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June 27, 2016

rsinger@bsa.nyc.gov for distribution

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

Ryan Singer  
New York City Board of Standards and Appeals  
250 Broadway, 29th Floor  
New York, New York 10007

David J. Schnakenberg, Esq.  
General Counsel  
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 and Mr. Singer and Mr. Schakenberg:

I represent Nizam Ketanneh and other persons with an interest in the above variance application of Congregation Shearith Israel (CSI) and the recent submission by CSI (the Application). Mr. Ketanneh is the owner of 15 West 70th Street, a Renaissance Revival Style rowhouse designed by Gilbert A. Schellenger and built in 1891-92. The building's style, scale, materials, and details are among the features that contribute to the special architectural and historic character of the Upper West Side - Central Park Historic District. Mr. Kettaneh, a musicologist, has restored the rowhouse, which is located directly across the street from the CSI project.

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It was the DOB challenge of 2015 by Mr. Kettaneh which resulted in the new Application by CSI.<sup>1</sup> The DOB granted in part Mr. Kettaneh's challenge which led to the partial decision of the DOB reflected in the October 9, 2015 Notice of Comments, as included in the Application (stamped "Denied, June 10, 2016.") The DOB has failed to act on the further challenge of Mr. Kettaneh as to among other things the increased building height. The CSI Application, notwithstanding its label, is in essence an appeal from the DOB challenge decision. Because it is clear that the DOB is apparently not acting as to our further challenge, Mr. Kettaneh will be cross- appealing as to the denial, and, in any event will actively oppose the Application.

In that regard, the CSI Application is procedurally deficient - among other things, there is no detail as to the comparison of the approved and proposed building as shown in the last page of its Application "booklet", and there is only a single section viewing North. The elevations from ground are omitted from this comparative drawing. There is also no indication of the as-of-right building projected on these drawings. In many respects, important information as required in an original application is omitted.

Importantly, the application fails to deal with the changes in asserted programmatic need as evidenced by its filing with the DOB, and it is not clear that the floor plans indicated in the DOB plans are even included in the Application.

Further, there are substantial changes from the underlying financials submitted to support the variance granted in 2008 by BSA. These financial showed the projected income of sales of units of approximately \$30,000,000 - yet CSI has pre-advertised these condominiums at a price of \$60,000,000 as shown by documents on file with the New York Attorney General. Thus, there obviously is no need for variances to increase the size of the condominiums to earn additional income.

CSI through its own delay has allowed the variances to lapse; with the substantial changes in the asserted grounds for variances, the BSA should reject the CSI request for a waiver, and require the submissions of a new application de novo.

This letter is merely an indication of threshold issues and, in the proceedings to follow, we will be submitting detailed commentary on the merits.

In that regard, I note that CSI did not copy me on its new application, even though as a courtesy I copied CSI previously on my prior letters to the BSA. I ask that the BSA take action to require CSI to provide us with copies of filings and communications to the BSA and other

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<sup>1</sup> Mr. Kettaneh was the lead petitioner in the Article 78 challenge to the 2008 BSA variances.

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City agencies pertaining to the Application (including communications by their lobbyist Capalino.) We also ask to be copied with all BSA communications and to be provided with the briefing and hearing schedules.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan D. Sugarman". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Alan D. Sugarman

cc: David Rosenberg, Esq.