



**Board of Standards
and Appeals**

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www.nyc.gov/bsa

Margery Perlmutter
Chairperson/Commissioner

August 12, 2016

Fried, Frank, Harris, Shriver & Jacobson LLP
One New York Plaza
New York, NY 10004
Attention: Zachary Bernstein

Re Cal No: **74-07-BZ**
Premises: 6-10 West 70th Street, Manhattan NY

Dear Mr. Bernstein,

Attached is the Notice of Comments for the above referenced BZ application which raises issues that need to be addressed before these applications may be calendared by the Board for a hearing. Failure to respond in a timely manner could lead to the dismissal of the application for lack of prosecution.

Each of the following objections should be addressed point-by-point. For those objections which cannot be addressed until a later date, indicate approximately when the Board can expect a reply. A copy of all materials sent in response to these objections must also be submitted to the Community Board(s), the Borough Board (as applicable), the City Council member in whose district the site is located, the Borough Commissioner of the Department of Buildings and the City Planning Commission. Applicants are required to notify each of these entities each and every time a submission is made to the Board of Standards and Appeals. Proof of proper notification may be provided by return receipts, copies of transmittal letters, carbon copy (cc's) lists or other comparable proofs.

For further information regarding these requirements, or for information relating to the following objections, please Contact Gjela Prenga, Project Manager at (212) 386-0067 or via email at gprenga@bsa.nyc.gov. For detailed instructions for completing BSA applications, please visit www.nyc.gov/bsa

Sincerely,

A handwritten signature in black ink, appearing to read "Carlo Costanza".

Carlo Costanza,
Deputy Director

New York City Board of Standards and Appeals
Notice of Comments
August 12, 2016
74-07-BZ

Premises: 6-10 West 70th Street, New York, NY
Applicant: Fried, Frank, Harris, Shriver & Jacobson LLP

Missing Items

1. Compliance Chart and Supporting evidence.
2. Submit all Certificates of Appropriateness issued by the Landmarks Preservation Commission.
3. Floor plans for Existing Conditions.
4. Provide the February 21, 2012 Court of Appeals decision.
5. Provide the LPC approval of the design from August 2015.
6. Submit the LPC approved drawings.
7. Submit the building permit obtained in 2015.

DOB Objection

8. Update the DOB Objection to include that a lapse of variance occurred under ZR 72-23.
9. Clarify if the location of the caretaker's apartment has changed as is indicated in the Objection.

Statement of Facts and Findings:

10. Specify the time being requested to complete substantial construction.
11. Describe the nature of the outstanding construction violation from 2010.
12. Cite the ZR section that provides the basis for the total permitted floor area calculation.
13. On page 3, specify the zoning lot area.
14. On pages 3-4, when discussing floor area, state the proposed Residential and Community Facility floor area.
15. State the number of stories in the proposed building.
16. Following the "Zoning Regulations" section, list the waivers granted under the original BSA application. List all applicable ZR regulations waived, and by what amount.
17. In the table provided showing the floor area for each use, indicate the amount of floor area that is different, as well as the percentage for each use group.
18. Ensure that all proposed changes to the original project are explained in the Statement of Facts. Include the 5 ft. increase in the bulkhead height mentioned in the technical memo.
19. State the FAR for each use, as well as the total FAR of the BSA approved plans and the 2016 plans.
20. On page 6, cite the section of the Building Code that redefined the lot line of a property, and state the date of this change.
21. Cite the code changes that required an emergency generator and second set of stairs to the roof and the date of this change.
22. Extension of time: State how long it typically takes to develop construction drawings. The timeline provided indicates that construction drawings were not complete in the time

between 2012 and 2014. Was there a delay on the part of the architecture and engineering firm as well?

23. Describe why the project was delayed between 2012 and 2014. What occurred during that time?
24. On what date was the owner's representative and the real estate advisory firm hired?
25. On page 8, "Amendment of Plans," does not list all of the reasons provided at the beginning of the Statement for why the proposed plans needed to be changed. Provide a single exhaustive list/table of all the reasons for the amendment to plans and cite the corresponding regulations, and the corresponding changes to the floor plans.
26. Was the design approved by LPC in August 2015 the same as the originally approved BSA plans or were the newly proposed plans approved? Provide an update to the LPC review.
27. State the difference in room sizes on each floor from 2008 approved plans to 2016 plans.
28. On page 11, cite the section of the BSA rules that is being waived.

BSA Zoning Analysis Form

29. Update the permitted use groups.

Plans

30. On the BSA Approved plan set from 2008, item no. 6 on sheet P-1 under "Required Actions by the Board of Standards and Appeals," the base height for the R8B portion is incorrectly listed as 113.7 ft., it should be 94. 8 ft.
31. The dairy kitchen and meat kitchen appear larger on the 2016 plans. Advise if there was a floor area increase in the size of these rooms.
32. Explain why R10A setback for narrow streets complied in 2008, but now is shown as 12 ft. and noncomplying in the 2016 plans.
33. Include a note on proposed plans that all mechanicals are to be approved by DOB.

BSA Program Comparison

34. Explain why the kitchen was enlarged and the babysitting room was eliminated in the cellar.
35. Explain why the small synagogue space was eliminated on the 1st floor. Is this space being relocated?

Technical Memo

36. Provide a brief project description including use and bulk specifications.

Exhibit A "Zoning Changes"

37. State the effect of each change in the Zoning Resolution on the proposal.

Violations Table

38. Explain how the elevator violation was issued in error to lot 36, if the demolished Community House was located on lot 37.
39. Explain the nature of the construction violation.

Certificate of Inspection and Compliance

40. Update this to note noncompliance to the Board's conditions which include: (a) work substantially conforming to drawings, (b) the floor area parameters of the building, and (g) substantial construction being complete in accordance to ZR 72-32.