build five large luxury condominiums with an estimated market value today in excess of \$40-50 million. The Congregation's asserted purposes underpinning the variances were to meet the programmatic needs of the Congregation to build classrooms on floors 2, 3, and 4. The Congregation argued that the classrooms needed to be contiguous and required large floors and that other space available on its site could not be used for classrooms. Thus, rear extensions, it was argued, were required for floors 3 and 4 to accommodate the classroom uses. The Congregation provided no other reason for the need to have the rear extensions.

Action of the second of the se

in the state of th

³ The five condominiums occupy at ental 15:797 square feet, with Central Park views, The financial projections produced in 2008 by the Congregation showed condominium sale proceeds of approximately \$30 million or \$6 million per apartment, or approximately \$1900 a square foot, less than current valuation for CPW property. The apartments have four bedrooms and five bathrooms.

Commissioner Martin Rebholz June 10, 2015 Page of 7 of 8

The Congregation contended that these classrooms could not be placed in the 10,000 square foot area under the Congregation's Sanctuary nor in the Parsonage town house at 99 Central Park West (the Sanctuary, Parsonage, and community house site are one zoning site.)

The Congregation then argued to the BSA that because of these urgent programmatic needs for classrooms, as a property owner it was unable to use these three floors to generate income and that thus it had a right to add floors to create the luxury condominiums that could have been located on these school floors, if not for the claimed urgent programmatic need. The Congregation asserted that there could be no front-setbacks for the condominium floors, because the proceeds from the sale of smaller condominiums would not generate sufficient income.

Spring Street

Thus, the variances for Floors 2, 3, and 4 were predicated on the large floor plates allegedly required for programmatic needs and the variances for the condominiums above the community spaces were predicated on the unavailability of Floors 2, 3, and 4 for condominium construction because of the alleged programmatic needs.

The Board of Standards and Appeals accepted these arguments, over the objection of the Community Board. A-2645-6.

The latest filings show that the Congregation substantially misled (whether intentionally or not at the time is of no relevance) the BSA when claiming that the school classrooms were urgent programmatic needs of the religious institution. The Congregation implicitly argued that as a religious entity with First Amendment rights, the BSA was obligated to grant the variances – because of the stated programmatic needs.

The Congregation misled the BSA as to its asserted programmatic needs that underpinned the variances. The new documents show that the Congregation no longer has an urgent programmatic need for school space, if it ever did. There are now classrooms only on a part of floor 2, and none on floors 3 and 4. Importantly, the Congregation's justification for enlarged floors with rear setback variances on floors 2, 3 and 4 no longer exists.

Absent these so-called imperative programmatic needs, three condominiums floors could be relocated to floors 2, 3, and 4, obviating the need for the taller building and the unjustified front setbacks.

The chart attached as Exhibiting shows the evolution of the uses of floors 2, 3 and 4 over time:

We accordingly request that the application be denied, and the Congregation be directed again to the BSA.

ر بالمجارة المعالمة المعالمة

5.38条件

... ded W. Sincerely,

The place of the fact of the second

and the state of

- House to

Commissioner Martin Rebholz

June 10, 2015

Page of 8 of 8

Alan D. Sugarman

Attachments:

Exhibit 1 Table of Documents in Support of this Challenge and Appeal

Exhibit 2 Extract of portions of Documents listed in Exhibit 2.

F. R. M.

2. 1 3.

Exhibit 3 Letter of April 22, 2015.

Exhibit 4 Table of Uses

Freedom of Information Law Request. Exhibit 5

Documents Listed in Exhibits 1 and 2 will be provided by E-mail. Hard copies and a CD-ROM 1. (数) (数) (1) will be provided subsequently by mail.

A CONTROL OF THE STATE OF THE S

The wife the way is the contracting a Manage with the con-The state of the s

The state of the s

多价值设置 电压动线 制化流谱、轻磁键等层燃烧。

and the same of th

to the house is the property of the second desired and the fug

with the gray was

and the state of t

Alan D. Sugarman Attorney At Law 17 W.70 Street Suite 4 New York, NY 10023 212-873-1371 mobile 917-208-1516 fax 212-202-3524 sugarman@sugarlaw.com www.sugarlaw.com

June 18, 2015

NYC Department of Buildings
280 Broadway
Call Center-Fifth Floor
New York, NY 10007

Re:

Challenge and Appeal on behalf of Nizam Kettaneh
8 West 70th Street, Manhattan, Congregation Shearith Israel
Proposed Condominium-Community House

to the support of the first of the section of the

To Whom it May Concern:

I am personally delivering to you today the following:

Volume 1 of the Challenge.

Volume 2 of the Challenge

A CD with the contents of Volume 1 and Volume 2.

The Challenge Form and Challenge Letter included in Volume 1.

On June 10, 2015, I emailed this challenge to you:

On behalf of Nizam Kettaneh, Jay Greer, other interested parties, and myself, this letter constitutes a challenge and appeal to the determination of the DOB of May 4, 2015 approving the plans of Congregation Shearith Israel ("CSI" or "Congregation") to construct a new condominium-community house building at 8 West 70th Street, Manhattan. BIS-32. The challenge period is open until June 18, 2015. BIS-36.

On June 15, 2015, I received an error e-mail message that the e-mails were rejected by your system:

<publicchallenge@buildings.nyc.com>: connect to
buildings.nyc.com[23.96.114.253]:25: Operation timed out.

US Mail delivered a hard copy of these volumes and CD to you on Tuesday, June 16, 2015.

By several e-mail messages to you Thave asked for confirmation, but no response has been received. The challenge has not been indicated on BIS.

Long Voladi (19. 1999)

of his property of the second of the second

New York City Department of Buildings June 18, 2015 Page of 2 of 2

Accordingly, I am delivering to you the documents once again by hand and ask that you sign below and acknowledge receipt.

W. W. office of my rates they building as & V

I attach the Challenge Form and my accompanying challenge letter without exhibits.

Watiles.

STARLE BURNES

and and mily a reason of the mily defrements

of the graduation of the contract of the contr

the that we will be will just the two the second to the se

a Congress of the product of the conference

All some and the second terrelies with the constraint of the second terrelies and the second terrelies are the second terrelies and the second terrelies and the second terrelies and the second terrelies are the second terrelies and the second terrelies are the second terrelies and the second terrelies and the second terrelies are the second ter

a mada na Chibeanachan Chambragar (M. 3 Septembril - Sent Meneral Meneral M.)

Thank you.

he chall such can and fencillar.

Sincerely,

A. S. A.

.. jun by hary

Alan D. Sugarman

Received by Hand:

June 18, 2015