

LAW OFFICE OF
SLATER & BECKERMAN LLP

61 BROADWAY, SUITE 1801, NEW YORK, NY 10006

TELEPHONE: (212) 391-8045
FACSIMILE: (212) 391-8047

CAROLE S. SLATER
STUART BECKERMAN

NEIL WEISBARD
STEFANIE L. MARAZZI

August 17, 2012

Ms. Jackie Ludorf
Chairperson
Community Board No. 8
505 Park Avenue, Suite 620
New York, NY, 10022

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NEW YORK, NY 10006

By Certified Mail

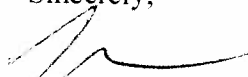
Re: BSA Cal No. 160-11-BZ
42 East 69th Street
Block 1383, Lot 43
Borough of the Manhattan

Dear Chair and Members of the Board:

We are land use counsel to the Jewish National Fund ("JNF"), a not-for-profit organization, whose headquarters are located at 42 East 69th Street, Block 1383, Lot 43, Borough of the Manhattan (the "Building"). JNF has filed an application with the New York City Board of Standards and Appeals (the "BSA"), pursuant to Section 72-21 of the Zoning Resolution of the City of New York ("ZR"), seeking a variance of ZR §§23-633, 24-11, 24-36, 24-552 and 24-591.

Attached, please find a revised submission submitted to the BSA on August 16, 2012.

Sincerely,



Neil Weisbard



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August 16, 2012

Hon. Meenakshi Srinivasan, Chairperson
New York City Board of Standards and Appeals
40 Rector Street 9th floor
New York, New York 10006

RECEIVED
AUG 20 2012
BY: [illegible]

Re: 160-11-BZ
42 East 69th Street
Block 1383, Lot 43
Borough of the Manhattan

Dear Chair Srinivasan and Commissioners:

We are land use counsel to Jewish National Fund (“JNF” or “Applicant”), a Use Group 4 community facility located at 42 East 69th Street, Block 1383, Lot 43, in the Borough of the Manhattan (“Premises”). JNF proposes to enclose the fourth floor roof at the fifth floor, raise the roof of the cellar two feet six inches into the required rear yard; and install an energy efficient gas-fired chiller/heater HVAC system on the roof (the “Proposed Renovation”). The Proposed Renovation does not comply with the height, lot coverage, rear yard setback, and rear yard regulations of ZR §§23-633, 24-11, 24-36, 24-552 and 24-591 and, therefore, a variance pursuant to Section 72-21 of the Zoning Resolution is required.

The purpose of this letter is to respond to the Notice of Comments, dated November 17, 2011, attached. Below, please find a response to each enumerated comment.

1. *Since the facility is not a religious or educational institution deference is not afforded in response to the “A” finding. The application must focus on perceived building obsolescence in addressing the “A” finding.*

Attached, please find a revised Statement of Facts and Findings, dated August 16, 2012. As indicated on the Statement of Facts and Findings, the application focuses on the Building’s obsolescence.

August 16, 2012

Page 2 of 4

2. *Under the "C" finding discuss what uses are to the rear of the property and what impact (light, air, etc.) the enlargement would have on these uses. Identify any existing lot line windows legally required or note which will be blocked by the proposal.*

As indicated on the revised Statement of Facts and Findings, the enlargement of the Annex is no longer required. Therefore, the lot line windows of the neighboring property at 46 East 69th Street (Block 1383, Lot 42) will not be affected by the Proposed Renovation.

Also, the revised Statement of Facts and Findings discusses the minimal impacts the Proposed Renovation will have on the properties to the rear of the Premises.

3. *In addition to BSA-17, provide a more detailed graphic to show the existing floor elevations and how they currently line up.*

Since the Proposed Renovation no longer consists of an enlargement to the Annex, discussion of existing floor elevations and their alignment is no longer applicable.

4. *The Provide plans for the alternative cited in the E" finding and*
5. *Provide AOR plans for the scenario identified in your E" finding, i.e., the construction of a new elevation and stairway system within the main building.*

Since the Applicant has redesigned the Proposed Renovation to construct a new means of egress within the Main Building, the alternative design is no longer applicable.

6. *Discuss more specifically what programmatic elements cannot be met in an as of right renovation scenario.*

The revised Statement of Facts and Findings discusses more specifically what programmatic elements cannot be met in an as of right renovation scenario.

7. *Revise the "requested variance" section on pages 6 & 7 to separately discuss the three areas of enlargement proposed (annex, fifth floor, and cellar) and the ZR Sections to be waived for each.*

The revised Statement of Facts and Findings discusses the areas of the Proposed Renovation separately and the sections of the Zoning Resolution sought to be waived.

8. *Provide more explanation for the cellar enlargement that trigger non-compliance. Does the enclosure of the stair in the rear yard trigger the non-compliance? Statements on page 12 refer to ADA accessibility from the cellar but can a stairway accommodate ADA accessibility?*

August 16, 2012

Page 3 of 4

The revised Statement of Facts and Findings discusses the need for the enlargement in the cellar.

9. *Since the fifth floor enclosure triggers non-compliance with the rear yard setback discuss why this enlargement is necessary.*

The revised Statement of Facts and Findings discusses the need for the enclosure of the fourth floor roof at the fifth floor.

10. *Highlight the area on the proposed plans that are non-compliant and require a waiver, and*
11. *Provide a proposed plot plan sheet with a floor area chart; and*
12. *Increase the font size on the cross section drawing so that the numbers are clearly legible.*

Submitted herewith, please find revised drawings dated, August 13, 2012, addressing these comments.

13. *Provide LPC sign off documents.*

A hearing with the Landmarks Preservation Commission is scheduled for October. Once LPC approves the construction we will provide all sign-off documentation.

14. *Provide copies of all resolutions cited in the statement.*

Attached please find copies of all resolutions cited in the Statement of Facts and Findings.

15. *Provide evidence of US Department of Homeland Security grants.*

Attached as Exhibit A, of the revised Statement of Facts and Findings, please find Letters from the New York State Office of Homeland Security, dated September 12, 2005, October 4, 2007, and September 16, 2008.

Respectfully submitted,



Neil Weisbard

SLATER & BECKERMAN LLP

August 16, 2012

Page 4 of 4

cc: Honorable Scott Stringer, Manhattan Borough President
Honorable Daniel R. Garodnick, Councilmember
Honorable Martin Rebholz, R.A, Borough Commissioner, New York City Department of Buildings
Jackie Ludorf, Chairperson, Manhattan Community Board No. 8
Edith Hsu-Chen, Director, Manhattan Office, Department of City Planning
Christopher Holme, Department of City Planning

Russell Robinson, Chief Executive Officer, Jewish National Fund

Jack Freeman, Freeman Frazier & Associates, Inc.
John Spalla, Freeman Frazier & Associates, Inc.
Herb Mandel, MHG Architects, PC

Stuart Beckerman
Neil Weisbard

New York City Board of Standards and Appeals
Notice of Comments
160-11-BZ

Premises: 42 East 69th Street, Manhattan
Applicant: Slater & Beckerman, LLP
Date: November 17, 2011

STATEMENT OF FACTS & FINDINGS

1. Since the facility is not a religious or educational institution deference is not afforded in response to the 'A' finding. The application must focus on perceived building obsolescence in addressing the 'A' finding.
2. Under the 'C' finding discuss what uses are to the rear of the property and what impact (light, air, etc.) the enlargement would have on these uses. Identify any existing lot line windows legally required or note which will be blocked by the proposal.
3. In addition to BSA-17, provide a more detailed graphic to show the existing floor elevations and how they currently line up.
4. Provide plans for the alternative cited in the 'E' finding.
5. Provide AOR plans for the scenario identified in your 'E' finding, i.e., the construction of a new elevation and stairway system within the main building.
6. Discuss more specifically what programmatic elements cannot be met in an as of right renovation scenario.
7. Revise the "requested variance" section on pages 6 & 7 to separately discuss the three areas of enlargement proposed (annex, fifth floor, and cellar) and the ZR Sections to be waived for each.
8. Provide more explanation for the cellar enlargement that trigger non-compliance. Does the enclosure of the stair in the rear yard trigger the non-compliance? Statements on page 12 refer to ADA accessibility from the cellar but can a stairway accommodate ADA accessibility?
9. Since the fifth floor enclosure triggers non-compliance with the rear yard setback discuss why this enlargement is necessary.

PLAN SHEETS

10. Highlight the area on the proposed plans that are non-compliant and require a waiver.
11. Provide a proposed plot plan sheet with a floor area chart.
12. Increase the font size on the cross section drawing so that the numbers are clearly legible.

SUPPORTING MATERIALS

13. As per BZ Instruction, provide a list of the affected property owners.
14. Provide LPC sign off documents.
15. Provide copies of all resolutions cited in the statement.
16. Provide evidence of US Department of Homeland Security grants.

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August 16, 2012

Variance Application

REVISED

STATEMENT OF FACTS

42 East 69th Street
Block 1383, Lot 43
Borough of the Manhattan

Introduction

This is an application made pursuant to Section 72-21 of the Zoning Resolution of the City of New York ("ZR" and "Zoning Resolution") for a variance to permit the enlargement and modernization of the Jewish National Fund ("JNF" or "Applicant"), a Use Group 4 community facility located at 42 East 69th Street, Block 1383, Lot 43, in the Borough of the Manhattan ("Premises"). JNF proposes to enclose the fourth floor roof at the fifth floor, raise the roof of the cellar two feet six inches into the required rear yard; and install an energy efficient gas-fired chiller/heater HVAC system on the roof (the "Proposed Renovation").

Since its inception in 1901, JNF has evolved into a global environmental leader. Since 1951, JNF has operated its headquarters at the Premises, and has established itself as an integral part of the local Upper East Side community.

However, JNF's existing building (the "Building") has become obsolete because it:

- 1) Does not contain a means of egress which complies with the American with Disabilities Act ("ADA") accessibility requirements;
- 2) Contains unsafe and unsecure spaces; and
- 3) Contains an outdated and inefficient heating and cooling system.

The Proposed Renovation does not comply with the height, lot coverage, rear yard setback, and rear yard regulations of ZR §§23-633, 24-11, 24-36, 24-552 and 24-591 and, therefore, a variance pursuant to Section 72-21 of the Zoning Resolution is required.¹ If granted, the Variance will enable this important not-for-profit organization to remain on the Premises, which has been its home for over 55 years.

The Premises

The Premises are an interior lot located on the south side of East 69th Street, between Park Avenue and Madison Avenue in the Borough of Manhattan. The Premises has a total lot area of 5,020 square feet and is located in an R8B/LH-1A zoning district, within the Upper East Side Historic District. See Zoning Map 8c and New York City Landmarks Preservation Commission map of the Upper East Side Historic District. The Premises is improved with 18,153 square feet of floor area located within a five-story building with mezzanine (the “Main Building”) and a four-story Annex (the “Annex”) (the Main Building and the Annex are collectively known as the “Building”).

The Premises serves as JNF’s headquarters, supporting various administrative functions, as well as a gathering space for educational meetings of community leaders, local community groups, not-for-profit organizations, lectures, and various humanitarian events.

The Main Building contains a lobby, gallery and boardroom on the first floor; a superintendent’s office on the mezzanine; offices, a gallery, and conference rooms on the second floor; offices and a conference room on the third floor; and offices on the fourth and fifth floors.²

The Annex contains offices on the first floor; an office and a conference room on the second floor; and offices on the third and fourth floors. Under BSA Cal No. 323-62-BZ, the Board granted a lot coverage variance which permitted construction of the Annex.

Both the Main Building and the Annex are Class 3 non-fireproof construction and do not contain a means of egress which complies with current Building Code standards.³

¹ An existing lot coverage variance, granted in 1962 under BSA Cal No. 323-62-BZ, will remain in effect.

² Certificate of Occupancy no. 60163, issued by the Department of Buildings on September 18, 1964, attached, permits a caretaker’s apartment in the cellar.

The Premises complies with the regulations of the Zoning Resolution with the exception of the following legal non-complying conditions⁴:

- 18' 5 ½ " rear yard, contrary to ZR §24-36 (30 feet is required);
- Building height of 81'11", contrary to ZR §§23-633 and 24-591 (60 foot maximum height)⁵;
- 75.5 percent lot coverage, contrary to ZR §24-11 (70 percent maximum).⁶

Previously Approved Variance

On July 24, 1962 the Board granted a variance, pursuant to BSA Cal No. 323-62-BZ, to allow the construction of the Annex, a four-story and cellar extension on the Premises, which did not comply with the permitted lot coverage regulations.⁷ See attached BSA Resolution.

The Proposed Renovation

The Variance, if granted, will enable JNF to remain on the Premises, which has been its home for over 55 years.

The Proposed Renovation will make the Premises safe and secure, ADA accessible, and energy efficient.

The Proposed Renovation entails the creation of an ADA accessible means of egress, containing two new stairwells and an elevator within the existing building. In order to recapture some of the 1,947 square feet of floor area lost as a result of the new means of egress, JNF proposes to enclose the Main Building's fourth floor roof at the fifth floor, and enclose the existing light well adding 922

³ The stairs tread to riser height ratio exceeds the permitted 7" to 11" rise; their width is less than the required 3'-8"; does not contain a straight run as required for egress stairs; two sets of stairs egress through lobby in violation of the Building Code; and the Grand Stairwell is open on all levels in violation of the Building Code.

⁴ The Premises was rezoned from an R8 to an R8/LH1 in 1982, and from an R8/LH-1A district to an R8B/LH-1A district in 1985

⁵ The existing mechanical bulkhead extends to a height of 81'11", but the roof of the Main Building extends to a height of 69'1¼".

⁶ Permitted by variance, under BSA Cal No. 323-62-BZ.

⁷ On October 26, 1954, under BSA Cal No. 552-54-A, the Board granted an appeal from the Manhattan Borough Superintendent order that "1) an apartment more than 50 percent below grade is not permitted. 5.1.1. B.C.; 2) proposal to use existing wood doors in stair enclosure not in accordance with 6.4.1.8.1 B.C.; 3) stairway should be continued to the roof with a bulkhead on the roof. 6.4.1.11. B.C.; 4) bldg. must be fireproof construction as per 4.2.1. B.C.; and 5) a two hour stair enclosure is required in accordance with 6.4.1.8.1. B.C."

Objections 1, 2, 3 and 5 are no longer applicable to the Building. However, the Building will be classified as "non-fireproof construction" in filings with the DOB.

square feet of floor area. This proposed relocation of floor area will accommodate JNF's existing workforce.

The Proposed Renovation will also add 281 square feet of gross floor area in the rear of the cellar, which will enable JNF to locate all of its public service programs in the cellar, creating a safe and secure environment.⁸

Finally, the Building's existing mechanical room space is inadequate to accommodate a new energy efficient gas fired chiller/heater equipment required to heat and cool the Building. Therefore, a new larger mechanical bulkhead must be constructed. The height of the new mechanical bulkhead will be the same as the existing 81'11" high bulkhead, but will contain 141 more square feet.⁹

In addition to the Proposed Renovation of the Building, JNF proposes to demolish the Annex and rebuild it upon the existing footprint to a height of 37'-8" which is four and one-half (4' 1/2") below its existing height. The reconstruction of the Annex will align the floor levels with the Main Building and make it handicapped accessible. JNF also proposes to refurbish the façade of the Main Building and upgrade the current mechanical plumbing. The proposed work on the Building will be a minimum of L.E.E.D "Silver" certified.

The Requested Variance

As shown on the BSA Zoning Analysis and plans, prepared by MHG Architects P.C., dated August 13, 2012 (the "Plans"), the enclosure of the fourth floor roof at the fifth floor will increase the degree of non-compliance with the height requirements of ZR §24-591 and the rear yard requirements of ZR §24-36, and will not comply with the 10 foot rear yard setback requirement of ZR §24-552.

The height of the new mechanical bulkhead will be the same as the existing bulkhead, 81'11", but will contain 141 more square feet of surface area, thereby, increasing the degree of an existing non-compliance with the height requirements of ZR §§ 23-633 and 24-591.

⁸ The use of the cellar area for all of JNF's public service programs creates a safer environment.

⁹ The 141 square feet of additional surface area is located in space previously occupied by an existing skylight.

The addition of 281 square feet in the cellar of the Main Building will create a vertical two feet, six inch penetration of the rear yard and will increase the degree of non-compliance with the rear yard requirements of ZR §24-36 and lot coverage requirements of ZR §24-11.

Jewish National Fund

Jewish National Fund is a not-for-profit organization which was founded in 1901. Since its inception, JNF has evolved into a global environmental leader. It has planted 240 million trees, built over 210 reservoirs and dams, developed over 250,000 acres of land, and created more than 1,000 parks, providing the infrastructure for over 1,000 communities. JNF has educated students around the world about Israel and the environment.

JNF working with academic and scientific institutions, both in Israel and abroad, funds research which grows fruit, tomatoes and peppers without soil, and makes the desert bloom. JNF also sponsors a network of regional agricultural research and development stations in Israel's peripheral regions where leading scientists and technicians work closely with local farmers, research institutes and universities to increase agricultural sustainability, profitability, and stability. The cutting-edge technologies developed at these stations keep Israeli farmers at the forefront of their field, providing them with innovative, cost efficient ways to grow produce under arid conditions and allowing them to compete in the global market. Breakthroughs include irrigating crops with recycled and brackish water; developing biological methods of combating harmful pests to minimize chemical use; and optimizing growth regime variables such as light, temperature, and humidity to cut costs and increase crop efficiency.

In the United States, JNF provides educational and informational programs to hundreds of schools and college campuses.

Such programs include:

- JNF Ambassadors – Designed to engage adult volunteers to provide a direct and meaningful link in providing schools a means to integrate JNF's core goals and missions.

- Caravan for Democracy – Designed to empower college students with concrete skills, advocacy training and the ability to respond to anti-Semitism in an intelligent and informed manner.
- Partner with the Alexander Muss High School – Designed to promote participation in an eight week fully accredited high school program which challenges students to encounter new ideas in infinite “out of the box” ways.
- Scholars for Peace in the Middle East – Founded by a group of college professors for colleagues, students, campus professionals and community members seeking unbiased information about the Middle East.
- Green Corps, Green Team and Project Green – Three environmental programs to engage, energize and educate middle school, high school and college students.
- YourPage for Teachers and Families – A webpage designed to provide educational tools on conservation.
- World Water Monitoring Day – Through a grant from the U.S. Forest Service, this day encourages schools throughout the U.S. to test their water sources and share such information with schools worldwide.
- Let it Rain – Students are educated in JNF Rainwater Harvesting Program, a means of reducing school’s reliance on “conventional” water systems by 77 percent.
- Blue Box Bob – Parent and teacher volunteers visit students in grades pre-kindergarten through four, educating them on the history of Israel.
- New Leaf and Growing UP! - Educational materials for students grades one through four, stressing Jewish values and active responsibility.
- Plant Your Way to Israel – Designed to allow students to raise money toward a trip to Israel by raising funds for forestry projects in Israel.

JNF has also supported the local New York community for over 55 years by utilizing the Building as a gathering space for educational meetings of community leaders, local community groups, not-for-profit organizations, lectures, and humanitarian fund raising events.

DOB Objection

On, August 7, 2012, the Manhattan Borough Commissioner of the New York City Department of Buildings issued the following objections:

1.	ZR 24-11 ZR 54-31	Proposed construction in the rear yard at the level of the cellar increases degree of existing non-compliance with lot coverage requirements of ZR 24-11 contrary to ZR 54-31.
2.	ZR 24-33 ZR 24-36 ZR 54-31	Proposed construction in the rear yard at the level of the cellar is not a permitted obstruction in required rear yard pursuant to ZR 24-33 and therefore increases degree of existing non-compliance with rear yard requirements of ZR 24-36 contrary to ZR 54-31.
3.	ZR 23-633 ZR 24-552 ZR 24-591 ZR 54-31	Proposed enlargement increases degree of existing non-compliance with maximum building height limitation of 75 feet of ZR 23-633, rear yard setback requirements of ZR 24-552 and special height limitations of 60 feet of ZR 24-591 in LH-1A District contrary to ZR 54-31.

Conclusion

If granted, the variance will enable JNF to remain on the Premises, its home for over 55 years. Furthermore, it will enable JNF to create an ADA accessible means of egress, and create a safe, secure and energy efficient environment to accommodate its current workforce.

ITEM H

August 16, 2012

Variance Application

REVISED

STATEMENT OF FINDINGS

42 East 69th Street

Block 1383, Lot 43

Borough of the Manhattan

For the reasons set forth below, there is substantial evidence in the record to support each of the required findings of ZR Section 72-21:

- (a) *that there are unique physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular zoning lot; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the use or bulk provision of the Resolution; and that the alleged practical difficulties or unnecessary hardship are not due to circumstances created generally by the strict application of such provisions in the neighborhood or district in which the zoning lot is located;*

The evidence submitted with this Application demonstrates due to the functional obsolescence of the existing Building, JNF cannot provide an ADA accessible means of egress and cannot create a safe and secure and energy efficient environment for its current workforce while complying strictly with the underlying R8B/LH1-A district bulk regulations and prior variance granted by the Board. Furthermore, in granting a variance under BSA Cal. No. 323-62-BZ, the Board has previously held that the Premises contains unique conditions which create practical difficulties and unnecessary hardships in strictly complying with the bulk regulations of the Zoning Resolution.

The Board has consistently held that the needs of a not-for-profit owner, along with the limitations of an existing building are properly considered in connection with the unnecessary hardship required by ZR §72-21(a). See BSA Cal. No. 305-09-BZ (Boys and Girls Club's programmatic need of providing adequate administrative space, accommodating a basketball court and an increase in attendance, combined with the existing building's limitations and sub-surface conditions created an unnecessary hardship); and BSA Cal. No. 215-07-BZ (YMCA's programmatic needs, which included

a child care and summer camp, combined with the existing building limitations created an unnecessary hardship).

The creation of ADA accessible means of egress will require JNF to recapture space by enclosing the fourth floor roof at the fifth floor.

Currently, the Building's stairs and elevator are not ADA compliant. In order to satisfy JNF's programmatic need of making its entire national headquarters and its spaces dedicated to educational, community and fund raising functions accessible to people with disabilities and the elderly, the Building must be renovated to contain two means of egress and an elevator which complies with the ADA accessibility requirements.

As evidenced on the Plans, the only means of egress to the Building is located in the Main Building. This entrance contains two steps and, therefore, a disabled person in a wheel chair or an elderly person, who has difficulty walking, must be carried up the two steps to the main lobby. Once in the main lobby, a disabled person must be carried another three steps to access the narrow non-ADA compliant elevator, in which the wheelchair must be folded and the disabled person supported. Therefore, an extreme unnecessary hardship exists for the disabled and the elderly to freely enter the Building, and access the cellar level and the upper floors of the Main Building.

Furthermore, the stair landings of the Main Building and the stair landings of the Annex above the first floor are at different elevations. Therefore, a disabled person cannot access the upper floors of the Annex without being assisted.

JNF holds many educational, community and fund raising functions for the community at large. However, due to the inability of disabled persons and the elderly to attend such functions, a large segment of the population is excluded from participation in not only JNF's educational, community and fund raising functions, but also from being employed by, or volunteering for, JNF.

Approximately 1,947 square feet of floor area, currently utilized by JNF's workforce will be lost due to the creation of the means of egress. The only location within the existing envelope of the

Building to recapture this lost space is at fourth floor roof at the fifth floor of the Main Building. JNF proposes to enclose this area, recapturing 647 square feet of floor area.¹⁰

Create a safe and secure environment

JNF has been issued three grants from the United States Department of Homeland Security because it is a potential target of terrorist organizations.¹¹ Currently, many of JNF's public service programs are located on the upper floors of the Main Building. This creates an insecure situation, where members of the public are free to access to JNF's offices and other areas which JNF desires to keep private and secure. To alleviate this insecure condition, JNF proposes to locate most of its public service programs in the cellar of the Main Building, in isolation from the upper floors. In order to make the rear yard ADA accessible from the cellar, the roof of the cellar at the rear of the Main Building must be vertically extended two feet, six inches into the rear yard. This two foot, six inch obstruction is not permitted and creates a non-compliance with ZR §24-36 and 24-11.

Installation of an energy efficient HVAC system

The Building's existing mechanical room space is inadequate to accommodate the installation of a new energy efficient gas fired chiller/heater equipment required to heat and cool the Building. Therefore, a new larger mechanical bulkhead must be constructed. The height of the new mechanical bulkhead will be the same as the existing bulkhead, 81'11", but there will be an increase of surface area of the bulkhead from 187 square feet to 328 square feet.¹² A variance is needed because this minor increase of surface area will increase the degree of non-compliance with the height provisions of ZR §§ 23-633 and 24-591.

Based on the foregoing, the limitations of the existing Building creates an unnecessary hardship in satisfying the needs of JNF. The Board's required finding under Section 72-21 (a) of the Zoning Resolution is supported by the record underlying this application.

¹⁰ The enclosure of the fourth floor roof at the fifth floor creates a non-compliance with ZR §24-552 and increases the degree of non-compliance with ZR §24-36.

¹¹ The three grants provided for 1) a security camera system; 2) the replacement of the second floor windows for blast mitigation; and 3) the replacement of the third floor windows for blast mitigation. See letters from the New York State Office of Homeland Security, dated September 12, 2005, October 4, 2007, and September 16, 2008, attached as Exhibit A.

¹² The 141 square feet of additional surface area is located in space previously occupied by an existing skylight.

(b) that because of such physical conditions there is no reasonable possibility that the development of the zoning lot in strict conformity with the provisions of this Resolution will bring a reasonable return, and that the grant of a variance is therefore necessary to enable the owner to realize return from such zoning lot; this finding shall not be required for the granting of a variance to a non-profit organization;

The Applicant is a not-for-profit and, therefore, the (b) finding under ZR 72-21 is not applicable. The Applicant's not-for-profit status is evidenced by the attached letter from the United States Internal Revenue Service Letter verifying its not-for-profit status.

(c) that the variance, if granted, will not alter the essential character of the neighborhood or district in which the zoning lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare;

The Premises is located in an R8B/LH-1A district, within the Upper East Side neighborhood of Manhattan. According to the 400 foot radius diagram, the surrounding area is primarily characterized by schools, offices and multiple dwellings, with many buildings containing ground floor retail use. Since 1951, JNF has located its Use Group 4 community facility national headquarters on the Premises, which is appropriately located within both the R8B district and the Premises' neighborhood. Since there is no change of use, the variance, if granted, will not alter the essential character of the neighborhood.

The proposed enclosure of the fourth floor roof at the fifth floor will align with the rear wall of the Main Building; the enlargement of the cellar will result in only a two foot, six inch vertical obstruction in the rear yard; and the new mechanical room will be at the same height and will only be 141 square feet larger than the existing mechanical room. According to the Environmental Assessment Statement, prepared by ECO Systems, dated October 7, 2011, the Proposed Renovation will not create any adverse affects on the properties in the surrounding area.

As illustrated on the survey, prepared by Boro Land Surveying, P.C. dated July 29, 2008, attached as Exhibit B, the adjacent building located directly to the rear of JNF (Tax Block 383, Lot 29) contains an open rear yard; the rear wall of the five-story building located to the southeast of JNF (Tax Block

383, Lot 30) is built to the property line, but does not contain any windows; and a shed is located in the rear of the property to JNF's southwest (Tax Block 383, Lot 28).¹³

Given the minor non-compliances of the Proposed Renovation, the appropriate use and development of the adjacent property will not be impaired and there will be no adverse affect on its access to light and air.

Based on the foregoing and the EAS, the Proposed Renovation will not alter the character of the neighborhood; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.

(d) that the practical difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner or by a predecessor in title; however, where all other required findings are made, the purchase of a zoning lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship; and

The hardship claimed in support of the Application arises from the fact that JNF can better satisfy its programmatic needs by remaining at the Premises, its home for over 55 years. Since the existing zoning lot and Building are unable to satisfy this programmatic need, the hardship was not created by the owner or a predecessor in title.

(e) that within the intent and purposes of this Resolution, the variance, if granted, is the minimum variance necessary to afford relief; and to this end, the Board may permit a lesser variance than that applied for.

The proposed enclosure of the fourth floor roof at the fifth floor is sought to recapture only 647 square feet of the 1,947 square feet of floor area lost due to the construction of the new means of egress. This enclosure is the minimum amount of floor area that can be created without enlarging the Building.

The height of the existing cellar will be increased two feet, six inches into the rear yard, which is the minimum amount needed in order to create a safe and secure environment.

Finally, the Building's existing mechanical room space is inadequate to accommodate the installation of a new energy efficient gas fired chiller/heater equipment required to heat and cool the Building.

¹³ The project architect visited the Premises on June 28, 2012, and confirms that the conditions of the adjacent properties have not changed since the July 29, 2008 survey.

SLATER & BECKERMAN LLP


August 16, 2012

Page 13 of 13

The height of the new mechanical bulkhead will be the same as the existing bulkhead, but will contain 141 square feet more of surface area. This is the minimum amount of space needed to accommodate the new HVAC system.

Therefore, the Proposed Renovation seeks a minimum variance given the needs of the Applicant and the application supports a finding that the proposed bulk variance is the minimum necessary to afford relief.

Respectfully submitted,



Carole S. Slater

Exhibits

Exhibit A: Letters from the New York State Office of Homeland Security, dated September 12, 2005, October 4, 2007, and September 16, 2008.

Exhibit B: Survey, prepared by Boro Land Surveying, P.C. dated July 29, 2008

cc: Honorable Scott Stringer, Manhattan Borough President
Honorable Daniel R. Garodnick, Councilmember
Honorable Martin Rebholz, R.A, Borough Commissioner, New York City Department of Buildings
Jackie Ludorf, Chairperson, Manhattan Community Board No. 8
Edith Hsu-Chen, Director, Manhattan Office, Department of City Planning
Christopher Holme, Department of City Planning

Russell Robinson, Chief Executive Officer, Jewish National Fund

Jack Freeman, Freeman Frazier & Associates, Inc.
John Spalla, Freeman Frazier & Associates, Inc.
Herb Mandel, MHG Architects, PC

Stuart Beckerman
Neil Weisbard



New York State
Office of Homeland Security

DIRECTOR
JAMES W. MCMAHON

September 12, 2005

Mr. Harold Cohen
Chief Operating Officer
Jewish National Fund
42 E. 69th St.
New York, NY 10021

Dear Mr. Cohen:

I am pleased to announce that The Jewish National Fund has been awarded \$75,000 in funding for security enhancements.

The grant is provided from more than \$6.3 available under the FY05 Urban Area Security Initiative (UASI) grant provided by the U.S. Department of Homeland Security's Office of State and Local Program Assistance. The State, in recognizing that there was not enough federal funding to support the numerous worthy applicants and, at the direction of the Governor, contributed \$1 million from the state's share of UASI funds, thereby increasing the total amount available for nonprofit organizations to more than \$7.3, an increase of nearly 16 percent.

In a further effort to fund as many quality organizations as possible, each approved applicant was funded at a reduced rate. The review process was conducted in collaboration with the NYC Urban Area Working Group and decisions were made taking into consideration threat risks while balancing security needs with the small amount of federal funding that was available. Since the reduction will require a revision of your budget, we will be scheduling a meeting to assist you in completing the revisions and the additional paperwork necessary to receive these grant funds. More detailed information about that meeting will be sent under separate cover.

Please bear in mind that grant funding may only be used for eligible security projects at your facility. The guidelines in the Request for Proposals outline the authorized program expenditures. If you have any further questions or concerns please feel free to contact us at 1-866-837-9133.

Sincerely,

A handwritten signature in cursive script that reads "James W. McMahon".

James W. McMahon
Director



New York State
Office of Homeland Security

DIRECTOR
F. DAVID SHEPPARD

October 4, 2007

Mr. Harold Cohen
Chief Operating Officer
Jewish National Fund
42 E. 69th St.
New York, NY 10021

Dear Mr. Cohen:

I am pleased to announce that Jewish National Fund is being awarded \$100,000 in funding from the FY 2007 Urban Area Security Initiative (UASI) Nonprofit Security Grant Program (NSGP). Funding for this grant is provided by U.S. Department of Homeland Security and is subject to both New York State and Federal guidelines and regulations.

A representative from the New York State Office of Homeland Security Contracts Unit will be contacting you shortly to explain the contracting process that must be followed in order to make these funds available to you. If you require immediate assistance, please feel free to contact a Contracts representative at (866) 837-9133.

Federal guidance requires a 25 percent soft match by your organization for NSGP funds. For your grant, the match requirement is \$33,333. The OHS Contracts staff will provide additional information and assistance to explain the "match" requirements.

Congratulations on your award and I look forward to working with you to execute this program.

Sincerely,

A handwritten signature in black ink that reads "David Sheppard".

F. David Sheppard
Director



New York State
Office of Homeland Security

DEPUTY DIRECTOR
FRANK TABERT

September 16, 2008

Mr. Harold Cohen
Chief Operating Officer
Jewish National Fund
42 E. 69th St.
New York, NY 10021

Dear Mr. Cohen:

I am pleased to announce that Jewish National Fund is being awarded \$75,000 in funding from the FY 2008 Urban Area Security Initiative (UASI) Nonprofit Security Grant Program (NSGP). Funding for this grant is provided by U.S. Department of Homeland Security and is subject to both New York State and Federal guidelines and regulations.

A representative from the New York State Office of Homeland Security Contracts Unit will be contacting you shortly to explain the contracting process that must be followed in order to make these funds available to you. If you require immediate assistance, please feel free to contact a Contracts representative at (866) 837-9133.

Federal guidance requires a 25 percent soft match by your organization for NSGP funds. For your grant, the match requirement is \$25,000. The OHS Contracts staff will provide additional information and assistance to explain the "match" requirements.

Congratulations on your award and I look forward to working with you to execute this program.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Tabert".

Frank Tabert
Deputy Director



443 Rock Avenue South
New York, NY 10018
T: 212(689)7070
F: 212(689)1600
info@mhgarch.com
www.mhgarch.com

Client
JEWISH NATIONAL FUND
475 Park Avenue South
New York, NY 10018

Architect
MHG Architects PC
443 Rock Avenue South
New York, NY 10018

Mechanical/Electrical/Plumbing Engineer
ETTINGER ENGINEERING
300 E. 14th Street
New York, NY 10018

Structural Engineer
Robert Silman Associates PC
80 University Place
New York, NY 10018

CLINTON WALL CONSULTANT
Israel Berger & Associates, LLC
222 Madison Avenue
New York, NY 10017

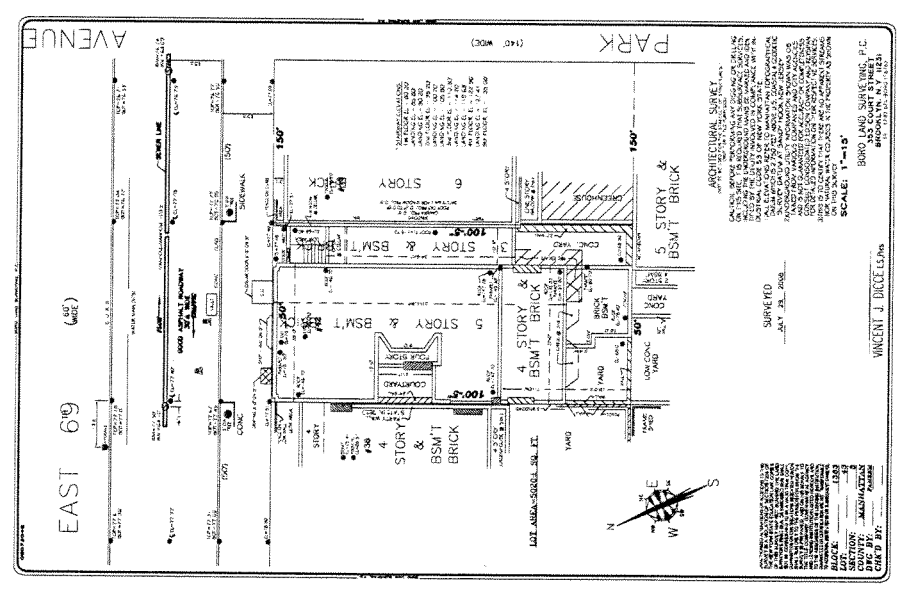
LED CONSULTANT
Fore-Solutions
388 E. 9th Street
Portland, ME 04101

08/12/12 PROGRMS SET
02/28/11 PROGRESS DISTRIBUTION
08/13/11 D.O.B. SUBMISSION
Rev: Date Description

42 E. 69TH STREET
NEW YORK, NY 10021
MODERNIZATION OF
JEWISH NATIONAL FUND

Draw Title
SITE SURVEY

Scale
AS NOTED
Date
July 14, 2012
Draw No.
G-4002.00



STREET

EAST 69th AVENUE

PARK AVENUE





Buildings

MANHATTAN (1)
280 Broadway, 3rd Floor
New York, NY 10007

BRONX (2)
1932 Arthur Avenue
Bronx, NY 10467

BROOKLYN (3)
210 Joralemon Street
Brooklyn, NY 11201

QUEENS (4)
120-55 Queens Boulevard
Queens, NY 11424

Department of Buildings
280 Broadway
New York, New York 10007
(212) 566-5000 | TTY (212) 566-4769
nyc.gov/buildings

STATEN ISLAND (5)
Borough Hall- St. George
Staten Island, NY 10301

Notice of Objections

HERBERT MANDEL	Date:	08/07/12
MHG ARCHITITECTS	Job Application #:	120703382-office-BSA
443 PARK AVENUE SOUTH	Application Type:	Alt-1
NY NY 10016	Premises Address:	42 East 69 th Street
	Zoning District:	R8B, LH-1A
	Block	1383
	Lot	43
	Doc	1, 2

NYC Department of Buildings Examiner: E. Korkhov

Examiner's Signature:

To discuss and resolve these objections, please call 311 to schedule an appointment with the Plan Examiner listed above. You will need the application number and document number found at the top of this objection sheet. To make the best possible use of the plan examiner's and your time, please make sure you are prepared to discuss and resolve these objections before arriving for your scheduled plan examination appointment.

Item No.	Section of Code	Objection	Date Resolved	Comments
1.	ZR 24-11 ZR 54-31	Proposed construction in the rear yard at the level of the cellar increases degree of existing non-compliance with lot coverage requirements of ZR 24-11 contrary to ZR 54-31.		
2.	ZR 24-33 ZR 24-36 ZR 54-31	Proposed construction in the rear yard at the level of cellar is not a permitted obstruction in required rear yard pursuant to ZR 24-33 and therefore increases degree of existing non-compliance with rear yard requirements of ZR 24-36 contrary to ZR 54-31.		
3.	ZR 23-633 ZR 24-552 ZR 24-591 ZR 54-31	Proposed enlargement increases degree of existing non-compliance with maximum building height limitation of 75 feet of ZR 23-633, rear yard setback requirements of ZR 24-552 and special height limitations of 60 feet of ZR 24-591 in LH-1A District contrary to ZR 54-31.		
		<i>Bring marked plans to the next appointment. Be prepared to answer all comments and questions that appear on them. Do not alter or write on these plans.</i>		
D E N I E D				
FOR APPEAL TO BOARD OF STANDARDS AND APPEALS				
		DATE AUG 07 2012		
		PER		

Borough Commissioner
JOSEPH BRUNO
MANHATTAN CHIEF
PLAN EXAMINER

BSA CALENDAR NO.

BLOCK 1383

LOT 43

SUBJECT SITE ADDRESS

42 E. 69th Street, New York, NY 10021

APPLICANT

COMPLIANT: "Y"

ZONING DISTRICT R8B/LH-1A

PRIOR BSA #

IF NOT: "N" and

SPECIAL/HISTORIC DISTRICT

* APPLICABLE

MAXIMUM

MINIMUM

LEGAL PER

EXISTING

PROPOSED

INDICATE AMT

COMMUNITY BOARD 8

ZR SECTION

PERMITTED

REQUIRED

C of O or BSA

EXISTING

PROPOSED

OVER/UNDER

LOT AREA

N/A

-

5,020 SF

5,020 SF

N/A

LOT WIDTH

N/A

-

50'-0"

50'-0"

N/A

USE GROUP (S)

22-12/22-14

N/A

2/4

4

Y

FA RESIDENTIAL

N/A

N/A

-

-

-

FA COMMUNITY FACILITY

24-111

25,602 SF

18,153

18,153

19,075

Y

FA COMMERCIAL/INDUST.

N/A

N/A

-

-

-

FLOOR AREA TOTAL

24-111

25,602 SF

18,153

18,153

19,075

Y

FAR RESIDENTIAL

N/A

N/A

-

-

-

FAR COMMUNITY FACILITY

24-11

5.1

3.8

4.0

Y

FAR COMMERCIAL/INDUST.

-

-

-

-

-

FAR TOTAL

24-11

5.1

3.8

4.0

Y

OPEN SPACE

N/A

-

-

-

-

OPEN SPACE RATIO

N/A

-

-

-

-

LOT COVERAGE (%)

24-11

70%

75.5%

75.5%

98.4%

N/28.4% OVER

NO. DWELLING UNITS

N/A

-

-

-

-

WALL HEIGHT

23-633/54-31

60'-0"

65'-5 1/2"

65'-5 1/2"

65'-5 1/2"

N/5'-5 1/2" OVER

TOTAL HEIGHT

24-591/54-31

60'-0"

81'-11"

81'-11"

81'-11"

N/21'-11" OVER

NUMBER OF STORIES

5

5

N/A

FRONT YARD

N/A

-

-

-

-

SIDE YARD

24-35(b)

0

0

0

Y

SIDE YARD

24-35(b)

0

0

0

Y

REAR YARD

24-36

30'-0"

18'-5 1/2"

18'-5 1/2"

18'-5 1/2"

* N/11'-6 1/2" OVER

SETBACK (S) FRONT

23-633(a)

15' ABOVE 60'

0

0

0

Y

SKY EXP. PLANE (SLOPE)

N/A

-

-

-

-

NO. PARKING SPACES

N/A

-

-

-

-

-

N/A

LOADING BERTH (S)

N/A

-

-

-

-

-

-

OTHER: SETBACK-REAR

24-552(b)

-

10 FT

-

6'-3 1/4"

0

N/ 2'-8 3/4" UNDER

* In Applicable ZR Section column: For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.g., R4/23-141, and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area elements to current R district requirements, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACILITY uses in districts where not permitted, contrast to nearest district where permitted. For all applications, attach zoning map and highlight subject site. Be sure that all items noted in the DOB Denial/Objection are included. NOTES:

* Proposed +2'-6" obstruction in existing non-compliant rear yard.

