

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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LANDMARKWEST! INC.

--against--

Index No.:
(Oral Argument Requested)

NOTICE OF PETITION

NEW YORK CITY BOARD OF STANDARDS
AND APPEALS, NEW YORK CITY DEPARTMENT
OF BUILDINGS, EXTELL DEVELOPMENT
COMPANY AND WEST 66TH SPONSOR LLC

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PLEASE TAKE NOTICE that upon the annexed petition, verified on December 7, 2020, together with the supporting exhibits attached hereto, an application will be made at the Motion Submissions Part of this Court, located at 60 Centre Street, New York, New York, in Room 130 on January 7, 2021, at 9:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for Judgment pursuant to Article 78 of the CPLR:

- a. Nullifying and voiding the resolution of Respondent New York City Board of Standards and Appeals in BSA Calendar No. 2019-94-AII, dated November 6, 2020, which resolution denied the appeal of Petitioner LandmarkWest!, Inc. and revoking the building permit issued to Respondent; and in the alternative
- b. Remanding this matter back to Respondent New York City Board of Standards and Appeals with instructions to direct Respondent New York City Department of Buildings to conduct an individualized review of the amount of space and floor area necessary for optimal operation of the planned mechanical equipment based on technical operational specifications of the equipment in the most efficient layout of the equipment that does not conflict with any other

specifically particularized considerations of mechanical engineering, and adjust FAR deductions accordingly; and in the alternative

- c. Ordering a trial of relevant issues of fact under CPLR §7804(h); and
- d. For such other and further relief as this Court may seem just, equitable and

proper.

PLEASE TAKE FURTHER NOTICE that an answer and supporting affidavits, if any,

shall be served at least seven days before the aforesaid date of hearing.

Dated: Brooklyn, New York
December 7, 2020

KLEIN SLOWIK, PLLC



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