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October 28, 2015

Via Email c/o rsinger@bsa.nyc.gov and Federal Express

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

Re: 74-07-BZ  
Trustees of Congregation Shearith Israel  
8-10 West 70th Street,  
New York, New York, 10023 (the "Property")  
Block 1122 Lots 36237 Zoning Map No. 8C

Dear Chair Perlmutter:

This letter is to bring to your attention that on September 22, 2015, the Department of Buildings approved in part our Zoning Challenge and Appeal dated June 8, 2015 and June 10, 2015. The DOB issued a Notice to Revoke on October 11, 2015. The approved Zoning Challenge and Appeal was scanned on October 14, 2015, and, as a result, we learned of the DOB action.

The DOB directed the Congregation to return to the BSA.

The Zoning Challenge and Appeal form with the DOB's decision on page 3 (Ex. 1) and the Application Detail as of October 23, 2015 with the endorsement "Audit: Notice To Revoke" (Ex. 2) are enclosed. The Zoning Challenge period ends October 29, 2015. (Ex. 3).

For your convenience, I set forth below the DOB Comments on page 3 of the attached Challenge:

*Comments:*

*This challenge to the Departments zoning approval for the alteration and residential enlargement of the existing house of worship has been accepted for the challenger's listed*

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*items 1 & 4 as a number of valid questions have been raised in connection with the BSA variance (BSA Calendar No. 74-07-BZ). The four main challenge points 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 return 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 plans, while not specifically identified in BSA plans as being an accessible terrace, is substantially in compliance with 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 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 upon the results of said investigation.*

As to comment 2, we respectfully disagree, because the BSA-approved height already exceeded the underlying regulations as to height by nearly 40 feet and the BSA carefully reviewed the rooftop bulkheads. Additionally, because we have not been able to see the actual plans provided to DOB, we are unable to comment on the extent of the modifications, and there also appear to be modifications as to the face of the building.

As to comment 3, the use of the terrace by school children and others will substantially impact the peace and quiet of the neighbors. The BSA approved variances provided additional rear setbacks, already impinging upon the adjoining building.

We ask that you consider these issues as well upon the new consideration by the BSA.

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In order to expedite the new review, we ask that the BSA require the Congregation to file the plans as provided to the DOB and also provide plans and elevations showing differences between the DOB plans and the BSA approved plans.

We also ask that the BSA strictly enforce its June 7, 2013 requirements as to electronic filing and require the Congregation to provide all filings in Acrobat format (and Excel where applicable,) provide copies to us, and reject any filings not accompanied by the electronic version.

The DOB decision refers to the other information accompanying our Challenge. I am providing to the BSA by express delivery the two volumes provided to the DOB with the Challenge.

A CD will be provided to you and the Congregation in a separate communication.

Enclosed as Exhibit 4 are current photographs of the development site.

Sincerely,



Alan D. Sugarman

cc: David Rosenberg  
Congregation Shearith Israel

Attachments:

- Ex. 1 Application Details as of October 24, 2015
- Ex. 2 Zoning Challenge and Appeals with Decision of September 22, 2015
- Ex. 3 Status of Zoning Challenge and Appeals as of October 25, 2015
- Ex. 4 Current Photographs

Enclosure:  
Challenge and Appeal to DOB – Two Volumes