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Robert B. Tierney -
Chair
Landmarks Preservation Commission Chair
1 Centre Street
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New York, NY 10007

John Weiss
Counsel
Landmarks Preservation Commission Chair
1 Centre Street
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RE:
8 West 70th Street - Congregation Shearith Israel Synagogue - Individual
Landmark,
Upper West Side/Central Park West Historic District

Dear Chair Tierney and Mr. Weiss:

I wish to thank Mr. Weiss who on July 18, 2003, provided access to me of the files on the Shearith Israel applications. However, the Commission record is clearly insufficient to provide a basis for a finding in favor of the applicant.

I have placed a copy of the documents supplied to me on the web site www.stopwest70tower.com. Please note how few documents have been supplied by the applicant as revealed in the public file.

I would like to know if the transcript for the July 1, 2003 hearing is now available. Mr. Weiss advised me that the hearing audio tapes were being transcribed. I would assume the transcript is now available.

However, it would appear that there has not been compliance with my FOI request of February. To be clear, my June letter was intended to bring the February letter up to date. And, in this letter, I ask for all documents up to the present date as described in the February and June letters.

In any event, LPC has made no attempt to comply with the request as to meetings and participant in ex parte contacts between the Commissioners and representatives of the synagogue. LPC has not even had the courtesy to reply in writing.

A review of the transcripts shows that at least one Commissioner stated that there had been a tour of the Synagogue where certain Commissioners were present. This is what appears at page 143 of the February 11, 2003 hearing:

I know that a number of commissioners went on an informal tour to see some of the interior preservation work that had been done, and it was absolutely extraordinary, the level of work and the quality of work, the care, and the way that that will preserve this individual landmark well into the next century and beyond.

This was of course a highly objectionable private meeting held between certain unnamed Commissioners. Even more objectionable: the unnamed Commissioners actually considered interior preservation work, a matter that is irrelevant as to the decision currently before the Commission.

Moreover, ex-Chair Paulsen at the first hearing made reference to many matters not disclosed in the documents produced: in particular, the comments made at page 46 of the November 26, 2002 hearing. One then observes the paucity of documents presented by the applicant. No one can read these statements and note the absence of documents in the formal file, and not believe that ex-Chair Paulsen, who remains a Commissioner, did not have extensive ex-parte contacts with the applicant and its representatives. Moreover, these comments suggest further that ex-Chair Paulsen may have been the recipient of memoranda from the applicant and its representative which are not part of the formal record of the Commission.

Another intriguing comment from ex-Chair Paulsen is her statement on page 47-48 of that same hearing as follows:

The applicants have offered, I understand, to do a shadow study on the scenic landmark of Central Park, so we will await that information when it is available.

This is interesting for two reasons: first, there is nothing in the file from the applicant that mentions a shadow study. So, for sure, ex-Chair Paulsen had a communication with the applicant on this subject prior to the November 2002 hearing. The second reason this comment is interesting is that no shadow study was in fact submitted by the applicant after the November 2002 hearing. There is no other mention of shadow studies from the applicant in any further testimony or documents in the formal file. An explanation is required as to why the Commission dispensed with key shadow studies of the impact on Central Park as well as West 70th Street, the Commission will have little basis.

Thus, I reiterate and supplement my prior requests as follows:

1. I continue to request a response to my request for information as to ex parte contacts.
2. I emphasize that so-called private files, including diaries and calendars, maintained by individual Commissioners that contain documents from the applicants and their representative or refer to meetings with the applicant and its representatives, are Commission documents which must be made public and are properly the subject of my requests.
3. It now appears that the transcripts do not reflect the presence and departure of Commissioners, but that records are maintained. I believe that records of the attendance and presence of Commissioners at a public hearing are within my previous requests.
4. I would like a copy of the July 1, 2003 transcript.

I would also like to point out once again that the LPC web site offers no suggestions as to how a member of the public would locate a copy of the LPC's procedural rules and does not even mention the names and terms of the Commissioners.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan D. Sugarman". The signature is written in a cursive style with a prominent initial "A".

Alan D. Sugarman

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