

BEFORE THE  
NEW YORK CITY LANDMARKS PRESERVATION COMMISSION

In the Matter of:

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN

03-2628 - Block 36, 37, Lot 1122  
8 West 70th Street

Congregation Shearith Israel Synagogue  
Individual Landmark,  
Upper West Side/Central Park West  
Historic District

An Academic Classical and Beaux-Arts style  
synagogue, designed by Brunner & Tryon  
and built in 1896-1897

Application is to demolish the existing  
community house and construct  
a new 14-story building

Zoned R10A/R8B

The New York City  
Landmarks Preservation Commission  
One Centre Street  
New York, New York 10007  
(212) 669-7943

Robert B. Tierney  
Chair

Tuesday,  
July 1, 2003

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RESPONSE BY THE APPLICANTS

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REBUTTAL

Bruce H. Simon  
Resident, West 67th Street

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# 1 PROCEEDINGS

2 COMMISSIONER: Item 16 and 17 on the Agenda  
3 are a revised proposal for construction of a new  
4 building next to Congregation Shearith Israel at 8  
5 West 70th Street. And, the second application is a  
6 request for a modification of use.

7 I'm calling for that [inaudible]

8 CHAIRMAN TIERNEY: Okay. Before you begin,  
9 because we have a full house and a narrower aisle than  
10 normal, so, try to, obviously, keep the aisle open to  
11 the extent you can, or please do keep it open, so we  
12 don't create any other difficulties here. And, I'm  
13 going to encourage everyone -- applicants, witnesses,  
14 Commissioners, whomever, to speak as loudly as  
15 possible. We have air conditioning on in here, and  
16 the room has noise, and there's sort of underlying  
17 because of the room, and everyone should try to speak  
18 up and listen to other people respectfully, and we  
19 will get through this afternoon and this evening.

20 So, without anything further to say at this  
21 moment, I will start the -- this item by having the  
22 presentation of the applicants.

23 I would first entertain a motion to open  
24 the public hearing, technically, I'm reminded by my  
25 lawyer. And, seconded. All in favor?

1                   VOICES: Aye.

2                   CHAIRMAN TIERNEY: The hearing is opened.

3   And, please proceed.

4                   PRESENTATION BY THE APPLICANTS

5                   MR. FRIEDMAN: Mr. Chairman and  
6   Commissioners: Good afternoon. My name is Shelly  
7   Friedman. I'm from Friedman and Gotbaum. We are land  
8   use counsel to Congregation Shearith Israel.

9                   As the Chair noted, we are coming back to  
10   you, to present to you our revisions based on the  
11   comments that we received from the Commission at a  
12   previous hearing, following our first hearing of the  
13   application on -- in November.

14                  Before turning to those revisions, I'd like  
15   to update the Commission on two events which have  
16   occurred in between. First, we have met with the  
17   Department of City Planning on this application. They  
18   are aware of the aspects that are being requested  
19   pursuant to § 74-711. And, they have seen -- they  
20   have seen the project design. And, you know, we will  
21   continue to address whatever concerns they may have.  
22   But, we have been in communication, given the fact  
23   that this is a § 74-711 -- a request for a § 74-711  
24   application, as well as for a Certificate of  
25   Appropriateness.

1                 Also, this morning, and I'm not sure if it  
2 made it into -- into your packets, a letter was  
3 submitted by the Manhattan Borough President to the  
4 Commission. I am not going to read the entire letter.  
5 But, I would like to, because I believe it sets a tone  
6 -- I would like to refer to portions of it.

7                 CHAIRMAN TIERNEY: Excuse me, counsel.

8                 MR. FRIEDMAN: Yes.

9                 CHAIRMAN TIERNEY: This is going to be such  
10 a long day, I am going to -- I intend to have that  
11 letter submitted into the record, which I'll do at the  
12 close of the rest of the witnesses.

13                 MR. FRIEDMAN: Fine.

14                 CHAIRMAN TIERNEY: So, if you wouldn't  
15 mind, don't worry.

16                 MR. FRIEDMAN: Well, we'll --

17                 CHAIRMAN TIERNEY: We're aware of it.  
18 We've received it. Every Commissioner has it.

19                 MR. FRIEDMAN: We will note --

20                 CHAIRMAN TIERNEY: And, I will make sure  
21 it's in the record properly.

22                 MR. FRIEDMAN: We will note that she now  
23 endorses the project.

24                 The -- returning to the revisions  
25 themselves, we believe that when were at the public

1 hearing at which we received -- the public meeting, at  
2 which we received your comments, we were provided with  
3 five important milestones which form the basis of our  
4 return to you this afternoon.

5                   The first is that you -- we heard that the  
6 ten-foot recess that was provided between the  
7 synagogue and the new development was an important --  
8 was an important feature of this design and has been  
9 retained. We -- we raise that issue because we want  
10 -- we want to make it clear that that, in and of  
11 itself, is creating a zoning issue which would be the  
12 subject of the § 74-711 Special Permit.

13                  Secondly, we heard that the massing and the  
14 scale of the building was -- responded to the Central  
15 Park West and the West 70th Street, and that we  
16 believe that we heard the Commission say that this was  
17 not a mid-block site, and that we have tried to  
18 fashion our response to you in line with that -- with  
19 what we had heard.

20                  Third, we heard that our adherence to  
21 symmetry in the original design was not as necessary  
22 as we believed that it had to be in the original  
23 application. And, that freed up our ability to begin  
24 to further design the top of the building and to step  
25 away from a symmetry that we had introduced because we

1 had believed that that symmetry was important.

2                  Fourth, we heard that there was a need to  
3 further sculpt the top of the building. The building  
4 that you saw at the original application was pretty  
5 much of a flat top. And, we believe we've responded  
6 to that concern, as we heard it.

7                  And we believe that, generally, what we've  
8 come back with today is responsive to each of the  
9 concerns that we heard, and that we would urge your --  
10 urge your consideration so that we can move forward.

11                Our presentation today will consist of  
12 Charles Platt and Sam White taking you through the  
13 architectural revisions themselves. And then, Elise  
14 Quasebarth is going to speak to the issues at -- in  
15 play, with regard to the context of the historic  
16 district and the landmark, itself.

17                And then, we're certainly available to go  
18 back and answer any other questions you may have  
19 regarding zoning or [inaudible].

20                Thank you.

21                MR. WHITE: Good afternoon, Commissioners.  
22 I'm Sam White, from Platt, Byard, Dovell and White.  
23 I'm here with my partner, Charles Platt. I'd like to  
24 take you through the new design, focusing on the  
25 dimensional and formal changes to the building since

1       we last saw it.

2

3                  This is a perspective rendering, which I  
4 will leave up and refer to. On your and my left is  
5 the original submission from November. On the right  
6 here is the revised submission.

7                  We also have these context views, showing  
8 the view of the building, in this case, along 70th  
9 Street, and in this case, from Central Park West.  
10 These views are also replicated in the model. Since  
11 our last presentation to you, we did receive a survey  
12 with heights of cornices and the tops of buildings,  
13 and so we have adjusted our drawings and our models to  
14 accurately reflect the heights of buildings in the  
15 immediate vicinity.

16                 Since we saw you last, as Shelly said, the  
17 section has not changed, with respect to the ten-foot  
18 setback. We've maintained that, and we still have the  
19 same plan of apartments over a community facility  
20 with, essentially, one apartment per floor.

21                 The significant change in the section is  
22 that, as Shelly said, we were asked to sculpt the top  
23 of the building. And so, there are a series of  
24 setbacks now, starting at the thirteenth floor, and  
25 the roof of the fourteenth floor. So that while, in

1 November, we presented to you a fourteen-story  
2 building, we are today presenting to you a building  
3 that is fourteen floors, plus a penthouse apartment.

4 The floor area of this building, the zoning  
5 bulk above grade, has not changed. We simply have  
6 taken the space that we carved out to create our  
7 setbacks and placed it on the top of the building.

8 Similarly, this penthouse apartment, by the  
9 time we're through with two stairs and two elevators,  
10 is not big enough to be a freestanding apartment. It  
11 would be the upper floor to the fourteenth floor  
12 apartment. So, you still are maintaining  
13 approximately one apartment per floor.

14 Now, the height of the roof has changed.  
15 Our scheme that we presented to you in November was a  
16 hundred and fifty-seven feet, two inches, from the  
17 sidewalk to the top of the fourteenth-story roof. We  
18 are going up ten foot, eight, and we are now a hundred  
19 and sixty-seven feet, ten inches to the top of that  
20 roof.

21 This dotted line shows -- and this dotted  
22 line shows the building with relationship to the  
23 height and setback limitations of the R8-B District  
24 and the R10-A District. And, this shows the degree to  
25 which the building does not conform to those.

1               At the top here, this is the mechanical  
2 equipment at the top of the building, which is allowed  
3 to penetrate past the height limitation. So, that is  
4 not an issue there.

5               We did develop -- since we saw you last, we  
6 fleshed out the program for mechanical, the cooling,  
7 and found that the rooftop of this new building was  
8 expected to be able to carry the equipment that would  
9 be cooling the entire synagogue facility -- the  
10 parsonage, the synagogue, and the community facility  
11 portions of the building. So, we have two,  
12 essentially, hundred ton cooling towers up on the  
13 roof. That was more than we thought we had back in  
14 November, and we have made those a part of our design.

15               (Pause)

16               Again, on the left, is the design -- is the  
17 submission from November. Here is the current  
18 submission. Obviously, in addition to a significant  
19 change in the color of the masonry, we are now looking  
20 at light tan-colored masonries. The changes include  
21 the addition of a penthouse, going from fourteen  
22 stories to fourteen stories plus penthouse, and then a  
23 certain amount of what Shelly referred to as sculpting  
24 of the top.

25               We have an eight-foot setback on 70th

1 Street, at the thirteenth-floor level; a four-foot  
2 setback on the south rear yard elevation at the  
3 thirteenth-floor level. At the fourteenth floor  
4 level, on the east-facing elevation, this is a change  
5 in material. It's not a significant setback. This is  
6 just enough of a setback for a pigeon to roost on.  
7 And then, the penthouse is set back eight feet on the  
8 north, east, and south sides. It is -- you will see  
9 that it is still an extension of the parting wall to  
10 the west.

11 On other changes, we have increased the  
12 amount of wall with respect to window. We just  
13 changed the ratio of window to wall here.

14 We lowered the stone elevation, which  
15 formerly had run up to the -- about mid-point of the  
16 fourteenth floor. It now stops at the fourteenth  
17 floor itself, on the east elevation. And then, it's  
18 carved away at the corner, something you probably will  
19 see best in this perspective. But, the intent is that  
20 the stone -- the stone facade is a centering device.  
21 These windows are smaller. It's a centering device  
22 with respect to the synagogue, and it allows for the  
23 asymmetrical condition with respect to that seventy-  
24 foot deep lot and the center of the pediment of the  
25 synagogue itself.

1                   The stone stops before the curtain wall  
2 glass and metal treatment at the corners is revealed,  
3 and extends up to the fourteenth floor in this  
4 elevation. The penthouse is treated in the same  
5 fashion, with a curtain wall of glass and metal. And  
6 then, the mechanical equipment is enclosed in a screen  
7 of vertical metal pins.

8                   You can see in this -- you can start to see  
9 suggestions of the changes in material. It will be --  
10 you will see brick on the south elevation. This was  
11 something that we -- that you had asked for, but stone  
12 on the north facing and east facing elevations.

13                  MR. PLATT: Maybe I can just put this up  
14 now, while you're [inaudible].

15                  MR. WHITE: We were just looking at stone.  
16 We are looking at three stones right here. This is  
17 the range of color and tone that we are considering.  
18 Obviously, we would want to make the choice on the  
19 basis of a larger piece, *in situ*, but the intent is  
20 this is the stone. This matches very closely the  
21 stone of the existing synagogue and the proposed stone  
22 for the north and east facing walls of the new  
23 building would be in this range. The brick being used  
24 on the south and west facing walls would be the darker  
25 brick. You see where that lighter brick comes in.

1                 This is the north facing elevation, and you  
2 can -- you can see that the stone wall stops at the  
3 thirteenth floor in this case, with the [inaudible]  
4 then up to the fourteenth floor. There is an eight-  
5 foot setback above that, and this corner expression of  
6 the metal and glass of the curtain wall extends up and  
7 becomes the facade on the thirteenth and fourteenth  
8 floor, as well as on the penthouse level.

9                 MR. PLATT: This [indicating]

10                MR. WHITE: That is here. Thank you,  
11 Charles.

12                We made some other changes that you could  
13 start to see. In addition to these windows being a  
14 little bit smaller, we made the window -- the  
15 westernmost window base significantly smaller, as in  
16 plan this will become -- probably most likely become  
17 the space where the kitchen is, but there were other,  
18 I would say, more urban reasons for doing that. We  
19 still have the stone coming down to the ground, to  
20 give the -- to give an expression to the residential  
21 entrance to the building, which is here.

22                But, we had changed the design of the  
23 institutional expression. We have what had originally  
24 been seen as three relatively separate bays, which  
25 stopped at the second floor line, now are treated more

1 monolithically, and they come all the way down to the  
2 ground floor. We had expressed the gap between the  
3 new building and the existing synagogue all the way  
4 down to ground level. This is lead-coated copper.  
5 And then, the entrance to the synagogue portion will  
6 be framed in a kind of a stone portal, which will be  
7 the same stone that is on the walls of the synagogue,  
8 itself. So, this and this stone will match, although  
9 this stone will be slightly different.

10                 The materials on this facade are a  
11 combination of clear glass, sort of shadow boxes,  
12 which we would make by sort of a combination of clear  
13 glass over spandrel glass, although that is frosted  
14 glass over spandrel glass, with a little gap between  
15 them. And then, highly-textured glass panels, you can  
16 see, which pick up on the highly-textured panels in  
17 the side lights of the synagogue itself.

18                 Then, I think I just would go to the last  
19

20                 MR. PLATT: The south?

21                 MR. WHITE: Yeah. The south elevation, I  
22 believe what we had presented was a stone elevation.  
23 We are proposing to change this to a brick elevation,  
24 for reasons that Charles would probably go into, if  
25 asked. But, the stone -- or rather the brick

1       elevation would stop at the thirteenth floor. I think  
2       our original scheme had the masonry going all the way  
3       up to most of the fourteenth floor.

4                   We have changed the size of the windows.  
5       We had what we have called the avenue units, all going  
6       across the south facade. We have changed those to a  
7       smaller window. In terms of the layout of the floors,  
8       this is probably going to be bedrooms and I think both  
9       sides of the equation -- the people looking out and  
10      the people looking in -- are going to be happier with  
11      a smaller window unit.

12                  There is a four-foot setback at the  
13      thirteenth floor, and then this corner expression of  
14      the curtain wall becomes the full treatment of the  
15      thirteenth and fourteenth floor, as well as the  
16      penthouse.

17                  We are --we were asking before, and are  
18      still asking for relief on the thirty-foot rear yard  
19      requirement at floors two, three, and four, where we  
20      would like to have a twenty-foot rear yard.

21                  This is the west facing elevation. It  
22      picked up the scheme that you saw first. It's  
23      probably the least developed in our elevations. We  
24      have now sculpted the top and expressed that sculpting  
25      on the back facing west. You see the four-foot

1       setback and the thirteenth floor in the rear, the  
2       eight-foot setback on the front. And, in addition to  
3       that, the penthouse is wrapping around. There are  
4       some very slight changes in plane. There's about an  
5       eight-inch change of plane between the stone that  
6       wraps around here, and the brick. So that, as you're  
7       looking at the building, you see the return on the  
8       brick.

9                  There would be about a sixteen-inch change  
10      of plane in this section right here, at the  
11      residential portion of the scissor stair. And, on  
12      that facade -- this whole facade would be the darker  
13      brick, but we will have a lighter brick stripe going  
14      down in a reveal at that point, and that was to  
15      animate this facade.

16                  You see also some -- this are [inaudible]  
17      and there's a reveal of painted metal expressing it  
18      here, and an eight-inch, a slight eight-inch shift  
19      where you have the penthouse wrapping around.

20                  We also have lowered the roof a bit at the  
21      top of the stair. And so, there is a further slight  
22      sculpting at the top of this building, which you would  
23      see in the silhouette from down 70th Street.

24                  We have a number of details which show the  
25      development in detail of the top, middle, and bottom

1 of the building. I would just like to say that, in  
2 general, we are still using the same kinds of windows  
3 we were using before. The principal window  
4 [inaudible] the principal elevations is that window  
5 that, in which the center two lights are -- the center  
6 two lights are, roughly, at the plane of the stone,  
7 whereas the side lights are set in about eight or ten  
8 inches.

9 MR. PLATT: There is another difference.  
10 The -- and this is more in keeping with the district.  
11 The operating section --

12 [End of recording]

13 MR. WHITE: Here up, and then the paint --  
14 a sample of the top shows a slightly more metallic  
15 paint, and we're thinking that the curtain wall at the  
16 lower section of the building could be something  
17 that's a little bit more tactile in its finish.

18 [Gap in recording]

19 MR. WHITE: And, I think I have taken you  
20 through the principal elevations and the principal  
21 material.

22 I'd be happy to answer any questions. Or  
23 Charles could [inaudible] --

24 MR. PLATT: Well, no, I just -- I just want  
25 to underline that -- that some of the basic thoughts

1       in the changes here are things that we feel made the  
2 building more responsive to its type in the District.

3                  As Sam pointed out, we -- we had much more  
4 of a building in the round before. And, that is not  
5 typical of this District and, in fact, with many  
6 Historic Districts. So that, the building that you  
7 see now responds much more formally to the east, to  
8 Central Park West, less formally, although the windows  
9 carry around, and -- but it changes here, so it begins  
10 to respond to the side street. This element that  
11 goes, now, down to the ground certainly responds to  
12 the row houses down the block further.

13                 This is also true of the -- I'm looking for  
14 the south -- that this change in the south, for the  
15 expression of the front, as he was showing you a  
16 minute ago, continued around that, thereby making that  
17 building in the round. And, this is now much more of  
18 a true side elevation.

19                 It is brick. It is formally composed,  
20 unlike the somewhat random things that you might find  
21 elsewhere. But, it is a real change responding to the  
22 fact that it is an interior space there. That's not a  
23 primary facade. It's a secondary facade.

24                 And, that is true, as well, of the rear  
25 elevation, and we think that this is now -- this is

1 really -- well, I think the response here is to  
2 improve the design, which we think was probably not  
3 adequate before in its response to the neighborhood,  
4 and in its [inaudible] and we think now this does  
5 respond in that way to the basic -- to the community.

6 There are details, as Sam was saying, of  
7 the entry on 70th Street that have changed. I think  
8 they are shown more accurately in the booklets than we  
9 can explain them here, with these somewhat faint  
10 drawings. But, if you wish, we can have these  
11 [inaudible] take you through.

12 One of the things that, and I'm sure you  
13 mentioned this, Sam, is that before, the windows that  
14 were in this area were really a continuation of the  
15 windows at the top. They've changed now. I'm looking  
16 for the new --

17 (Mr. Platt and Mr. White conferring)

18 MR. PLATT: In the previous scheme, this  
19 window was over here, as Sam pointed out, and it  
20 continued all the way down to here. There is a -- not  
21 only a change here, now, but there's a change at the  
22 community facility level, so that actually the windows  
23 that you see here are identical and, from inside,  
24 would appear to be exactly the same. The outside  
25 housing of them changes here, slightly.

1                   CHAIRMAN TIERNEY: I'm thinking of  
2 questions. I don't know whether it's appropriate to  
3 finish your full presentation, with the -- with Elise,  
4 and then we will have questions and comments. Or --  
5 maybe we'd better do that. Why don't you go through  
6 the whole thing? Are you next, Elise? To finish  
7 this? And then, we will have questions and comments  
8 from the Commissioners, and then go to public  
9 testimony.

10                  So, let's do the -- I'd rather, I think,  
11 do it that way, and then you can have all the  
12 questions on all aspects of the presentation.

13                  MS. QUASEBARTH: Good afternoon,  
14 Commissioners. My name is Elise Quasebath, historic  
15 preservation consultant on the project.

16                  VOICES: We can't hear. We can't hear in  
17 the back.

18                  MS. QUASEBARTH: The design alterations  
19 presented here are, indeed, improvements to the  
20 proposed building. They make it an appropriate  
21 addition to the Upper West Side Historic District and  
22 an easy companion to the landmark synagogue. And, my  
23 comments relate mostly to these design changes.

24                  Of particular note is the re-massing of the  
25 building, by setting back the upper stories. I, for

1 one, was a little bit concerned about creating  
2 setbacks, because it's a fairly small building, which  
3 really couldn't bear much whittling. But, the  
4 architects have skillfully managed the arrangement of  
5 the top of the building. It is now a graceful  
6 composition that echoes the forms of the buildings  
7 along Central Park West, with slight setbacks on the  
8 top. That has the added advantage of lightening the  
9 top of the building and reducing the street wall along  
10 West 70th Street.

11 The fenestration and facade composition  
12 have been changed to good effect on the east facade  
13 particularly, by responding to the verticality of the  
14 colonnaded portico of the synagogue. The geometry of  
15 proportions of this facade now better follow the  
16 [inaudible] of the existing landmark.

17 On the north elevation, the windows have  
18 gotten smaller, to fit better with the narrower width,  
19 and also to recognize the residential character of the  
20 side street.

21 The Commission's concerns that were raised  
22 at the previous meeting, about the base of the  
23 building on West 70th Street, drew attention to what  
24 may have been one of the biggest design challenges.  
25 The base has to do three things. It has to honor the

1       special qualities of the synagogue, and express the  
2       connection of use between the two buildings; serve as  
3       an entry to the apartments above; and create a  
4       transition to the residential streetscape to the west.  
5       And, the original proposal was unresolved in this  
6       matter. The new proposal integrates the  
7       differentiated designs into a unified base which  
8       respects the scale of the institutional landmark while  
9       picking up the rhythm of the row houses down the  
10      street.

11                  Regarding the south and west elevations,  
12       the Commission's observations about the south  
13       elevation resonated with all of us. And, the original  
14       design really, as Charles said, really tried to make a  
15       four-sided building. And, what we're now looking at  
16       is a building that has two primary facades, with two  
17       secondary facades, which is more typical of apartment  
18       buildings in the Historic District. They're not un-  
19       designed facades. They're just simpler and quieter in  
20       their composition.

21                  And, that leads me to my final comment.  
22       This building is on the edge of a street that has both  
23       row houses and apartment buildings. Our site is  
24       within the line created by big Central Park West  
25       apartment buildings that also contribute to the

1 texture of the Historic District. And, indeed, it is  
2 directly across the street from a seventeen-story  
3 apartment building. All of these buildings have a  
4 presence not just on Central Park West, but on the  
5 side street, as well. And, they appropriately address  
6 themselves to both contexts. The west facade of our  
7 proposal presents a similar face to the side street as  
8 the buildings that are larger and a little bit to the  
9 east.

10 Finally, all you have to do is look at this  
11 model to see how appropriate an apartment building can  
12 be in this context. It fits comfortably with the  
13 buildings that are in this area of the Historic  
14 District, and the improvements in the design, we  
15 think, make this building an appropriate one.

16 Thank you.

17 CHAIRMAN TIERNEY: Is everyone finished on  
18 your side?

19 MR. FRIEDMAN: Yes, sir.

20 CHAIRMAN TIERNEY: Then, we can turn to  
21 questions and comments from the Commissioners.  
22 Roberta, as you are just starting?

23 QUESTIONS FROM THE COMMISSIONERS

24 MS. GRATZ: Well, first let me say this is  
25 my first -- this is the first hearing at which I am in

1 attendance since joining the Commission. But, I have  
2 listened to all eight hours' worth of tapes of the  
3 prior hearings. So, I have a number of questions.

4 First of all, on the West 70th Street  
5 elevation, could you show me -- no, that's the one --

6 MR. FRIEDMAN: The bigger one.

7 MS. GRATZ: Could you show me where the  
8 hundred and twenty-five foot mark is?

9 MR. WHITE: I got it. It's going to be  
10 easier, possibly, to show you on this section, I  
11 think. The hundred and twenty-five foot mark is the  
12 twelfth floor. So, --

13 CHAIRMAN TIERNEY: You mean this --

14 MS. GRATZ: No, from -- in from Central  
15 Park West.

16 MR. WHITE: Oh, in from Central Park West?  
17 It's about -- right about here, where --

18 MR. PLATT: This is forty-seven feet.

19 MR. WHITE: If we have it --

20 MR. PLATT: We have it all --

21 MR. WHITE: Right? So, about here, is the  
22 dividing line between R8-B and RIO-A.

23 MS. GRATZ: But, your --

24 MR. WHITE: And, it would be --

25 MS. GRATZ: So, I guess this is a point of

1 real -- o f confusion, because I -- there's a lot about  
2 this I don't understand.

3 How is this a mid-block building, if that's  
4 where the Central Park West --

5 MR. PLATT: We look at the nature of all of  
6 these buildings on Central Park West. Our rear wall  
7 is forward in what we consider to be the Historic  
8 District front here. We're inward of it, of this  
9 building, and this building, and others that are down  
10 below here in the Historic District.

11 There is a line -- we have a plan. I'm  
12 sorry if we don't have it here.

13 MR. WHITE: It's here, Charles. This line  
14 -- right -- this dotted line is a hundred and twenty-  
15 five feet.

16 MR. PLATT: I know. But, Sam, I'm talking  
17 about not that one, but --

18 MR. WHITE: This one.

19 MR. PLATT: -- the difference --

20 MS. GRATZ: But, the District line --

21 MR. PLATT: -- what's -- the typical  
22 distance of some of the buildings on Central Park  
23 West, they go as far as a hundred and seventy-six feet  
24 back, I believe. Our back wall is a hundred and  
25 seventy-two feet.

1 MS. GRATZ: But, the designated District

2

3 MR. PLATT: These are all the buildings --

4 MS. GRATZ: -- design says there's a

5 hundred and twenty-five foot --

6 MR. PLATT: That's zoning. Nothing to do

7 with the District.

8 COMMISSIONER: That's zoning.

9 MS. GRATZ: That's zoning, okay.

10 COMMISSIONER: That's not the Historic

11 District.

12 MS. GRATZ: As to Central Park West --

13 MR. PLATT: Zoning.

14 MS. GRATZ: -- zoning. And, but you're  
15 saying that this is --

16 MR. PLATT: In the District, which extends  
17 all the way over here, --

18 MS. GRATZ: Right.

19 MR. PLATT: -- and up and down.

20 COMMISSIONER: As far as the --

21 MR. PLATT: There is a line -- a rather  
22 typical or, let me use a different word -- frequent  
23 rear line here. It goes as far back as -- I think it  
24 is a hundred and seventy-six feet, for some buildings.  
25 This one here, for example, is a hundred and seventy-

1       four or a hundred and seventy-six, itself. This  
2 building goes somewhat further back.

3                  We are forward of that line, which somewhat  
4 defines the front wall of all of these buildings on  
5 the District.

6                  MS. GRATZ: And, any of the ones that  
7 you're looking at, built since the Historic District  
8 was designated?

9                  MR. PLATT: No, I don't think so, no. None  
10 of them.

11                 MS. QUASEBARTH: Mostly, they're buildings  
12 that were --

13                 CHAIRMAN TIERNEY: Elise, you've got to get  
14 up there --

15                 MS. QUASEBARTH: Oh, excuse me. I'm sorry.

16                 MR. PLATT: The mike.

17                 MS. QUASEBARTH: Sorry. Elise Quaseborth.

18                 The buildings that Charles is referring to  
19 are buildings that were constructed prior to  
20 designation, which are considered contributing  
21 elements to the Historic District. And, some of them  
22 are individual landmarks. So, they're all part of the  
23 historic context of the Historical District.

24                 MR. FRIEDMAN: And -- this is Shelly  
25 Friedman. If I might add to you, the remarks in the

1 previous hearing about a hundred and twenty-five feet  
2 apply to the zoning district boundary, not the  
3 Historic District boundary, and that zoning district  
4 boundary which was adopted either in the late eighties  
5 or early nineties, did not take into account, for  
6 whatever policy reasons the Commission chose, the fact  
7 that most of the Central Park West buildings exceeded  
8 a hundred and twenty-five feet in depth from Central  
9 Park West.

10 So, the zoning district runs -- the  
11 historic district starts here. The zoning district  
12 starts about -- about there. And so, most of these --  
13 or all of these buildings are non-compliant, for  
14 zoning purposes, and were made non-compliant in the  
15 hundred and twenty-five foot zoning district.

16 MS. GRATZ: And were built before the  
17 District --

18 MR. FRIEDMAN: Correct.

19 MS. GRATZ: -- designation.

20 MR. FRIEDMAN: Correct.

21 COMMISSIONER: And were built in accordance  
22 with the zoning district boundary that was located  
23 where?

24 MR. FRIEDMAN: That takes us back to a  
25 zoning resolution, which I don't want --

1                   MR. PLATT: I think that that was a ratio  
2 of the width of the avenue to the height of the  
3 building, and not a zoning line, as such.

4                   MS. GRATZ: But -- oh, what I -- what I'm  
5 trying to delineate is between -- since this has been  
6 designated an Historic District, from the time -- not  
7 from the time of the first building, whether it's the  
8 Dakota or whatever else that was built. That was my  
9 question.

10                  COMMISSIONER: I have a design question for  
11 the architects. Could you just describe in some more  
12 detail your cooling tower enclosure? Materials,  
13 color, design elements, et cetera.

14                  MR. PLATT: Yeah, it's very hard to figure  
15 this out, because it's quite sculptural. We have the  
16

17                  COMMISSIONER: Show us -- show us the  
18 Central Park West --

19                  MR. PLATT: -- we would be happy to come  
20 forward with it as a -- as a piece of this design  
21 amplified. But, what you see here -- and, I don't  
22 think that helps -- is -- these are manhole panels  
23 that go down, and they vary in depth and somewhat in  
24 width. So, there are some in the front.

25                  And, behind them are -- is another plane,

1 there, and then cut out at the bottom is a piece, so  
2 that this is a rather sculptural piece there.

3 It is going to be gray metal. You can't  
4 imagine the same gray that we're using elsewhere on  
5 the building. The idea is to reflect -- make it  
6 [inaudible] --- to keep it as a handsome and sculpted  
7 element, but not make it pronounced, in terms of  
8 color.

9 MR. WHITE: Yeah, I could reinforce that.  
10 We made a number of design sketches of that very  
11 element. And, the first design sketches made it a  
12 little bit too heroic as a design element, and it was  
13 starting to be -- the building was going to be a bit  
14 of a pedestal for this cooling tower. And, we really  
15 tried to find something that we -- that just was sort  
16 of a little bit dumber and a little bit less of an  
17 assertive visual presence.

18 MR. PLATT: The vision, of course, in the  
19 District and elsewhere -- similar districts -- is to  
20 have a celebrated tower there, albeit a water tower,  
21 not -- not a cooling tower, but a water tower, and we  
22 wanted to carry on that [inaudible].

23 MS. GRATZ: I have a -- I'd like, since I  
24 didn't have the opportunity to ask questions at the  
25 prior hearings, I remember that -- I gather that the

1 whole -- from the presentation, that the whole purpose  
2 of this project is for the restoration of the  
3 synagogue. I -- "economic engine," I think, was the  
4 term you used.

5                   Have you given us any of the information of  
6 the economics of this, and how the -- what the  
7 economics of the restoration is? Is there a capital  
8 fund drive? Is there -- you know, how -- what is the  
9 full picture of this, as a restoration project and a  
10 funding project?

11                  MR. SILBERMAN: If I can interrupt here,  
12 Commissioners, Ms. Gratz. The question about  
13 financing is not an issue of fact that the Commission  
14 can take into account when it decides what is  
15 appropriate and what is not appropriate. The  
16 Applicant's decision to talk about this in financial  
17 terms is equivalent to, you know, making people talk  
18 -- come in here and talk about light and air, other  
19 issues which we cannot make a decision about.

20                  These are issues -- if they choose to talk  
21 about an economic engine, you know, we can try to  
22 eliminate, minimize it, but it's not a factor that the  
23 Commission can take into account in either approving  
24 or disapproving this application.

25                  AUDIENCE MEMBER: Speak up, please.

1                   COMMISSIONER:  Mark, --

2                   AUDIENCE MEMBER:  We can't hear you.

3                   COMMISSIONER:  -- can I ask a question,  
4 then, as a follow-up?

5                   MR. SILBERMAN:  Yes.

6                   COMMISSIONER:  Because, they're also  
7 applying for a § 74-711, which would say that there  
8 was a preservation purpose to be served as a part of  
9 this project.

10                  MR. SILBERMAN:  Yeah, the preservation --

11                  COMMISSIONER:  What would be the  
12 requirements for that?

13                  MR. SILBERMAN:  They can talk about the  
14 preservation purpose, in terms of the work that --  
15 that would occur.  I would point out that work on the  
16 interior would be -- that's not -- that's not a  
17 designated area to the extent that work relates, other  
18 than mechanical stuff, structural issues, would not be  
19 issues that we could consider.

20                  But, in terms of preservation purpose for  
21 the exterior of the building, we can take that into  
22 account.

23                  MS. GRATZ:  I don't quite understand how  
24 that -- it seems a little inconsistent to me, but, in  
25 other words, it's a preservation purpose, but we don't

1 --we can't examine what the structure of that --of  
2 the deal is, although it is part of the testimony?

3 MR. SILBERMAN: Yeah. I mean, I think the  
4 way that they parse it out, --

5 AUDIENCE MEMBER: Go to the mike. We can't  
6 hear you.

7 MR. SILBERMAN: I'm sorry, I [inaudible] --

8

9 AUDIENCE MEMBER: Well, speak up, please.

10 MR. SILBERMAN: I'll try. How's that?

11 [Laughter]

12 MR. SILBERMAN: The issue is simply they  
13 cannot come to us and say, "You should approve this  
14 because we're poor, and this will help us do these  
15 great things for this building." Okay? That's not a  
16 grounds for -- for approving whether -- for deciding  
17 whether this is appropriate or not.

18 The preservation purpose is simply to say  
19 that allowing this kind of approval, okay, will  
20 provide certain benefits. And, those benefits can be  
21 work they are guaranteeing to do, as a result, in  
22 exchange for this -- this approval. And, in addition,  
23 they would be entering into a permanent, cyclical,  
24 maintenance program. So, there are two things that  
25 happen.

1                   In addition, we must find that the  
2 proposing bulk waiver they are also proposing would be  
3 consistent and harmonious with the building, in this  
4 case, and the District, in this case.

5                   (Pause)

6                   COMMISSIONER PAULSEN: I have some design  
7 questions.

8                   CHAIRMAN TIERNEY: Yes, sure.

9                   COMMISSIONER PAULSEN: There's a lot of  
10 very nice materials up on this board. Can you  
11 describe where the glass is going? Because there's a  
12 considerable amount of glass being proposed on 70th  
13 Street.

14                  MR. PLATT: Right.

15                  COMMISSIONER PAULSEN: In the -- in the  
16 base of the building. I'm assuming that the windows  
17 up above are clear glass.

18                  MR. PLATT: They are clear, except for the  
19 shadow boxes and the slabs. We'll show a rendering  
20 that shows them as being almost the same as the glass  
21 [inaudible]. So, it shows it very accurately, we  
22 hope.

23                  The glass [inaudible] in the center here is  
24 exactly the same as it is up above. What is different  
25 is that you have the corrugated glass. And, we're not

1 quite sure of the scale of it, yet. That comes in, as  
2 you know, in many different scales. And, we really  
3 need to test that out.

4 As with the stone, we intend to put a full  
5 mock-up at the site, and explore some of these -- some  
6 of these -- some of these issues.

7 But, what -- what you have here is the --  
8 you have the spandrel glass. You have the glass. And  
9 then, down below, in here, you have -- well, you have  
10 exactly that, in that you have, across here, the  
11 shadow box. So, there really aren't -- except for the  
12 corrugated, there aren't significant differences.

13 COMMISSIONER PAULSEN: And then, the zinc-  
14 coated whatever panel?

15 MR. PLATT: The zinc -- and, I think Sam  
16 may have said lead-coated copper, but we actually, I  
17 think, our final decision was zinc here, taken away  
18 from the top, where it was before.

19 COMMISSIONER PAULSEN: So, and then,  
20 there's stone that surrounds the entrance --

21 MR. PLATT: Right.

22 COMMISSIONER PAULSEN: -- at the community  
23 house?

24 MR. PLATT: Well, what we plan to do is  
25 return the stone of the synagogue just around the

1 entrance.

2 COMMISSIONER PAULSEN: Okay.

3 MR. PLATT: So that this stone will  
4 reappear here. That will not be true of those  
5 columns, whether it will be darker than what these  
6 probably [inaudible]. So, it may very well be the  
7 same. We don't want to complicate this too much.

8 COMMISSIONER PAULSEN: Okay. Thank you.

9 [Inaudible discussions]

10 CHAIRMAN TIERNEY: Thank you. For now,  
11 we're going to go to public testimony. And, you may  
12 want to -- you may want to respond to that, in some  
13 [inaudible] you may not want to. We may want to have  
14 further questions from the -- from the Commission --  
15 from the Commissioners [inaudible], but I think we  
16 should get to the public part of the meeting.

17 MR. LEBOW: Mr. Chairman, may I raise a  
18 point of order?

19 CHAIRMAN TIERNEY: Yes.

20 MR. LEBOW: The community, of course, has  
21 their own counsel, just as the --

22 CHAIRMAN TIERNEY: May I ask that you --

23 MR. LEBOW: -- proponents -- I'm sorry.  
24 I'm Mark Lebow --

25 CHAIRMAN TIERNEY: [inaudible]

1                   MR. LEBOW: -- the lawyers for -- the  
2 lawyer for the opponents.

3                   CHAIRMAN TIERNEY: Yes.

4                   MR. LEBOW: Mr. Friedman has given his  
5 presentation now for forty minutes. He is very able  
6 land use counsel to the proponents. I have appeared,  
7 together with Norman Marcus who, unfortunately, is  
8 ill, as counsel to the opponents.

9                   We would like the opportunity to make a  
10 similar presentation that Mr. Friedman, and we would  
11 like to use some of his charts and our own PowerPoint  
12 presentation to do it, before you get to the public  
13 hearing.

14                  CHAIRMAN TIERNEY: I am advised by counsel  
15 that the -- that this is an applicant [inaudible]  
16 process, and there will be more than ample opportunity  
17 for you, as counsel to groups that are opposing this  
18 application, to make all the points you're making,  
19 short of the PowerPoint because of mechanical reasons  
20 that we can't entertain it at this -- at this point in  
21 our technological development. Maybe at some time  
22 down the line, but right now, it's not a -- it's not a  
23 method, if you will, that we can -- there's no  
24 PowerPoint [inaudible] here and there won't be.

25                  I respectfully urge that we would be glad

1 to look at the PowerPoint exhibits that you've got,  
2 and pass them around, and we'll study them. We'll  
3 look at them, as you're making your presentation.  
4 And, you're welcome to make that presentation, and  
5 we'll move to -- we'll have that there on the board.  
6 When you do your testimony, you're certainly welcome  
7 to do that.

8                 But, we can't have -- it's not structured  
9 in a way -- the hearing is not structured in a way  
10 that we have opposing applications, if you will.

11                 MR. LEBOW: Well, Mr. Chairman, with all  
12 due respect, this is not the usual public comment.  
13 This is a -- a group of proponents who have hired  
14 counsel, and it's a group of opponents who have also  
15 hired counsel.

16                 If you will not permit me to make a  
17 PowerPoint presentation, this is the community. We  
18 have two drawings. We don't have as many renderings.  
19 We are not architects. We can take slides, and we  
20 would like permission to show these fifteen slides.  
21 And, I don't think that it will be too difficult for  
22 you.

23                 If you fail to do that, can I at least  
24 respond, before the public hearing, to what the  
25 proponents have said, to answer what Mr. Friedman has

1 presented at this time?

2 CHAIRMAN TIERNEY: No, but I -- if you want  
3 -- you can't be now -- you're a part of the public  
4 hearing, at this point. I think it's just a matter  
5 of, what I'd like to do is have a couple of witnesses  
6 testify, and you'd be the third one, and then you can  
7 make that complete presentation of whatever --

8 MR. SUGARMAN: A point of order on the  
9 public hearing. I observe many members -- excuse me.  
10 I'm Alan Sugarman.

11 There are many members of the synagogue  
12 here. And, the synagogue is very [inaudible] members  
13 of the synagogue are not [inaudible]. I would be glad  
14 to hear their views, but I think first the members of  
15 the [inaudible] community --

16 CHAIRMAN TIERNEY: We're going to hear that  
17 now.

18 MR. SUGARMAN: -- and then the [inaudible]

19 CHAIRMAN TIERNEY: We're doing that. We're  
20 going to start out with, if I may, start out with the  
21 --we're going to back and forth, with witnesses for  
22 the opponents, and witnesses for the applicant.

23 And, I would like to start with the first  
24 witness in the public hearing, who is Senator Tom  
25 Duane, if he is here, or back there, or around?

1                   AUDIENCE MEMBER: He's back there.

2                   CHAIRMAN TIERNEY: Okay.

3                   COMMISSIONER: Maybe if you give people  
4 then, the [inaudible]

5                   CHAIRMAN TIERNEY: Okay, sure, absolutely.

6                   PUBLIC HEARING

7                   SENATOR DUANE: Good afternoon. Sorry for  
8 the delay.

9                   As you know, I'm Tom Duane, and I represent  
10 the 29th District, which includes much of the West  
11 Side, and the Upper West Side. And, I'm testifying  
12 today -- you know why I'm testifying. I'm trying to  
13 get to the meat of it.

14                  Well, let me say that Congregation Shearith  
15 Israel is one of the oldest and most valued  
16 congregations that we have in the City. And, in the  
17 past, when their plans were met with opposition, they  
18 did withdraw their applications previously. So, that  
19 is a mark in their favor.

20                  And, they also have shown a tremendous  
21 commitment to preserving New York City's landmarks,  
22 including the upkeep of their three cemeteries, which  
23 are historic, and they've maintained in a meticulous  
24 fashion.

25                  And, I know that the congregation has

1       shouldered much of the synagogue's restoration and  
2       preservation expenses. And, obviously, the  
3       congregants have made a financial commitment to the  
4       restoration and preservation. The lower portion of  
5       the residential building would serve as a new  
6       community house for the congregation. That's fine.  
7       But, the problem is the upper portions, which I know  
8       they want to use as a, you know, an immediate source  
9       of income.

10           And, you know, I'm -- I'm sympathetic to  
11       that goal. And, I wish that I could endorse the  
12       proposal, but I just can't. That the proposed  
13       building violates the R8-B zoning is a -- just a  
14       tremendous problem. You know, the -- the Upper West  
15       Side or the West Side was selected to have this  
16       special zoning in the eighties, as was the Upper East  
17       Side. And, the point was to protect the mid-block  
18       sections of the Upper West Side and the Upper East  
19       Side, and it's been used in many other neighborhoods  
20       around the City since then, to protect the low-rise  
21       character of many neighborhoods, by protecting the  
22       low-rises of the mid-block, and to prevent an influx  
23       of high-rise buildings onto the mid-blocks. And, that  
24       was done in the eighties because a lot of damage had  
25       been done to neighborhoods earlier on than that, and

1       the West Side was chosen particularly as a place to  
2 have this R8-B zoning.

3                 Now, the West Side -- and, I also, because  
4 I've been through these sort of battles, of how many  
5 feet in to go from the avenue. And, you know, I'm  
6 older than I look. And -- I hope.

7                 [Laughter]

8                 SENATOR DUANE: Anyway, I -- I remember  
9 these discussions where, you know, the neighborhood  
10 people would say, you know, "We want a hundred feet  
11 in." And, you know, the other side would say, "No, it  
12 should be two hundred feet." And, I remember that, in  
13 this discussion, because this -- this, you know, mid-  
14 block zoning was a huge deal in its time. I think it  
15 was around 1983. And, you know, the Community Board  
16 said it should be a hundred feet.

17                 But, the City Planning Commission, in its  
18 wisdom at the time, and you can quote me, because it  
19 doesn't always happen that I say that the Planning  
20 Commission was wise, but in their wisdom, set a  
21 hundred and twenty-five feet. And, they knew what was  
22 there. They knew what buildings existed along, what  
23 buildings were not complying. And, they still felt it  
24 was very important to settle on a hundred and twenty-  
25 five feet from the avenue.

1                   So, it wasn't done haphazardly. It was  
2 done after a tremendous amount of discussion and  
3 deliberation. So, it's hard to stress how important  
4 that is, and that to -- to break into that would have  
5 a tremendous impact not just for the West Side, but  
6 all across the City. Because then, everybody could  
7 point to it and say, "Well, you know, it was done  
8 here. Why can't it be done in other places?"

9                   And, I also think that when the Historic  
10 District was framed, again, it was done in the same  
11 context. And, you know, things in New York City are  
12 never done without -- I mean things like this are  
13 never done without a tremendous amount of deliberation  
14 and discussion. And, I'm being kind about what  
15 happens.

16                  I mean, usually it's a mess, and it's  
17 battling, and some of this would be done in the middle  
18 of the night at the Board of Estimate. But, you know,  
19 the final approval. But always, the deliberations  
20 would happen, both in the Landmarks Preservation  
21 Commission and also before the City Planning  
22 Commission. Before, it went to the old Board of  
23 Estimate.

24                  So, I -- I just encourage you not to -- not  
25 to allow this, and I know that we'll hear, "Well, you

1 know, it's not a precedent if we only do it once."  
2 But, actually, it is a precedent if you do it once,  
3 and it always becomes that, and I've seen that happen  
4 before.

5                   *I -- I would like to say that Congregation*  
6 Shearith Israel, with this development, is  
7 contributing to a preservation purpose and it relates  
8 harmoniously to the existing landmark synagogue, but I  
9 just can't say that. I just -- it -- because it's  
10 just not true. And, while I really value Congregation  
11 Shearith Israel and -- and, I must say that, in all of  
12 my discussions with them about this, they have been,  
13 you know, very forthcoming, and terrific, and I don't  
14 feel like I've been misled by them at all. We just  
15 have to disagree on this.

16                  And, I urge -- I urge the Commission not to  
17 accept this proposal. Thank you.

18                  CHAIRMAN TIERNEY: Thank you, Senator.

19                  [Applause]

20                  CHAIRMAN TIERNEY: Assemblyman Gottfried?

21                  ASSEMBLYMAN GOTTFRIED: Good afternoon. My  
22 name is Richard Gottfried. I am the Assembly Member  
23 representing the 75th Assembly District, which  
24 includes Congregation Shearith Israel and the site of  
25 the proposed building.

1               I urge the Commission to reject the  
2 proposal -- the proposed project. The project does  
3 not, quote, "contribute to a preservation purpose,"  
4 nor does it, quote, "relate harmoniously" to the  
5 landmark synagogue or the Historic District. Under  
6 the law, CSI must prove both, but it does not pass  
7 either test.

8               A growing and prosperous congregation can  
9 and should supports its mission without damaging the  
10 surrounding community and violating the law.

11              Under Section 74-711(a)(1) of the zoning  
12 code, the City Planning Commission may not approve  
13 this proposal unless the Landmarks Preservation  
14 Commission issues a report finding that the proposal,  
15 quote, "contributes to a preservation purpose,"  
16 unquote. This project is a plan to yield an  
17 extraordinary amount of money for CSI. CSI says it  
18 needs the income to restore the synagogue, but it has  
19 not documented this financial need nor proposed any  
20 mechanism to ensure that the income will be devoted to  
21 restoring the synagogue.

22              It is not enough for the Commission to  
23 conclude that the congregation will preserve the  
24 landmark. The law requires the Commission to conclude  
25 that the development will actually, quote,

1 "contribute," unquote, to the preservation. There  
2 must be some link between the development and the  
3 preservation.

4 I understand that the Commission is not in  
5 the business of financial auditing. But, you cannot  
6 avoid the financial question. There has to be a,  
7 quote, "contribution," unquote, to a preservation  
8 purpose. If it is not financial, what then is it?

9 In order to justify a statutory finding  
10 that a real estate project will contribute to a  
11 preservation purpose, there must be something the  
12 Commission and the public can rely on to establish  
13 that link. For example, the proceeds of the  
14 development could be deposited in an endowment or a  
15 trust, dedicated to the preservation purpose. There  
16 might be an annual accounting, by an independent  
17 auditor. But so far, nothing like that is on the  
18 table.

19 The Commission should not issue a favorable  
20 report for a § 74-711 waiver unless the congregation  
21 provides a detailed accounting of the projected income  
22 from the development, how this income will be devoted  
23 to improving the preservation of the synagogue, and  
24 its financial inability to pay for the restoration  
25 without the proposed development.

1                   I believe CSI is committed to restoring its  
2 landmark. But, I also believe it may also have the  
3 resources to restore the synagogue without this real  
4 estate development. If the preservation can and will  
5 happen without the development, then the development  
6 is not contributing to the preservation in any  
7 meaningful sense.

8                   Even if the Commission determines that some  
9 development would contribute to a preservation  
10 purpose, it must determine the projected income of the  
11 development and the estimated cost of preserving the  
12 synagogue. Because, it may well be that a much  
13 smaller and more appropriate building would satisfy  
14 the preservation purpose. And, if so, then the excess  
15 height and bulk would have no statutory justification.

16                  As to § 74-711(a)(2), before the Landmarks  
17 Commission can act favorably on the project, it must  
18 find that, quote, it "relates harmoniously to the  
19 subject landmark building and buildings in the  
20 Historic District," unquote.

21                  The proposed building would be on West 70th  
22 Street, a side street of the Upper West Side/Central  
23 Park West Historic District. Almost the entire  
24 footprint is in the area zoned for side street  
25 construction, not avenue construction. The City could

1 have chosen to draw the line at a hundred and seventy-  
2 five feet, instead of a hundred and twenty-five feet,  
3 but it chose not to. This and many other side streets  
4 of the Historic District are characterized primarily  
5 by decades-old brownstone and small apartment  
6 buildings. The proposed building would be  
7 dramatically out of scale with the buildings on the  
8 side street.

9                   The hundred and eighty-six foot building  
10 would be one and one-half times the height of the  
11 adjacent building. It would be about three times the  
12 height of the brownstones that make up most of the  
13 block.

14                   It would be more than two and a half times  
15 the street wall height ordinarily permitted by the  
16 zoning for the site.

17                   It would also be several times the total  
18 bulk or FAR that would ordinarily be permitted by the  
19 zoning for the site.

20                   Nearly a hundred residents of this part of  
21 the Historic District have taken their time to contact  
22 my office, and I believe more have contacted the  
23 Commission, to argue that the proposed building is out  
24 of context with the district that they call home.  
25 Almost no one without a relationship to the synagogue

1 has weighed in, at least with my office, to argue that  
2 the building would be appropriate.

3 If this building does not flunk the  
4 "harmonious" test, what does it take to flunk?

5 And, furthermore, the plan will get worse.

6 If this real estate development is approved, CSI or a  
7 commercial developer may see the potential for  
8 profiting by adding more floors to the building. CSI  
9 or the developer could then argue at since LPC had  
10 found that creating a multi-million dollar asset for  
11 the synagogue, quote, "contributes to a preservation  
12 purpose," then enlarging the asset would contribute  
13 even more. They will argue that if a new fifteen-  
14 story building is, quote, "harmonious," unquote, with  
15 a brownstone block, then surely a few more stories  
16 would not make a big difference.

17 The Commission should think ahead to that  
18 prospect and consider this: When CSI or a commercial  
19 partner comes back for more, on what basis would the  
20 Commission be able to turn them down?

21 CSI has said that this project will benefit  
22 the preservation of the synagogue and the scale of the  
23 district because it will "freeze" the unused  
24 development rights over the synagogue, so that they  
25 cannot be developed or transferred elsewhere. But,

1       they have not legally bound themselves to this  
2       promise. If the Commission believes that this  
3       "freezing" of development rights contributes to a  
4       preservation purpose, then it should insist that CSI  
5       legally bind itself to this commitment.

6                  Approving this real estate development  
7       would set a dangerous precedent that would serious  
8       undermine the protections for landmarks and historic  
9       districts. When the law is ignored, diminished, or  
10      distorted for one applicant, other applicants will  
11      insist on, and likely receive, similar exemptions,  
12      because the Commission will have no legal basis for  
13      turning them down.

14                 If this real estate development is  
15       approved, then in this and other historic districts we  
16       will soon have churches, synagogues, schools, and even  
17       ordinary property owners coming up with countless real  
18       estate schemes to make money by multiplying the height  
19       and bulk of a building. They will be able to point to  
20       the example of CSI. And, the Landmarks Preservation  
21       Commission will have given up its ability to insist on  
22       a meaningful contribution to a preservation purpose or  
23       to apply any meaningful standard of what is harmonious  
24       with a historic district.

25                 New York City has not headed down that road

1 and should not. The laws protecting landmarks and  
2 historic districts help strengthen the roots that hold  
3 our City together. These laws should not be ignored,  
4 diminished, or distorted.

5 And, there is a better alternative. The  
6 congregation is a growing congregation, with  
7 extraordinary resources. It has a magnificent  
8 building and sanctuary that require restoration and  
9 maintenance. The congregation has been honoring its  
10 centuries-old tradition and its religious mission by  
11 raising the necessary funds to preserve the synagogue.

12 Now, the congregation wants to build a new,  
13 expanded community house and supports its programming.  
14 A new community, without a major real estate  
15 development, could certainly be designed in a way that  
16 would not conflict with the landmark and historic  
17 district laws and applicable zoning.

18 The congregation can and should preserve  
19 the synagogue, and build and run the new community  
20 house, by raising the necessary funds, primarily from  
21 among its members. Now, this is not a simple matter,  
22 and I'm not suggesting that it is. But, it is what  
23 congregations do across New York City and across the  
24 country. And, CSI is better able to do that than the  
25 vast majority of other congregations.

1                   There are also foundation and government  
2 grants available to religious congregations for  
3 historic preservation.

4                   Now, I hope the Commission will reject this  
5 proposal. If, however, the Commission does intend to  
6 permit the congregation to build this project, I would  
7 ask that the Commission pause before issuing any  
8 Certificate of Appropriateness. Please allow CSI to  
9 present its design plans to a meeting of community  
10 members and civic organizations, and receive and  
11 respond to comments about design choices they might  
12 make, to make the building more contextual with the  
13 historic district. Then, if CSI chooses to revise its  
14 design in light of these comments, it can present  
15 those revisions to the Commission.

16                   Thank you, very much.

17                   CHAIRMAN TIERNEY: Thank you.

18                   [Applause]

19                   CHAIRMAN TIERNEY: Thank you, Assemblyman  
20 Gottfried.

21                   And, Councilwoman Gale Brewer?

22                   MS. BREWER: I'm Gale Brewer. I'm the  
23 Council Member for the West Side. And we had written,  
24 I think, to the Chairman, a while ago, a letter, in  
25 the first version. And, we're not going to change our

1 position.

2 So, I just want to not take up your time,  
3 and say we're -- it's hard to hear in the back,  
4 though, Mr. Chairman. I just want to let you know.

5 But then, that's basically our position,  
6 that we are not in support, and we tried to write a  
7 very nice letter about the synagogue and the fact that  
8 they have made a lot of outreach to the community, but  
9 we have a lot of questions that I think will be  
10 articulated during the discussion.

11 Thank you, very much.

12 CHAIRMAN TIERNEY: Thank you, Councilwoman.

13 [Applause]

14 CHAIRMAN TIERNEY: Patricia Issarescu,  
15 please, if she is here.

16 MS. ISSARESCU: I'm Patricia Issarescu, and  
17 I'm a resident on West 70th Street. And, I object to  
18 this condo tower as being out of proportion to the  
19 Historic District.

20 CHAIRMAN TIERNEY: Thank you.

21 [Applause]

22 CHAIRMAN TIERNEY: Mark Lebow.

23 MR. LEBOW: Mr. Chairman, with your  
24 permission, since I am going to refer to some of these  
25 charts, do you mind if I stand next to my colleague,

1       Mr. Friedman?

2                     CHAIRMAN TIERNEY: Witnesses are  
3 [inaudible] can we move the charts up there, so --

4                     MR. LEBOW: I want to use some of his  
5 charts, also.

6                     CHAIRMAN TIERNEY: I know that. The way  
7 the witnesses always testify is from where you are.  
8 It's like a witness box, and you can allude to the  
9 [inaudible] and we'll try to get your points. Maybe  
10 -- maybe your colleague can point it out as you go  
11 along, and we'll try to make it understandable. If it  
12 doesn't --

13                   [End of recording]

14                   MR. LEBOW: Whether you call the definition  
15 one hundred, one hundred and twenty-five, or one  
16 hundred and fifty-feet, it is a mid-block building.  
17 Is it appropriate is what you have to decide, as re-  
18 designed.

19                   Can you say that a Central Park building  
20 belongs between one hundred and three and one hundred  
21 and seventy-two feet, in mid-block? If you have the  
22 authority to do that, which *I* suggest that you do not  
23 have the authority to move Central Park West down that  
24 far, you should at least find that it is  
25 inappropriate.

1                   It is inappropriate because no one has ever  
2 moved Central Park West down one hundred and three  
3 feet, to a hundred and seventy-two feet in mid-block.  
4 They have not done so anywhere. And, to do it here is  
5 more inappropriater [sic] than anything else, because  
6 we have a beautiful landmark low-rise building in  
7 front of it.

8                   What is in the mid-block, as everyone has  
9 said to you before, and as everyone has known, I  
10 believe, on this Commission, is four- to six-story  
11 brownstones. Buildings of bulk belong on the avenues.  
12 They belong on Central Park West, and they belong on  
13 Columbus Avenue, in this particular Upper West Side  
14 Historic District. Four- to six-story brownstones  
15 belong in the middle.

16                  Now, Commissioner Paulsen last time pointed  
17 out of course there are a few aberrations. In the  
18 late Nineteenth Century and the early Twentieth  
19 Century, a few buildings strayed in there, also. But,  
20 more than eighty-five percent of the buildings are  
21 brownstones. And, the point is not to align this new  
22 building with the old aberrations, but to keep the  
23 Historic District at its eighty-five percent  
24 consistency.

25                  You have to decide whether this new design

1       is appropriate. I was the Chairman of the adjoining  
2       Community Board, and I probably approved more large  
3       buildings than any other place on the planet. So, I  
4       know that sometimes you listen to Community Boards  
5       when it comes to zoning, and sometimes you don't. And  
6       sometimes, you listen to them on other things. But,  
7       the only thing that you should really listen to them  
8       on is appropriateness, because appropriateness is a  
9       local issue. What is appropriate in one place may not  
10      be appropriate someplace else.

11                  Here, you have the unanimous voice of the  
12       community, as you can all see it's evident, against  
13       finding that this building is appropriate. They don't  
14       think it's appropriate. You have heard from Senator  
15       Duane. Senator Schneiderman is also opposed. So is  
16       Assembly Member Gottfried, who spoke very well here  
17       today. Assemblyman Stringer is against it. Even  
18       Borough President Virginia Fields was against it, at  
19       least until yesterday.

20                  The local Community Board. Sometimes, you  
21       should listen to them, and sometimes, you shouldn't.  
22       The Zoning and Landmarks Committee was unanimous  
23       against it. And, you have heard today earlier,  
24       because I was here earlier, that they supported most  
25       of the landmark applications that came before this

1      Landmarks Commission today. It's a responsible Zoning  
2      and Landmarks Committee.

3                 The entire Community Board voted --  
4      everyone who voted, voted against. Now, there were  
5      some abstentions at the Community Board level. There  
6      were some people who didn't participate in all the  
7      proceedings, and they abstained, a practice I call to  
8      your attention. In addition, there were some members  
9      who abstained because they had some *ex parte*  
10     conversations with the developers and didn't feel that  
11     it was appropriate for them to vote, either, another  
12     practice that I call to your attention.

13                Here are the civic organizations that have  
14     -- and, I'm not going to read any of their comments --  
15     but, here is who is in opposition, and you will see  
16     that they are from all across the City:

17                Beachside Bungalow Preservation  
18     Association; CIVITAS; Coalition for a Livable West  
19     Side; Committee for Environmentally Sound Development;  
20     Defenders of the Historic Upper East Side; East Side  
21     Rezoning Alliance; the Fine Arts Federation of New  
22     York; Friends of the Upper East Side Historic  
23     District; Greenwich Village Society for Historic  
24     Preservation; Historic Districts Council; Historic  
25     Neighborhood Enhancement Alliance, Inc.; Municipal Art

1       Society; Murray Hill Neighborhood Association; Park  
2       Slope Civic Council, Inc.; Society for the  
3       Architecture of the City; Women's City Club of New  
4       York; World Monument Fund.

5                  Here are the block associations who are  
6       against this building:

7                  West Side Federation of Neighborhood and  
8       Block Associations, the umbrella group; West 64th  
9       Street Block Association; West 67th Street Committee;  
10      West 69th Street Block Association; West 75th Street  
11      Block Association; West 77th Street Block Association;  
12      Park West 77th Street Block Association; West 78th  
13      Street Museum Block Association; West 89th Street  
14      Block Association; West 90th Street Block Association;  
15      West 102 to 103rd Street Block Association; Duke  
16      Ellington Neighborhood Association.

17                 Here are the cooperative buildings whose  
18       boards have voted against this building:

19                 1 West 64; 11 West 69; 18 West 70; 24 West  
20      70; 49 West 72; 25 Central Park West; 75 Central Park  
21      West; 80 Central Park West; 91 Central Park West; 101  
22      Central Park West; 103 Central Park West; 115 Central  
23      Park West; 300 Central Park West.

24                 In all fairness, there was one civic  
25       organization that supported it, but I can't remember

1 what it is.

2 [Laughter]

3 MR. LEBOW: Now, in answer to Commissioner  
4 Gratz's question, the one hundred and twenty-foot  
5 [sic] line falls in the new structure such that  
6 eighty-eight percent of the bulk is outside the  
7 hundred and twenty-five foot line.

8 This, concededly, is not an issue of  
9 economic engine, because the Board of Directors of the  
10 synagogue have maintained it extremely well, and they  
11 could probably build buildings of this size themselves  
12 at about thirty other spots around the City. There is  
13 no preservation purpose for this particular building.  
14 It will not affect the preservation of the synagogue  
15 at all.

16 In answer to Commissioner Paulsen's  
17 question about the glass and the stone, these are not  
18 Central Park West windows in this building. This is  
19 not a Central Park West building. In fact, it didn't  
20 get one ooh or aah here, it didn't get one ooh or aah  
21 when it was presented to the Community Board. I am  
22 sorry to say it is an ugly building. And, the fact  
23 is, --

24 [Applause]

25 MR. LEBOW: The fact is that, when the

1      architects say -- one of the architects said today  
2      that the stone, at least at the lower portion, will  
3      provide a natural extension, or will be a natural  
4      companion to the synagogue, I think is not only  
5      obscene, but it's totally inappropriate.

6               It's really obscene if people are looking  
7      at that building, and their sight is directed and  
8      carried on to the building that is a luxury apartment  
9      house behind it. That is not the purpose of  
10     preserving a landmark.

11              It is, in sum, inappropriate. I ask you to  
12     listen to the community. I know that there have been  
13     discussions between the developer and the staff. I  
14     know that the opponents were not part of that. I know  
15     that promises were made, and I know that minds were  
16     made up. I ask you to undo that. I ask you to use  
17     your good common sense and forget what has gone on  
18     before and look at this afresh, and determine whether  
19     or not this is appropriate. And, listen to the  
20     unanimous voice of the community against it.

21              Thank you.

22              [Applause]

23              CHAIRMAN TIERNEY: [inaudible] Christabel  
24     Gough, and then HDC, to follow on that.

25              MS. GOUGH: Christabel Gough, for The

1       Society for the Architecture of the City.

2                 I am going to depart from our written  
3 testimony, because it rather closely paralleled what  
4 Senator Duane had to say. But, I would like to remind  
5 the Commission of the importance of City Planning and  
6 Landmarks working together for preservation.

7                 It was a wonderful piece of good news when  
8 City Planning started the contextual zoning. The R8-B  
9 is something that we find very important, and we do  
10 think it's a step backwards for the Commission to ask  
11 to have that particular zoning changed.

12               And, we don't feel that the new design does  
13 make this building more appropriate. We don't feel  
14 that it is a Central Park West building, and we don't  
15 think it should try to look like a Central Park West  
16 building; nor do we believe that it should in any way  
17 match the synagogue, which should be a separate  
18 entity, entirely.

19               So, I'm going to submit our written  
20 testimony, and just say we do feel very strongly that  
21 this is an important policy decision.

22               Thank you.

23               CHAIRMAN TIERNEY: Thank you, Christabel.

24               [Applause]

25               CHAIRMAN TIERNEY: HDC, and then Laura

1 Ludwig after this.

2 MS. SLATER: My name is Teri Slater, for  
3 the Historic Districts Council.

4 The Historic Districts Council is the  
5 advocate for New York City's designated historic  
6 districts and neighborhoods meriting preservation.  
7 Its Public Review Committee monitors proposed changes  
8 within historic districts and changes to individual  
9 landmarks, and has reviewed the application now before  
10 the Commission.

11 HDC does not support this proposal.

12 Shearith Israel Synagogue is an individual landmark  
13 that is also in the Upper West Side/Central Park West  
14 Historic District. The proposed new building affects  
15 both the distinguished individual landmark and the  
16 historic district in which it is located.

17 Regrettably, the effect on both is negative.

18 Putting aside the reasons and focusing  
19 instead on the aesthetics, a fourteen-story building  
20 that might be appropriate at that height on an avenue,  
21 is being proposed for mid-block. The designation  
22 report for the district notes that row houses on the  
23 side streets that form the heart of the district are  
24 the predominant residential building type. Eighty-  
25 five percent of the buildings in the district are row

1 houses. The character of the Upper West Side/Central  
2 Park West Historic District is defined by the rows of  
3 brownstones on the side streets. A contextual zoning  
4 district, R8-B, in which the proposed building is  
5 located, reflects the low-rise character of the  
6 mid-blocks that both the zoning and the historic  
7 district are supposed to protect, to the extent that  
8 the north side of West 70th Street, between Central  
9 Park West and Columbus Avenues, looks almost exactly  
10 like the illustration for R8-B districts in the zoning  
11 handbook.

12 If this building were proposed for a site,  
13 say, two lots further toward Columbus Avenue, there  
14 would be no question about its inappropriateness. The  
15 building proposed is an avenue building on a mid-  
16 block. On this basis alone, it should not receive a  
17 permit. Rising above the synagogue, the fourteen-  
18 story tower will disrupt the iconic skyline of Central  
19 Park West by looming over the synagogue itself.

20 In very general terms, the design of the  
21 proposed building, as well as its height, raises  
22 additional concerns about its appropriateness. Its  
23 orientation is problematic. The entrance to the  
24 building is on West 70th Street. Yet, the structure  
25 reads as a Central Park West building. The east

1 facade, facing Central Park West, is actually the side  
2 facade, not the front, but is designed as such. The  
3 west facade, equivalent of the rear facade, at a right  
4 angle to West 70th Street, is very visible along West  
5 70th Street. This is the facade of the building that  
6 would normally face the garden core.

7 More specifically, the design shows  
8 insufficient deference to the landmark and to the  
9 major avenue of the historic district. It is unlike  
10 any other building on Central Park West in terms of  
11 ornamental massing or bold detailing, such as a  
12 pediment at the roof that characterizes buildings on  
13 that avenue. Neither is it a bold, modern design that  
14 would afford a lively contrast to the other buildings  
15 in the historic district.

16 With its open glass corners, it does not  
17 relate well to the streetscape. On 70th Street, we  
18 question the choice of exterior grilles rather than  
19 interior blinds for the privacy of the offices. The  
20 asymmetrical treatment of the lower floors of the  
21 facade do not relate to the brownstones on the street.  
22 A more carefully though out design that would allow  
23 the building to make a contribution to the historic  
24 district is needed.

25 As for the special permit being under

1       § 74-711 of the Zoning Resolution, we wonder exactly  
2 what preservation purpose beyond maintenance is being  
3 served. The congregation has been a wonderful steward  
4 of this extraordinary building and has substantially  
5 restored the building. We know that they need to  
6 repair the roof, but that seems to fall into the  
7 category of maintenance rather than restoration.  
8 Neither does the transfer of a small or percentage of  
9 development rights off the landmark meet the  
10 definition of "preservation."

11                  To conclude, applying avenue zoning to the  
12 side street will result in an erosion of the character  
13 of the Upper West Side/Central Park West Historic  
14 District that the Landmarks Preservation Commission is  
15 supposed to protect. The applicant has tried to  
16 orient the building to Central Park West; but, in  
17 fact, its entrance is on West 70th Street. When the  
18 character of West 70th Street is considered,  
19 everything that is inappropriate about the design  
20 becomes clear.

21                  Without any waivers or variances, the  
22 synagogue could construct a six-story building. If  
23 the design were appropriate, a building of that height  
24 would be supportable. This one is not. We ask the  
25 Commission to deny the application.

1                   Thank you.

2                   [Applause]

3                   CHAIRMAN TIERNEY: Could we try to restrain  
4                   the applause, because otherwise we're going to go  
5                   through all the witnesses and a lot of applause, and  
6                   it's normally not the way the hearing is conducted.  
7                   So, I can understand that you're enthusiastic about  
8                   it, but if you restrain it, because there will be  
9                   other people testifying on the other side, and I  
10                  assume it would be -- we don't want -- well, you know  
11                  what I mean. It's not a theater [inaudible]. So,  
12                  please, proceed, Ms. Ludwig.

13                  MS. LUDWIG: My name is Laura Ludwig, and I  
14                  am speaking for the Women's City Club of New York,  
15                  which is an eighty-eight year old non-profit, non-  
16                  partisan advocacy organization which works to shape  
17                  policy in New York City on a broad range of issues.

18                  Despite alteration to the original design,  
19                  the Women's City Club continues to oppose the building  
20                  which Congregation Shearith Israel seeks permission to  
21                  construct on West 70th Street.

22                  We do so because we take seriously, and  
23                  urge the Landmarks Commission to take equally  
24                  seriously, our shared responsibility to uphold the  
25                  landmarks law and the principle of contextual zoning

1       throughout the City.

2                   Careful consideration went into the  
3       crafting of the historic districts regulations which  
4       were designed specifically to achieve a harmonious  
5       relationship between the low-rise buildings of the  
6       mid-block and the taller buildings on the avenues,  
7       while allowing for appropriately scaled development.  
8       These same zoning regulations were recently  
9       successfully applied in the creation of the Park Slope  
10      Historic District in Brooklyn.

11                  Proving Congregation Shearith Israel with a  
12       special permit to allow construction of this  
13       inappropriate building will do more than damage the  
14       Upper West Side Historic District and the special  
15       character of West 70th Street, in particular. It will  
16       set a dangerous precedent, the ultimate effect of  
17       which will be to compromise contextual zoning and  
18       Historic Districts throughout the City.

19                  We respectfully request the Commission to  
20       deny this application.

21                  CHAIRMAN TIERNEY: Thank you.

22                  [Applause]

23                  CHAIRMAN TIERNEY: Thank you. We're going  
24       to move over to some in favor, and go back and try to  
25       keep a fair allocation as we go along.

1                   Rabbi Marc Angel.

2                   RABBI ANGEL: Our congregation is about to  
3                   celebrate its three hundred fiftieth anniversary in  
4                   September, 2004. So, one thing we've learned about as  
5                   a congregation is to be patient, and to be thoughtful,  
6                   to be careful, and to be concerned for our  
7                   neighborhood, concerned for our congregation, to be  
8                   concerned for our environment. Our present synagogue  
9                   building was built in 1897. It's a beautiful  
10                  landmark, which everyone appreciates and everyone  
11                  respects.

12                  This congregation consists of people -- you  
13                  know, I have to say some of the comments that were  
14                  made, I find very painful, because they were made by  
15                  people who don't even understand who we are, what we  
16                  are all about, making all kinds of allegations. It  
17                  just hurts me.

18                  We are -- are and have been neighbors for  
19                  many, many years. And, I -- I'm truly hurt by some of  
20                  the comments that have been made, especially by some o  
21                  the elected officials. And, I want to say that this  
22                  congregation is composed of very thoughtful, hard-  
23                  working, dedicated people who have given extraordinary  
24                  amounts of their own resources, time and money, to  
25                  maintain the very beautiful and very sacred building.

1    We do it with love.  We've never asked anyone for any  
2    favors, for any thanks, or any appreciation.  We do it  
3    because it's important to us.

4                We have a most difficult situation.  We  
5    have a community house that exists now, which is not  
6    in good condition at all, and not very pretty.  We  
7    have quite a bit of restoration work that continues to  
8    be needed, and that has been presented at previous  
9    hearings of this very Commission.

10              We have needs.  We're not just a building.  
11              We're also a living institution.  We have to be  
12   concerned about real people, and about schools for  
13   children, about services for the elderly, about  
14   services for real, live human beings, not just for  
15   buildings.  We are trying, in our own way, to find a  
16   way to create a vehicle, a building that can support  
17   our community work and, at the same time, maintain the  
18   restoration work and the preservation purposes for  
19   which we have been so famous in the past and will  
20   continue to be in the future.

21              Someone here said the unanimous voice of  
22   the community opposes this.  Ladies and gentlemen,  
23   we're also in the community.  Hundreds and hundreds of  
24   members of our congregation are a part of the  
25   community, as well.  We've been there.  We work here.

1    We -- our children go to school here. And, it's --  
2    it's not -- you can like the project or not like the  
3    project, but we're all, whether we like it or not,  
4    neighbors. And, I hope we'll be neighbors for many,  
5    many years to come, in spite of differences of  
6    opinion. And, we should conduct this with a love thy  
7    neighbor attitude.

8                We should -- you don't have to agree with  
9    us. Make your points. We'll make our points. And  
10   the Commissioners have the wisdom to decide.

11               We believe this is an architecturally-  
12   appropriate. It's a -- it is a beautiful building. I  
13   think it will be an asset to the neighborhood. It's a  
14   responsible building. We've brought the proposal  
15   before. You made comments. Our architects went back  
16   with them, they worked on them. We deliberated over  
17   them. We, ourselves, don't want to put something in  
18   the neighborhood that we can't live with for the next  
19   hundred years.

20               If we're building it there, we're investing  
21   our own lives. We're building for this generation,  
22   and generations to come. In Shearith Israel, being  
23   part of an institution that is three hundred and fifty  
24   years old, we don't think in terms of years, or even  
25   decades. We think in terms of generations.

1                   And, this project is something that we see  
2 as necessary for the coming generations of this entire  
3 community. That's our congregation and the community  
4 at large.

5                   Thank you.

6                   CHAIRMAN TIERNEY: Rabbi, thank you.

7                   [Applause]

8                   CHAIRMAN TIERNEY: Peter Neustadter and  
9 then followed by Harriet Ainetchi. Sorry. Go ahead,  
10 please.

11                  MR. NEUSTADTER: My name is Peter  
12 Neustadter, and I'm President of Congregation Shearith  
13 Israel. And, I would like to compliment our  
14 architects for their revised plans. Very rarely does  
15 a building accomplish so much.

16                  When you approach Central Park West from  
17 the Park, you see a hole in the skyline between 101  
18 and 91. The view is the side brick wall of 18 West  
19 70th and several old water towers. To preserve this  
20 view is ridiculous. Our proposal will replace this  
21 with an attractive building that, when seen from the  
22 Park, or Fifth Avenue, will enhance the skyline of  
23 Central Park West, highlight the landmark with its --  
24 with its proposed restored copper roof, and be an  
25 attractive building in its own right.

1                   On the south side of 70th Street right now,  
2 there is our dilapidated community house, a vacant  
3 lot, and two ten-story mid-block apartment buildings.  
4 Our new building, that will replace the community  
5 house and the vacant lot, will be built within the  
6 line of Central Park West apartments. It will have a  
7 handsome facade, but separate from the landmark.

8                   As far as our neighbors at 91 and 101, we  
9 are still puzzled by their opposition. We have set  
10 back the building, as not to block any Park views. In  
11 addition, you will have the certainty that no building  
12 will be built over the synagogue and no building will  
13 ever be cantilevered over it. An attractive building  
14 will replace the community house, ten luxury  
15 apartments will increase real estate values, without  
16 changing the character of the neighborhood.

17                  Our project not only does all the above,  
18 but will provide additional space for the nation's  
19 oldest synagogue, while providing a plan for the  
20 continued long-term maintenance of the historic  
21 landmark.

22                  Our congregation is mostly made up of  
23 professional people that have mortgages and tuitions  
24 to pay. It is beyond the ability of the congregation  
25 to re-build the community house and maintain the

1       landmark without the economic benefits of this  
2       project.

3                 I would like to thank the many congregants  
4       and friends of Shearith Israel that have testified so  
5       eloquently in favor of project, and the Landmarks  
6       Preservation Committee for their time and energy that  
7       they have committed to our application.

8                 Thank you.

9                 CHAIRMAN TIERNEY: Thank you [inaudible].  
10         Harriet.

11                 MS. AINETCHI: Good afternoon. My name is  
12       Harriet Ainetchi, and I have been a member -- a  
13       resident in the community for twenty-five years, and  
14       I'm a member of Congregation Shearith Israel.

15                 The first point I'd like to make is that  
16       when our elected officials and many people's  
17       opposition has been the sense that small is beautiful,  
18       that the community that they mention, who support the  
19       denial of this request, relate to communities that are  
20       low in stature and buildings and whatnot. And, what  
21       they really are making reference to is really the  
22       philosophy of Jane Jacobs, where there's this how a  
23       community lives, the ebb and flow of a community, and  
24       what preserves the integrity of the relationships in  
25       that community.

1                   What they really miss in this application  
2     is this is an institution that really represents  
3     exactly what Jane Jacobs really sought to preserve,  
4     using New York as a very good example.

5                   It's a congregation that has gone to its  
6     community members who are people who live in the  
7     community, send their children to the public and the  
8     private. They live, and eat, and breathe the West  
9     Side. And, those are the people who have gone -- who  
10    brought out of their pockets and went and preserved  
11    this building, and only went partially there. There  
12    is a lot of work left to be done in this synagogue  
13    that was put aside for multiple reasons, much of  
14    which, which is that it's a very costly process to  
15    preserve a landmark, to restore Tiffany windows, to go  
16    and really, with integrity and with love, research and  
17    insure that the construction is consistent with what  
18    was initially designed and which will be preserved  
19    for, hopefully, centuries to come, as it has been in  
20    -- for the last century.

21                  When you go to this question of  
22     contributing to the preservation purpose, the question  
23     is to balance the preservation needs with the growth  
24     needs, and I believe this congregation has really done  
25     that. It has always tried to look at how it can

1 participate in the larger community and, at the same  
2 time, ensure that its -- the preservation of its  
3 traditions and its building go hand-in-hand. And,  
4 this preservation is for generations to come. And,  
5 these are for people who live in the community.

6 Thank you, very much.

7 CHAIRMAN TIERNEY: Thank you. R.P.  
8 Stanton? And, I'm going to try to remind people to  
9 keep their remarks to the question of the  
10 appropriateness of the design and particularly the new  
11 -- the re-designed, if you will, the new design that  
12 has come forward here today, from the prior  
13 [inaudible]. That's really what our -- the Commission  
14 is focused on, some of the things we're focused on.

15 So, if you can keep that in mind, I would  
16 appreciate it, all witnesses.

17 MR. STANTON: My name is Ronald Stanton. I  
18 just want to give some qualifications why I'm here.

19 I've been a Trustee of the congregation for  
20 over forty years. And, I have known the present  
21 Nathan family, who descended from the original  
22 settlers in 1653, who number among their ancestors  
23 Justice Cardozo and the father, the grandfather of the  
24 present Vice President, Judge Nathan, who was a member  
25 of the Supreme Court of the United States, as well as

1 being Borough President of Manhattan. And, one thing  
2 that characterizes this family, as well as other  
3 families, is integrity.

4                   The other things that I'm engaged in is I'm  
5 a member of the Board of Lincoln Center. And, you  
6 know we're having our financial adventures there. I'm  
7 a member of the Board of New York Presbyterian  
8 Hospital, and we're just launching a billion dollar  
9 campaign there. I'm Chairman of the Board of Yeshiva  
10 University, and we need to spend a billion dollars  
11 over the next ten years. And, I'm also a member of  
12 this congregation. So, I know -- I think I know  
13 something about raising money.

14                  And, I'm sorry that the Assemblyman and the  
15 Senator took -- saw fit to leave this meeting because  
16 they had other pressing engagements. But, one thing *I*  
17 can tell you is that raising the money to maintain  
18 this building and to finish the restoration is  
19 something that ain't easy to do. It takes a lot to  
20 raise money. I know, because I spend most of my days  
21 with my hand out to something or other. And, it isn't  
22 easy, and we need the income from this. And, for the  
23 Assemblyman to question our integrity, or our honesty,  
24 is outrageous, and I'm sorry he's not here, because I  
25 would have -- I wanted to tell him to his face.

1                   And, as far as the building is concerned,  
2 well, that's a matter of opinion. I happen to think  
3 it's great. I think -- I think it's outstanding . It  
4 blends into the community. And, this question whether  
5 it's a hundred and twenty-five feet or two feet is --  
6 is completely beside the point. I think it's  
7 aesthetically beautiful i think it will upgrade the  
8 neighborhood.

9                   And, furthermore, the income derived from  
10 that building, and that's the main thing that I wanted  
11 to say, the income derived from that building will go  
12 to maintain the landmark institution of which I have  
13 been a member for over fifty years.

14                   Thank you.

15                   CHAIRMAN TIERNEY: Thank you. Alvin  
16 Deutsch.

17                   MR. DEUTSCH: Mr. Chairman, and members of  
18 the Commission: I am an honorary Parnas Presidente of  
19 Congregation Shearith Israel, having been privileged  
20 to serve in that capacity for five years, and as  
21 Trustee for fifteen.

22                   For over a hundred years, America and New  
23 York's most historic congregation has occupied its  
24 present site. We have seen our membership grow in  
25 terms of size and activities. We have attracted a

1       newly-committed vibrant group of young families who,  
2       themselves, have committed their future to our  
3       neighborhood, often at great sacrifice. Could we do  
4       less than seek the means of securing appropriate  
5       facilities for education, social activities, and a  
6       strengthened bond to our neighborhood?

7                  Our present structure houses the most  
8       beautiful sanctuary in the City of New York, to whose  
9       care we have recently manifest our commitment by  
10      completing in meticulous detail the renovation of the  
11      sanctuary, both a municipal and national landmark. To  
12      complement our century-old building, we seek no more  
13      than an opportunity to create an appropriate building  
14      to be faced in handsome stone, to replace an  
15      overburdened, workaday office and school building.

16                  Our funds, like any other not-for-profit  
17      institution, are limited. Our members must house,  
18      finance, and educate their children and support our  
19      synagogue within their financial constraints. Our  
20      planned building, with your approval, will serve their  
21      needs, beautify the neighborhood with its majestic  
22      stone, and help assure our continued presence for at  
23      least another hundred years.

24                  I thank you for your time and  
25      understanding.

1                   CHAIRMAN TIERNEY: Thank you. Leonard  
2 Farbman? To be followed by Charles Church. Neither  
3 of them are on the premises? Okay. Please.

4                   MR. CHURCH: My name is Charles Church. I  
5 have lived in the Upper West Side for twenty years.

6                   It troubles me to have distinguished --  
7 people who are regarded as distinguished, and whom I  
8 believe are distinguished, get up and say we care  
9 about our neighborhood, we need this, it's not easy to  
10 raise money, and yet we're going to build this thing  
11 that will be a stick in the eye and cause pain to the  
12 neighborhood and simply enrich, in an outlandish way,  
13 the congregation. And, I think -- I think they should  
14 think more than once about doing this. And, I would  
15 ask them to re-think and to withdraw this.

16                  Thank you.

17                  CHAIRMAN TIERNEY: Thank you. Is Mr.  
18 Farbman around? And, Lise Hilboldt.

19                  MS. HILBOLDT: Thank you, members of the  
20 Committee. My name is Lise Hilboldt, and I'm a  
21 resident of 101. My husband would be here today,  
22 except he's working.

23                  And, I just want to say this is my first  
24 public meeting, and it's the first time I've ever  
25 heard my representative speak. I'm very grateful to

1 them because, as a hockey mom, missing my eight year  
2 old's hockey game this afternoon to come here, I  
3 really felt very small in the scope of things.

4 I can tell you that there is a kind of a  
5 precedent for this. And, that is Saint Bartholomew's  
6 Church on Park Avenue. I know that -- I knew this  
7 back in the eighties. I have to say I'm Episcopalian,  
8 and attended Saint Bartholomew's. They wanted to  
9 build a skyscraper behind the church, which was in  
10 very bad repair, which had wonderful outreach programs  
11 and not enough money to finance them. The church was,  
12 basically, falling apart. They wanted to sell the air  
13 rights behind the church. The building would not have  
14 been inappropriate with Park Avenue skyscrapers.

15 And, today I wish I were Jackie Kennedy,  
16 because Jackie Kennedy came to speak to the Landmarks  
17 Commission and stopped this project on Park Avenue.  
18 And, the church was very disappointed. And, I  
19 suppose, as an Episcopalian, I was disappointed, too.  
20 But, they did the right thing. They did the right  
21 thing for the church, in the long run.

22 I know how difficult it is to raise money,  
23 because I'm now a member of Saint James and we've had  
24 a capital campaign to raise money. This is a very bad  
25 time in the market. Everybody is hurting. Non-

1      profits are hurting. People are suffering  
2      financially. It's hard to pay your child's tuition,  
3      and give enough to your religious organization, et  
4      cetera.

5                But, I don't see a school being built here,  
6      or a university. I see condos. And, I can say that I  
7      urge you all to walk around the block. Walk down 70th  
8      Street, and see what it feels like, and see the length  
9      and the size of the brownstones, which are nowhere  
10     depicted here. You're looking at the tallest  
11     buildings around, and you're not seeing the tops  
12     which, in the picture, makes them look taller than  
13     they actually are, in this lovely, you know, black-  
14     and-white rendered -- I guess computer-generated  
15     picture.

16               So, nowhere do we see the brownstones.  
17      And, in fact, the red building that's next to the  
18      proposal is much taller than the brownstones and feels  
19      out of place. That building feels out of place on the  
20      street. When we moved into our neighborhood, we were  
21      confident that our neighborhood would be protected by  
22      this organization and that we would be safe from this  
23      kind of construction which would set a terrible  
24      precedent.

25               And, if you'll permit me, I'd like to read

1 the letter from the Director of our Board, Director  
2 Emeritus, Mr. James Greer. Is that all right?

3 CHAIRMAN TIERNEY: It's not [inaudible] --

4 MS. HILBOLDT: No?

5 CHAIRMAN TIERNEY: How long is it  
6 [inaudible] --

7 MS. HILBOLDT: I'll be fast.

8 CHAIRMAN TIERNEY: Sure.

9 MS. HILBOLDT: And, it just shows you the  
10 level of passion about this. And, let me say to the  
11 Rabbi that I -- I know that this must be very painful.  
12 It's painful for us. And, to build a building higher  
13 than six stories is going to drive a wedge right  
14 through this neighborhood, and there will be a great  
15 deal of unhappiness over it.

16 "Dear Chairman. I am writing pursuant to  
17 the request of a unanimous Board of Directors of the  
18 103 Central Park West Corporation" -- which is 101 --  
19 "to reaffirm its previously expressed and most  
20 strenuous opposition to the proposal of the captioned  
21 congregation to build what we now understand is a  
22 narrow, fifteen-story tower on 70th Street adjacent to  
23 its synagogue and immediately to the south of our  
24 hundred-unit cooperative apartment building.

25 "Preliminarily, I wish to express the

1 Board's astonishment and deep disappointment that the  
2 Commission has scheduled a hearing on this most  
3 controversial proposal two days before the 4th of July  
4 holiday weekend, when I and many others who oppose  
5 this proposal have prior commitments to be elsewhere.  
6 We consider this particularly outrageous because it's  
7 the second time in less than a year that the  
8 Commission has done this. There was a hearing on this  
9 proposal set for the Tuesday immediately before the  
10 Thanksgiving Day holiday last November. It seems that  
11 the proponents at the Commission are quite  
12 uninterested in having a full hearing on this proposal  
13 which we understand has been significantly altered  
14 since the Commission's last hearing.

15 "We understand that the building plan has  
16 been modified to make it taller than it was originally  
17 proposed." Obviously, Jay hasn't seen this. "But,  
18 the total building volume will remain essentially  
19 unchanged. And, if so, it is even more inappropriate  
20 to put what is really a sliver building in the mid-  
21 block area of West Central Park and Columbus Avenue,  
22 that is now fifty percent taller than the other  
23 buildings in the mid-block portion of the block.  
24 Surely, allowing construction of such a building in a  
25 historic district makes complete nonsense of the whole

1       concept underlying the creation of such districts.

2                 "To date, we have neither seen nor heard  
3                 from the representatives of the captioned congregation  
4                 any valid reason why they should be permitted to  
5                 impose this inappropriate building on the neighborhood  
6                 over the vehement objections of the vast majority of  
7                 those who will have to live in its immediate vicinity.

8       It appears, from the presentations *I* have heard from  
9       the congregation's representatives, that they are  
10      unwilling to ask their constituents to reach into  
11      their own pockets to pay for what *I* agree is a much-  
12      needed new social hall and office space.

13                 "There certainly has been no demonstration  
14      that this very well-to-do congregation lacks the  
15      resources for this project. Absent such showing,  
16      there is no plausible justification for allowing the  
17      present plan to proceed" -- et cetera, et cetera.

18                 "For the foregoing reasons, I respectfully  
19      urge you and your Commission to dismiss the  
20      congregation's present application and recommend that  
21      they submit something that responds to their needs for  
22      meeting, classroom, and office space, without creating  
23      an ugly new building that is out of character with the  
24      historic district in which it will be located, and  
25      which will not offend the legitimate sensibilities of

1       its immediate neighbors or seriously undermine the  
2       vital concept of historic districts.

3                     "Yours truly, James A. Greer, II.

4                     Thank you, very much. I hope you'll  
5       remember the families who live in the neighborhood.  
6       Thank you.

7                     CHAIRMAN TIERNEY: James Platt? And next  
8       to be followed by Eugene Netzer.

9                     AUDIENCE MEMBER: We can't hear back here,  
10      the names that are being called.

11                  CHAIRMAN TIERNEY: Okay. James Platt and  
12      then Eugene Netzer is after that, and followed by  
13      Wendy Ludlum.

14                  (Pause)

15                  CHAIRMAN TIERNEY: Any -- any of those --  
16                  [Inaudible response]

17                  MS. WOOD: I think James Platt is not here.  
18      Can I switch places with him?

19                  CHAIRMAN TIERNEY: Sure. Are you going to  
20      [inaudible] --

21                  MS. WOOD: Yes, actually, we have, indeed,  
22      handouts, in lieu of --

23                  CHAIRMAN TIERNEY: Fine, great.

24                  MS. WOOD: -- the PowerPoint presentation.

25                  CHAIRMAN TIERNEY: Absolutely, great.

1                   MS. WOOD: Kate Wood, speaking on behalf of  
2 Landmark West! And, as those are going around, I do  
3 appreciate that everyone's time is valuable, and so I  
4 hope that you'll bear with me through approximately a  
5 five-minute presentation, and --

6                   CHAIRMAN TIEKNEY: Fine.

7                   MS. WOOD: -- I'll walk you through the  
8 handout and some of the visuals that accompany my  
9 comments. It'll require a bit more shuffling of paper  
10 than the PowerPoint would have, but we'll try that  
11 again in the future. Thank you.

12                  Thank you very much for the opportunity to  
13 testify on this vital issue, which affects the future  
14 of this individual landmark, this and other mid-blocks  
15 in the Upper West Side/Central Park West Historic  
16 District, as well as communities throughout the City  
17 striving to protect neighborhood character.

18                  Neighborhood character. Ask ten people to  
19 define it, and you'll get ten different answers. No  
20 community has a single identity. However, when it  
21 comes to historic neighborhoods, it is the role of the  
22 Landmarks Preservation Commission to articulate, via  
23 the designation report, the distinguishing traits of a  
24 built environment.

25                  In the case of the Upper West Side, those

1 traits are reinforced by the 1984 R10-A and R8-B  
2 contextual zoning. If you turn to Slide 2, it shows  
3 you the map of the Historic District, as well as the  
4 Zoning Districts, which laid the foundation for the  
5 designation of the Historic District in 1990.

6 The 1990 designation report and the 1984  
7 zoning report are in complete agreement about the fact  
8 that, on the Upper West Side, tall buildings define  
9 avenues, and low buildings define side-street mid-  
10 blocks, with few exceptions.

11 And, turning to Slide 3. For this reason,  
12 the proposal to build a fifteen-story, one hundred and  
13 sixty-eight foot building in this location is not, and  
14 will never be, appropriate in this side-street mid-  
15 block location.

16 Turning to Slide 4. The designation report  
17 describes the district's side streets as follows,  
18 quote: "On most of the side streets of the district,  
19 scattered later apartment buildings have interrupted  
20 the original rows, but in general the surviving row  
21 houses present a strong coherency and are a major  
22 element in creating a special sense of place  
23 particular to this district on Manhattan's Upper West  
24 Side." End quote.

25 Turning to the next slide. Regarding the

1       relationship between the side streets and Central Park  
2 West, the report states, quote: "The interplay  
3 between the low-scale character of the row house  
4 groups which dominate the side streets and the large-  
5 scale character of the taller buildings that terminate  
6 these blocks on Central Park West reinforces that role  
7 of the avenue as an eastern frame of the district."  
8 End quote.

9                              Taller buildings that terminate these  
10 blocks on Central Park West -- this is the key. To  
11 quote one of Commissioner Paulsen's comments from the  
12 February 11th, 2003, hearing on this matter, the  
13 applicant has proposed, quote, "a building that could  
14 be appropriate in this district." End quote. We  
15 agree -- on a terminating site on Central Park West.  
16 But, the proposed building would not be on Central  
17 Park West. Turning to the next slide. It would be on  
18 West 70th Street, a side street, a mid-block.

19                              Turning to Slide 7. Now, admittedly, West  
20 70th Street is not a perfectly typical block. Here,  
21 the low-rise landmark synagogue, instead of a tall  
22 building, terminates this predominantly brownstone  
23 block. And, as inappropriate as it would be to  
24 demolish the synagogue and construct a tall building  
25 on its site, or to cantilever a tall building over the

1     landmark, it would be equally inappropriate to erect a  
2      tall building behind it. This would, essentially,  
3      reverse the typical relationship between the side  
4      street and Central Park West.

5                 Moving on, to Slide 8. It does not help to  
6      argue that 101 Central Park West extends one hundred  
7      and fifty feet into the mid-block -- which, by the  
8      way, is less than the one hundred and seventy-two feet  
9      that the proposed building would cut into the mid-  
10     block. 101 Central Park West is not directly across  
11     the street from the proposed building. 101 Central  
12     Park West is a Central Park West building. Most  
13     importantly, it is a tall Central Park West building,  
14     terminating a block of row houses. This is the  
15     defining pattern of the Upper West Side/Central Park  
16     West Historic District, and the proposed building  
17     negates this.

18                 Moving on, to Slide 9. On February 11th,  
19      Commissioner Paulsen also stated that the designation  
20      report, quote, "recognizes that there are not two  
21      types of buildings in the Upper West Side Historic  
22      District, but many." End quote. Again, we agree.  
23      But, these building types occur in a strongly  
24      consistent pattern. The zoning report quantifies this  
25      pattern, stating that over eighty-five percent of the

1       structures in the mid-blocks conform to the mid-block  
2       type -- the three- to six-story, fifty-five to sixty  
3       foot high brownstone.

4                  Turning to Slide 10. In his February 16th,  
5       2003, *New York Times* -- it's a *New York Times*  
6       "Streetscapes" column -- Christopher Gray confirmed  
7       this pattern for West 70th Street, calling it, quote,  
8       "a block full of late nineteenth century row houses,"  
9       that, quote, "has remained largely unchanged for many  
10      decades." End quote.

11                 Turning to the next slide, Gray goes on to  
12       note that the West 70th Street mid-block does contain  
13       two exceptions to this row house rule. But, as much  
14       as these buildings are now part of the fabric of the  
15       district, illustrating a short-lived, early Twentieth  
16       Century development trend, no one would seriously  
17       argue that Numbers 18 and 30 West 70th Street or, for  
18       that matter, the fourteen-story building at 19 West  
19       69th Street, "relate harmoniously" to their side-  
20       street counterparts. No one would argue that. The  
21       proposed building would be no more successful.

22                 Shouldn't the Commission work to preserve  
23       the district's consistency rather than perpetuate its  
24       anomalies?

25                 Last February, the applicant suggested that

1 part of this project's "preservation purpose" was "to  
2 permit the replacement of a dysfunctional and commonly  
3 viewed unattractive community house which is behind  
4 the designated landmark." But one does not have to  
5 like the design of the 1953 community house to  
6 appreciate the fact that its scale is "contextual."  
7 It is approximately the same height as the two row  
8 houses it replaced, as you see in the 1940 tax photo.  
9 If these row houses still stood, would there even be a  
10 question about whether a fifteen-story building in  
11 this location would be appropriate? No.

12 That is not to say that the existing  
13 community house must not be changed. However, in  
14 terms of form, the existing structure provides a good  
15 template for what an appropriately-scaled building on  
16 this site would look like.

17 Turning to Slide 13. Importantly, the  
18 community house gives precedence to the landmark. It  
19 is slightly lower in height, respecting Brunner and  
20 Tryon's vision to create the sense of a free-standing  
21 temple anchoring the corner.

22 And, turning the page -- by contrast, the  
23 proposed building, with its articulated, overtly  
24 primary eastern facade and its "ziggurat" top competes  
25 with the landmark for a presence on Central Park West.

1       It undermines the historic order of the landmark and  
2       its siting and thus, essentially changes the character  
3       of the landmark.

4                  And, if you'll turn to Slide 16. All of  
5       this reinforces the plain fact that the proposed  
6       building is, fundamentally, a Central Park West  
7       building on a mid-block site. And, the design changes  
8       since the last hearing have made it even more so.

9                  The building bears no remote relationship  
10      to the mid-block, even though, using zoning as a  
11      guideline, eighty-three percent of the site is in the  
12      mid-block. And, it is important to recognize that the  
13      one hundred and twenty [sic] foot boundary between  
14      Central Park West zoning and the mid-block zoning was  
15      set specifically with sites including 8 West 70th  
16      Street in mind.

17                 The community felt then, and believes now,  
18       that this site should be developed in keeping with the  
19       traditional row house scale of most of the area's mid-  
20       blocks. Why go back on that decision now, when the  
21       impacts on the individual landmark and the historic  
22       district would be so severe?

23                 This building does not relate harmoniously  
24       to the landmark or the historic district. Height and  
25       bulk are an issue. This will set a precedent for

1       allowing manifestly out-of-scale development in  
2       locations that the zoning and the landmark designation  
3       report both clearly state should be developed at a  
4       lower scale.

5                  It represents a fundamentally unfair trade-  
6       off between what may in some, only vaguely articulated  
7       way, benefit the individual landmark, and what will  
8       clearly undermine the character of the historic  
9       district, as defined in the 1990 designation report.

10                 It will violate the contextual zoning that  
11      underlies the historic district designation,  
12      disregarding a host of established principles of sound  
13      planning for this area, from height and bulk  
14      regulations, to front- and rear-yard setback  
15      requirements. This is the reason that so many groups  
16      throughout the City have spoken out on this  
17      application. They recognize that if such a building  
18      is permitted here, where zoning and landmarks  
19      protection are so beautifully in sync, it could be  
20      permitted anywhere.

21                 This is your watch. Do not allow this  
22      building to be built, this character to be destroyed,  
23      this precedent to be set.

24                 Thank you, very much.

25                 [Applause]

1                   CHAIRMAN TIERNEY: Dan Cohen, from the  
2 Community Board, Community Board 7?

3                   MR. COHEN: It's hard to add much to Kate's  
4 thorough articulation of the concerns of the  
5 community, so I'm just going to say that I'm Dan  
6 Cohen. I'm First Vice-Chair of Community Board 7.

7                   And, both unanimously, in committee -- in  
8 the Landmarks Committee -- and overwhelmingly, in the  
9 full Board, we voted against this proposal. We think  
10 it is totally inappropriate for the neighborhood, and  
11 it violates the -- both the spirit and the law that we  
12 were trying to pass with the original landmarks  
13 designation.

14                  And, I have a quick letter to be read, from  
15 the Chair of the Landmarks Committee:

16                  "Dear Chairman Tierney: On June 19th, 2002  
17 [sic], representatives of Congregation Shearith Israel  
18 presented the revisions to the design for the proposed  
19 building adjacent to the synagogue. The Landmarks  
20 Committee of Community Board 7 Manhattan found the  
21 presentation did not change our decision on the  
22 project.

23                  "Therefore, the Committee re-affirms the  
24 December 3rd, 2002, resolution of the full Board to  
25 disapprove this application to demolish the existing

1       community house and construct a new fourteen-story  
2 building at 8 West 70th Street, and disapprove  
3 application by Congregation Shearith Israel to request  
4 that the Landmarks Preservation Commission issue a  
5 report to the City Planning Commission relating to an  
6 application for a special permit to allow the  
7 construction of a fourteen-story building adjacent to  
8 the synagogue.

9                     "We trust that the Commission will consider  
10 Community Board 7's position in its deliberations.

11                     "Respectfully submitted, Lenore Norman,  
12 Chairman, Landmarks Committee."

13                     Thank you.

14                     CHAIRMAN TIERNEY: Thank you. Wendy Ludlum  
15 [inaudible] call Wendy Ludlum.

16                     MR. NETZER: Did you call my name  
17 [inaudible]?

18                     CHAIRMAN TIERNEY: Wendy Ludlum and who are  
19 you, sir?

20                     MR. NETZER: Netzer. Please --

21                     CHAIRMAN TIERNEY: Is that you, Wendy? Do  
22 you mind waiting until [inaudible]. We'll do Mr.  
23 Netzer first, and then follow with Wendy Ludlum.

24                     MR. NETZER: My name is Eugene Netzer. I  
25 live at 25 West 70th Street, diagonally across from

1       this site. I'm formerly Co-Chairman of the now-  
2 defunct 70th Street Block Association, which was very  
3 active for many years.

4                 I have lived in the neighborhood over  
5 thirty years. And, I remember this plot when there  
6 were two brownstones there. Those two brownstones  
7 were purchased by the synagogue and torn down, despite  
8 the fact that there were people living in it, and they  
9 were driven out. It's an instance which I remember  
10 very clearly, because I assisted in trying to get  
11 placement for one of the women living in the place.

12               When the brownstones were torn down, we  
13 were left with an empty lot to look at. This empty  
14 lot, full of crap and all kinds of refuse and junk,  
15 was left there by the synagogue for years, until a  
16 committee from the Block Association appealed to them  
17 to close the place up. We then got a beautiful green  
18 fence.

19               We went to the synagogue and appealed to  
20 them as to what they were going to do with this land,  
21 which they had appropriated for some use. They said  
22 they needed -- the purpose -- they needed -- the  
23 purpose of the purchase was in order to build an  
24 addition to the community building, which was next  
25 door, a vision of architectural magnificence, which

1 doesn't need any description. You can see a little  
2 bit in those rather choice renderings. I don't find  
3 that the synagogue and its leadership have been at all  
4 straightforward over the years in dealing with this  
5 issue.

6                   I was, as a member of the Block  
7 Association, associated with several discussions of  
8 several incursions into all kinds of places into New  
9 York City which were destructive of the beauty of the  
10 City, including the Metropolitan Museum of Art's move  
11 into Central Park, when they should never have been,  
12 and several others. And, we were also active in  
13 opposing your landmark -- your -- your Commission's  
14 designation of the zoning laws which meant that we  
15 would have avenues of high-rises all up and down the  
16 avenues of New York City. They were very acrimonious  
17 meetings. They weren't pleasant. They weren't  
18 genteel, like this meeting.

19                   And, unfortunately, compromises were made,  
20 and we finally agreed that we would keep the character  
21 of the West Side and other areas, so that the interior  
22 -- the interior blocks would not be damaged. And,  
23 that's the basis of what has been going on here, and  
24 all these wonderful designations, these justifications  
25 for maintaining the character of the neighborhood.

1                   I would like to call your attention also to  
2 the fact that although the apparent appearance of the  
3 neighborhood is there -- as a matter of fact, it was  
4 improved somewhat by the fact that the Block  
5 Association put in those trees. The landlords didn't.  
6 We did, okay? And, thus, improved the property  
7 values. There are no trees along the site where  
8 Shearith Israel is.

9                   It's my feeling that this is a travesty.  
10 If they wish to build housing, the City needs housing.  
11 It needs affordable housing, not this. They need a --  
12 if the congregation feels that it needs a community  
13 house to better serve the needs of its congregants,  
14 that's fine. But, build it in conformity with the  
15 laws that exist now.

16                   Thank you.

17                   CHAIRMAN TIERNEY: Thank you.

18                   [Applause]

19                   CHAIRMAN TIERNEY: All right, Wendy --  
20 Wendy Ludlum, followed by Anne Farley. Ms. Farley,  
21 can you hear me?

22                   MS. FARLEY: Yes.

23                   MS. LUDLUM: Hello. I am a relatively new  
24 member of this community. I live on West 69th Street.  
25 And, I have lived in many cities along the East Coast,

1 and I moved here from Boston. And so, I'm coming to  
2 you as a citizen, although I do have a degree in  
3 landscape architecture from Harvard, and have been  
4 very involved in public policy issues, working in  
5 Washington in the past.

6 I feel like, as a member of the community,  
7 it's not just that perhaps there will some sort of  
8 slippery slope for preserving the character of Upper  
9 West Side, but I think that we live in a time when a  
10 lot of people feel like no one is really listening to  
11 the citizens, you know? And, I think this is such a  
12 local issue that -- and, it's hard living in New York  
13 City. And so, I feel like we're looking to you to  
14 really make a just decision that -- and, certainly,  
15 there's been a lot of very valid information brought  
16 forth from organizations and other authorities, you  
17 know, commenting on the inappropriateness of the  
18 design, and the placement.

19 You know, this is the wrong site for this  
20 building. So, I really hope that, you know, you can  
21 really consider how people are going to feel, you  
22 know, as a part of the local community, as looking to  
23 a board to really uphold important things that are  
24 going to make a difference to everyday people's lives.

25 Thank you.

1                   CHAIRMAN TIERNEY: Thank you, Wendy. Anne  
2 Farley, followed by Gloria Mosseri.

3                   MS. FARLEY: Good afternoon, Commissioners.  
4 I am Anne Farley. I am the new President of the Board  
5 of Directors of 103 Central Park West Corporation,  
6 which is the building 101 Central Park West. We are  
7 directly north of Congregation Shearith Israel, and  
8 our block -- our building spans the block between 70th  
9 and 71st Streets. We have approximately one hundred  
10 families living in our building.

11                  I appear here today on behalf of the co-  
12 op's Board of Directors, to express the collective  
13 opposition of our board and the majority of our  
14 shareholders to the congregation's applications. We  
15 regret that we must oppose our long-time, highly-  
16 valued neighbor on this matter; however, as you know,  
17 virtually all of the neighbors have responded  
18 negatively to this project.

19                  I attended the November meeting of the  
20 Landmarks Committee of the Community Board shortly  
21 after this project was unveiled. The opposition there  
22 was overwhelming and, in fact, the Committee and the  
23 Community Board voted unanimously to oppose the  
24 project. And, you just heard that this decision was  
25 recently re-affirmed. I urge you to respect the

1 recommendation of the Community Board in this matter.

2                   The overwhelming opposition is not simply a  
3 knee-jerk reaction to a big construction project. The  
4 residents of our neighborhood care about and take  
5 pride in the Historical District, and they care about  
6 the relative uniformity of the mid-block brownstones.  
7 I am, frankly, surprised to hear the design referred  
8 to today as providing an appropriate transition  
9 between the synagogue and the mid-block buildings. I  
10 could not disagree more. This proposed project is  
11 neither consistent nor harmonious with the mid-block  
12 scheme. I believe the tower will overwhelm the  
13 existing landmark temple and diminish, rather than  
14 enhance, its beauty.

15                  The planners of the project seek to build  
16 this tall tower by shifting the allowable bulk of the  
17 existing synagogue building to a new structure that  
18 will occupy a portion of the mid-block area, as you've  
19 been asking about. This is an interesting approach to  
20 obtaining the necessary zoning for the proposed  
21 building, but I implore you, as Commissioners, to  
22 consider whether the zoning law, as written, is meant  
23 to achieve that purpose. Do we want to encourage new  
24 mid-block towers? I think not.

25                  The approval sought is not a minor matter.

1     Your approval will establish a precedent, and an  
2     unfortunate one, and it may encourage the further  
3     erosion of the Historical District.

4                 I'd also like to address the intended  
5     purpose of the project. I acknowledge the  
6     congregation's stated desire and need to construct a  
7     new community house. But, we must also acknowledge  
8     that the inclusion of residential units in the project  
9     is what it is -- a fund-raising endeavor. The  
10    congregation claims the fund-raising aspect of this  
11    project as constituting a preservation purpose;  
12    namely, that the funds raised will allow them to  
13    maintain their landmark building. Perhaps so, but I  
14    ask, at what cost to the surrounding and equally  
15    worthy neighborhood at large?

16                 Furthermore, as noted by others, the  
17    financial details and specific preservation aspects of  
18    the project have not been disclosed to the general  
19    community. We do not believe that such a large  
20    sacrifice by the neighborhood is essential for the  
21    preservation of the synagogue.

22                 In sum, I and my fellow directors urge you,  
23    the Commissioners, to all in your power to protect our  
24    community's unique character by denying these  
25    applications.

1                   Thank you. And, with permission, I'd like  
2 to hand up my comments.

3                   CHAIRMAN TIERNEY: Sure, please do.

4 Thanks, Ms. Farley. Gloria Mosseri?

5                   MR. MOSSERI: Mr. Chairman? I have a  
6 unique opportunity. My wife has asked me to speak in  
7 her place. May I do so?

8                   CHAIRMAN TIERNEY: Please, of course.

9                   [Laughter]

10                  CHAIRMAN TIERNEY: Followed by James  
11 Herlands Go ahead, and identify yourself, please.

12                  MR. MOSSERI: Thank you. Mr. Chairman,  
13 Commissioners: My name is Jeffrey Mosseri, and I am a  
14 citizen of New York. I am an adopted citizen of New  
15 York. I was born in Cairo. I have traveled through  
16 and lived in most of the major capitals of this world,  
17 and I have seen beautiful landmarks, and not so  
18 beautiful landmarks.

19                  I had the unique opportunity of sitting  
20 just in line with that three-dimensional cut-out over  
21 there, which I urge you to look at. Everybody that I  
22 have heard has been addressing this inappropriateness  
23 of this landmark in that it is so big and so ugly, et  
24 cetera, et cetera. I beg to differ.

25                  If you will look at it down the line, as I

1 did, and I think only two Commissioners had the chance  
2 to do so, you will see that it is not only  
3 appropriate, but almost invisible. What it does do is  
4 that it certainly benefits from the Central Park view,  
5 the view of the synagogue.

6                 I live on the East Side, myself. I have  
7 been a member of this particular community since 1967.  
8 On Sabbath and on High Holy Days, and on many other  
9 occasions, I walk across the Park to attend services  
10 in that synagogue. And, I've often noticed the  
11 inappropriateness of that gap. This beautiful  
12 building, with its recessed top, actually is extremely  
13 appropriate, and I urge you to accept this plan.

14                 Thank you.

15                 CHAIRMAN TIERNEY: Thank you. James  
16 Herlands?

17                 MR. HERLANDS: Commissioners, out of  
18 deference of time, I'm going to leave my prepared text  
19 of a hundred pages aside [laughter] and sort of wing  
20 this. I can speak with some authority, being a West  
21 Side resident for all of my sixty-one years. Fifty-  
22 two of them have been at 101 Central Park West, and  
23 more recently, at 115 Central Park West, where I  
24 served on the Board of Directors. So, I am intimately  
25 aware and sensitive to the landmark status.

1                   I'm not a soccer mom, but I did give up a  
2 half a day's work today, because I feel very strongly  
3 in support of the congregation's plan. I think that  
4 what they have presented is responsive to the  
5 community.

6                   As a matter of fact, my apartment happens  
7 to face out towards this project, and I will be  
8 looking at it, hopefully, for many, many years. But,  
9 I strongly urge you, in contrast to what you've heard  
10 before, to support this application.

11                  Thank you, very much, for your time.

12                  CHAIRMAN TIERNEY: Thank you. Ruth  
13 Schulson?

14                  MS. SCHULSON: My name is Ruth Hendricks  
15 Schulson. My family -- I'm part Hendricks, part  
16 Nathan, been here since 1654. I cannot go into the  
17 part of the building.

18                  The human side is that our synagogue has  
19 always been part of the New York City community, not  
20 just religiously. The Stock Exchange, Columbia  
21 University, Barnard College. We are now expanding and  
22 we need the room. We have grown.

23                  We had a little synagogue down on Mill  
24 Street. This is our fifth institution and each one  
25 was grown. I often wonder. This synagogue was built

1 on a duck farm. I wondered if they fought us buying  
2 the land. We never knew.

3 I just hope that you'll take the other  
4 side, and consider our part in the New York City  
5 community, so we can continue to grow.

6 Thank you.

7 CHAIRMAN TIERNEY: Thank you. Alan  
8 Sugarman, followed by H. Anger, and then Libby Evans.

9 MR. SUGARMAN: Hello. I'm -- I hope you  
10 can hear me. I have laryngitis.

11 AUDIENCE MEMBER: Speak up.

12 MR. SUGARMAN: I have laryngitis. So, if I  
13 speak up, I won't get to the end.

14 I'm Alan Sugarman. I live at 17 West 70th  
15 Street, across the street from the synagogue.

16 I am distributing for the Commission a  
17 modification of the north context elevation which was  
18 prepared by the synagogue and distributed two weeks  
19 ago -- not distributed, but shown two weeks ago. And,  
20 perhaps it's -- I think it's down on the floor there.  
21 If they want to put that up, it might help people  
22 understand what is happening here. And, I have a few  
23 extra copies. If anyone wants one, I have some here.

24 What I did is I took the elevation. And,  
25 to the left is Central Park, and to the right, not

1 shown, is Columbus Avenue. The top elevation is the  
2 proposed building. The bottom elevation is my good  
3 faith effort to show the -- this same area in 1953  
4 [inaudible] what this shows.

5 The first thing I did was to remove the  
6 background buildings on 69th Street and south, which  
7 was shown on the elevations submitted by the  
8 synagogue. And, this already shows you a very  
9 different look of how the area looks. And, this also  
10 shows how it looks from the street level.

11 One of the things the synagogue did not --  
12 has not provided are true street-level views to the  
13 building. And so, you can already see how it jumps up  
14 at you.

15 And, the other thing in the notice and the  
16 elevation they submit is this is really half the  
17 block. They leave out the context of the western end  
18 of the block, which is all brownstones, up to the  
19 corner on Columbus. And, obviously, the opposite side  
20 of the street, from across from the vacant lot, all  
21 the way to Columbus, is also all brownstones. So, the  
22 elevation you see up there leaves that out, as well.

23 You can see how the synagogue has really  
24 provided non-useful elevations and charts for you.  
25 This is really seen from the perspective of pigeon

1       aloft. But, if you look at what it's going to look  
2       like for a person on the street, you would even have  
3       to take the diagram I present to you and show some  
4       perspective, looking up, and you can see that the  
5       impact of the new building is quite significant.

6                  To the upper left, you'll see I drew some  
7       sight lines from the new building down across to  
8       Central Park West. And, this is sort of amusing.

9                  If you stand on Central Park West and look  
10      up at this building, directly across the street, you  
11      will barely see the new tower. And, this is sort of  
12      odd, since it's called a Central Park West building.  
13      This is a Central Park West building that you won't  
14      even be able to see from Central Park West if you're  
15      directly across the street from the synagogue. But,  
16      the sign and impact on the Park is dramatic,  
17      especially in the Winter afternoons.

18                 In the bottom elevation, you can see the  
19      historical context of the proposed building. You can  
20      see what it once looked like, before the synagogue  
21      started it -- well, someone earlier from the synagogue  
22      said they think long term. And, if you look long  
23      term, back in 1954, about, they demolished the facade  
24      of two of the buildings, which resulted in the present  
25      building there. And, then, in 1970, and *I* was around

1 at that time, people were starting to talk about  
2 landmarking these West Side streets, and the synagogue  
3 acquired the building, and totally demolished this.  
4 And, I allude to the point of the Landmark West people  
5 that if those buildings were there today, we would not  
6 even be having a discussion.

7                 But, the context suggests that what the  
8 synagogue should build on these three lots is a  
9 brownstone-height community center. In fact, this  
10 would even provide more facilities for the synagogue,  
11 because they would use the entire width.

12                 And, I also observe, in thinking about the  
13 vacant lot, is that's pretty valuable. And, if that  
14 was sold on the open market, that would generate an  
15 enormous amount of funds that could more than satisfy  
16 any of these hypothetical needs for the restoration  
17 purpose related to the landmark building. Does anyone  
18 know the value of that? It must be millions.

19                 So, this is a private club, albeit a  
20 religious club. But, all the members you heard today  
21 from the synagogue all have an economic benefit.  
22 Because, what they're getting, and no one has really  
23 mentioned this today. Everyone wants to skirt around  
24 the issue. But, the members are getting a free  
25 building for their schools, weddings, whatever else

1       they intend to use this for. And, that's quite  
2       valuable. Assuming a membership of five hundred  
3       people -- five hundred families in the congregation,  
4       for each one million dollars that this project  
5       generates, that means two thousand dollars in the  
6       pockets of the members of the synagogue. And, I  
7       understand that condominiums of this size could sell  
8       as much, unbelievably, as eight to ten million dollars  
9       each. So, that gives you an idea as to what this is  
10      really about. It's about money and getting a free  
11      clubhouse.

12           And, this brings me to my next topic, which  
13      is -- and, I -- this is with all due deference to the  
14      Chairman, who I know is new, and he was a lawyer.  
15      You've not been a lawyer in public service, and I  
16      understand some of the practicalities of dealing with  
17      things. But, this is an irregular meeting.

18           First of all, the Commission has refused  
19      and failed to provide access to the Commission's  
20      public records of all the submissions in support of  
21      the proposal, despite a request that I filed in  
22      February -- February 27th. I never received a written  
23      response to that. And, I reiterated that with a  
24      request on Thursday. And, again, I have received no  
25      response.

1               And, by the way, Mr. Friedman, I will trade  
2 one of these for a copy of your submission to today,  
3 because *I* really know of no other way to get it. I  
4 have called. I have come down here, and been turned  
5 away. I'm told that the records for this hearing, if  
6 you look at the web site when you go home, is  
7 available July 18th.

8               There was also improper notice for the  
9 meeting, and that wasn't on the web site until  
10 yesterday. And, I'm not even sure if there are any  
11 procedural rules for the Landmarks Commission, or  
12 hearing rules. I understand there are practices about  
13 putting things up, and who gets what time, but where  
14 are the rules? Are they available? This is an  
15 administrative agency, making a hundred million dollar  
16 decision here.

17              And, I also ask in my letter, in my request  
18 of February 27th for the Commission to just identify  
19 the *ex parte* contacts between Commission members and  
20 the synagogue Board of Directors, consultants,  
21 architects, and lawyers. Now, maybe this is some kind  
22 of special regulatory agency. But, again, this is a  
23 hundred million dollar decision. And, I thought I  
24 recall, and maybe I'm wrong, that some of the members  
25 of the Commission had had tours of the synagogue, and

1 perhaps I mis-heard what went on. But, I do find it  
2 odd that I have not even received a response to that  
3 request. And, I suggest that those Commission members  
4 who have had *ex parte* contacts disclose them and  
5 consider what they do after that.

6 I also pointed out, in the recent letter  
7 last week, that you're accepting and basing decisions  
8 of claims of an economic engine, without requiring  
9 supporting evidence. I'm glad to hear you corrected  
10 that. And, each Commissioner must, and in their own  
11 mind, completely dismiss from their own mind  
12 everything they've heard about economic engine,  
13 because that is not permissible for you to consider.

14 But then they added today there is another  
15 thing, which was the preservation purpose. Well, I've  
16 never seen much of a record on that, either. There  
17 have been general, broad comments. But, you do not  
18 have a record to show a preservation purpose, which is  
19 one reason, by the way, I'm trying to find out what's  
20 been filed with the Commission. I'd like to know if a  
21 record has been made.

22 The other thing is that you failed to  
23 develop record on the impact of light. There's  
24 nothing anywhere. That was the choice of the  
25 synagogue not to do that. They were alerted as to

1       this from the very beginning. So, how can you make a  
2       determination that the Planning Commission will then  
3       use, which is implicitly a determination that you've  
4       approved the appropriateness of this based upon the  
5       light factor. You have nothing in the record.

6                 And, as my diagram shows, they don't show  
7       anything in their record they have before you, at  
8       least as far as I can tell, that shows bulk from where  
9       it matters -- bulk on the street level, in real  
10      places, not the pigeon aloft, and not, you know, some  
11      -- in the middle of 101, in the center of the  
12      building, all these hypothetical things. If you're  
13      going to consider bulk, you have to -- you have to  
14      have drawings from someone standing on the street,  
15      right next to it, and looking up, or across the  
16      street, something real. And nothing, none of these  
17      elevations, have anything to do with how people are  
18      going to experience these buildings.

19                 Thank you, very much.

20                 CHAIRMAN TIERNEY: Thank you. Mr. Anger?

21                 [Applause]

22                 MR. ANGER: My name is Howard Anger, and I  
23       have lived on West 69th Street for thirty-one years.

24                 Mr. Chairman, Commissioners, I would like  
25       to address my comments to the congregation, so you are

1       essentially off the hook.

2                     On October 4th of 1954, *Life* magazine  
3       published the following brief comments regarding  
4       Shearith Israel, on Page 71. It was entitled, "Jews  
5       Celebrate Three Hundred Years in America."

6                     Quote, "In September of 1654, a ship  
7       arrived at New Amsterdam with twenty-three Jewish  
8       refugees whom the Portuguese had brutally driven out  
9       of Brazil. Within a few days of their arrival, those  
10      heartsick but hopeful people founded Shearith Israel,  
11      the first Jewish congregation in North America. In  
12      their New York synagogue, last month" -- which was  
13      September, 1954 -- "the same congregation celebrated  
14      what Jews have called their three hundred years of  
15      tearless history in the New Hemisphere." The term  
16      "tearless" is probably more appropriate to Jews  
17      sitting here than non-Jews, but it's obvious what they  
18      were talking about.

19                  In two years, we will celebrate three  
20      hundred and fifty years of tearless history. I would  
21      like to suggest to the honorable congregation of  
22      Shearith Israel that tearless history comes with some  
23      moral imperatives:

24                  The moral imperative of being a good  
25      citizen, and respecting and preserving the rich

1 architectural heritage, texture, and continuity of the  
2 historic district.

3                   The moral imperative of respecting existing  
4 laws and regulations, and not varying from them for  
5 gain.

6                   And, the moral imperative to insure that  
7 one hundred percent of all appropriate taxes on all  
8 non-congregational use of land, property, and income  
9 flow would be assessed.

10                  It is my opinion that this project complies  
11 with none of these. I am not opposed to progress.  
12 But, I respectfully request that the congregation  
13 builds a smaller and more compliant structure.

14                  Thank you.

15                  CHAIRMAN TIERNEY: Thank you. Libby Evans?

16                  [Applause]

17                  CHAIRMAN TIERNEY: Followed by Bruce Simon.

18                  MS. EVANS: My name is Libby Evans, and I'm  
19 one of the few people who are saying to you that, for  
20 thirty-five years, I have benefitted from the low-rise  
21 and the low density middle-of-the-block place to live.  
22 I've fought for it time and time again, through  
23 Landmarks. And, sometimes we win, sometimes we lose.  
24 Winning is keeping an open space.

25                  You've rather circumscribed what I would

1 say, because you ask me to keep my remarks to what is  
2 appropriate.

3                   Thirty years ago, my relationship to 70th  
4 Street was the ownership of 50 and 52 West 70th  
5 Street. I owned them. I spent a year on the block,  
6 renovating these two amazing buildings. The street is  
7 full of amazing buildings. It was a typical, laid-  
8 back, quiet West Side street.

9                   Well, I'll fast-forward to what I have  
10 observed in the last year, which is traveling down the  
11 street in a car, from time to time. You can be held  
12 up for ten of fifteen minutes by the double-parked  
13 cars and the triple-parked cars, and the cars at the  
14 fire hydrants, with the -- not parishioners -- the  
15 members of the temple visiting on the sidewalk. And,  
16 traffic will be backed up, almost all the way to  
17 Columbus Avenue, for ten or fifteen minutes, until the  
18 social aspect of this temple disperses.

19                  It does make a difference, if you have that  
20 many more apartments going up in the middle of the  
21 block, with traffic, with cars, and I think it does  
22 diminish that very precious quality that I love about  
23 living in New York, which is living in the low-density  
24 mid-block.

25                  Thank you.

1 CHAIRMAN TIERNEY: Thank you. Bruce Simon?  
2 MR. SIMON: My name is Bruce Simon, and I  
3 have lived on West 67th Street for thirty-five years.  
4 67th Street is in the Upper West Side/Central Park  
5 West Historic District. It is separately listed on  
6 the State and National Register of Historic Places. I  
7 work in the old McGraw Hill Building, also an  
8 individual landmark, and also on the National and  
9 State Registers.

10 Neither my view, air, or light would be  
11 affected by this proposal, but my sense of place, my  
12 Historic District, will be violated, and for no  
13 legitimate purpose.

14 Before I go to prepared remarks, and I will  
15 submit a copy of them, I do have some preliminary  
16 comments regarding your process, which has been  
17 addressed a number of times this afternoon, and the  
18 fact that this is not only, as we've now been told, an  
19 applicant-driven process, but it is also apparently a  
20 Commission-counsel driven process.

21 With all due respect, Mr. Chairman and  
22 Commissioner Gratz, Mr. Silberman does not and should  
23 not control your process. You, the Commissioners,  
24 control your process. And, due process sets the stage  
25 for how you should conduct your proceedings.

1                   First, denying the use of a PowerPoint  
2 presentation on the grounds of technological  
3 incapacity, is not just absurd. It is false. The  
4 only technology necessary is a plug. We had the  
5 projector here in the room, and the plug. Mr.  
6 Silberman, what are you afraid of? Mr. Chair, you  
7 know better than anyone else that PowerPoints today  
8 are ubiquitous. Your bathrooms have automatic  
9 flushing toilets. You don't have to push the handle.  
10 They have automatic faucets. You put your hands  
11 underneath, and the water comes out. If you're  
12 capable of such technological advancement, surely you  
13 are capable of a PowerPoint presentation.

14                   [Laughter]

15                   MR. SIMON: Denying our counsel the right  
16 to cross an imaginary Maginot Line to speak on an  
17 equal basis with the applicant's lawyer, and to use  
18 exhibits that are posted, is not just ridiculous, but  
19 denies fundamental due process and equal protection.

20                   Conducting yourselves in a manner so that  
21 no one beyond the first row can hear sixty percent of  
22 what is said, when all that's required is a two  
23 hundred dollar simple microphone and loudspeaker  
24 system, something which we've addressed for years in  
25 the past -- and I do come down here periodically -- is

1 simply absurd.

2                   Mr. Silberman shutting off Commission  
3 Gratz's perfectly appropriate question about the use  
4 of the economic engine, is equally outrageous. You  
5 cannot re-write history. It's the applicant that set  
6 the economic engine as being the preservation purpose  
7 it has asked you to approve. The President of the  
8 congregation, Mr. Neustadter, testified at the last  
9 hearing that the economic engine was necessary to  
10 continue maintenance of the landmark, a statement that  
11 was repeated here today by the congregation.

12                  Mr. Friedman's presentation to the  
13 Commission, at the last hearing, included a statement  
14 that the economic engine would permit restoration of  
15 the project. The Executive Director of the synagogue  
16 has written a letter to one of the neighboring  
17 buildings, and I'll quote: "The sole purpose" -- mind  
18 you, the sole purpose -- "of this residential space is  
19 to serve as the economic engine for the continuing  
20 preservation of the landmark."

21                  For you to say now, Mr. Silberman, that we  
22 should all ignore these assertions by the applicant to  
23 this Commission, to accept this proposal as the  
24 economic engine and as the preservation purpose, is  
25 not merely inappropriate. It is truly outrageous. We

1 did not formulate the application. The applicants  
2 submitted it. You, the Commissioners, can't take Mr.  
3 Silberman's re-writing of it. He cannot re-write the  
4 history of this application. The application before  
5 you is founded on the use of the economic engine, and  
6 there isn't an iota of evidence in support of the  
7 assertion that this economic engine will work. It is  
8 not the purpose of this Commission to provide the fuel  
9 for their economic engine.

10 Let me go to my basic remarks. When  
11 religious institutions begin to think of themselves or  
12 their property as economic engines, and seek the  
13 assistance of government to fund their economic  
14 engines and to fuel them, all three interests  
15 implicated -- the religious, the economic, and the  
16 governmental -- are demeaned and diminished. Our  
17 social, religious, and political systems are built  
18 upon a very careful balance and separation of the  
19 interests of church, politics, and money, for reasons  
20 deeply rooted in the Judeo-Christian and democratic  
21 traditions.

22 Rendering unto Caesar that which is  
23 Caesar's, evicting the money lenders from the Temple,  
24 ending the practice of the sale of indulgences to  
25 public figures are concepts graven in our modern

1       sensibilities not because they are poetic or dramatic  
2       images, but because they speak to the reality of what  
3       happens when the boundaries of those powerful  
4       interests are permitted to blur.

5                  We urge the Commission to pause and reflect  
6       upon its mission, which is to enforce the landmarks  
7       law even-handedly and with due respect for its purpose  
8       -- its governmental purpose -- and not to be seduced  
9       into the notion that it is somehow here to provide  
10      fuel for this particular religious institution's  
11      desire for an economic engine, when that economic  
12      engine requires the sacrifice of broader community  
13      public interest in the even-handed administration of  
14      the landmark laws and, with this Commission as  
15      gatekeeper, our broader land-use regulations.

16                  There is a hardship provision in the law.  
17      There is not an economic engine provision. And, that  
18      is not accidental.

19                  Our system of government protects against  
20      our system of general landmark preservation laws  
21      having the unintended consequence of causing the  
22      demise of a religious institution. So, we provide a  
23      hardship provision as a shield to protect religious  
24      institutions. There is no comparable societal  
25      interest in encouraging religious institutions to

1       exploit their tax-free property as a sword, an  
2       economic engine, at the expense of the general  
3       community.

4                  I will now address the question of whether  
5       this is an application that warrants § 74-711 relief.

6                  First, I want dispel the notion that this  
7       is just a garden variety application, this is the sort  
8       of thing that's done all the time. As Mr. Friedman  
9       put it, on February 11th, "§ 74-711 has been used by  
10      the Commission many times in the past. In some cases,  
11      simply to remove air rights from over a landmark so  
12      that it can no longer be developed, and that is also  
13      in play here." I will get back to the air rights  
14      argument in a minute, but is it true that the  
15      Commission has used § 74-711 many times in the past?

16                  Landmark West's research, covering the ten-  
17      year period up to the Commission's hearing in  
18      November, disclosed a grand total of thirty-six  
19      § 74-711's granted by the City Planning Commission.  
20      Only three involved modifications to permit new  
21      construction. The vast majority were for use  
22      modifications: on the West Side, allowing a catering  
23      establishment in the Park Royal to convert to a  
24      physical culture establishment; allowing residential  
25      uses in SoHo and TriBeCa; legalizing veterinary use on

1       East 64th Street. When you look at § 74-711s, that's  
2       the garden variety application. Not one of the three  
3       building applications of § 74-711 in the last ten  
4       years come even close to this application.

5                  The first was to add a partial fifth floor  
6       to a nursing home in Cobble Hill. The Community Board  
7       unanimously approved the application. No one opposed  
8       it, and it was adopted.

9                  The second was to permit construction of  
10      the building now part of the Republic National Bank on  
11      40th Street and Fifth Avenue. A lot can be said about  
12      that project, and those who remember the headlines and  
13      the stories, and know a little bit about New York  
14      politics, can fill in the gaps without my doing so.  
15      For today's purpose, I would simply note that there  
16      was no historic district involved that was being  
17      impacted.

18                  The third, and one you might think bears  
19      some relationship, Saint Jean Baptiste, also did not  
20      involve a historic district. The new building was  
21      being erected on a vacant lot, located on the Third  
22      Avenue end of East 76th Street, not really affecting  
23      the landmarked church located at the Lexington Avenue  
24      end of the block. *In fact, there is an intervening*  
25      building between the landmarked church and the new

1 building. And, the new building was to be constructed  
2 within the avenue depth of Third Avenue at the time it  
3 was originally filed.

4                   Lawyers could have a field day arguing  
5 whether the Republic Bank or Saint Jean Baptiste are  
6 particularly relevant precedents, or are easily  
7 distinguishable. But, no one can argue with a  
8 straight face that the Spanish Portuguese § 74-711 is  
9 just business as usual.

10                  But, make no mistake, grant this  
11 application, and it will be business as usual.

12                  Let me circle back for a moment to the air  
13 rights issue. While nine thousand feet of development  
14 rights will be transferred for this project, eighty-  
15 two thousand feet of developable Central Park West FAR  
16 is being retained by the synagogue. Notwithstanding  
17 the vague general statements you have heard, there is  
18 no legally binding assurance that the eighty-two  
19 thousand feet will not be developed in the future.

20 That is one reason, I suggest to you, that Mr.  
21 Friedman's reference to them being "in play" is  
22 particularly worrisome.

23                  So, if this application is not garden  
24 variety, we do it all the time, the question remains  
25 whether it should be done here and now.

1                   What are the landmarks justifications  
2        stated for asking the City Planning Commission to  
3        grant the variances, waivers, and special permits  
4        sought in the § 74-711? We all know you don't have  
5        jurisdiction over the zoning issues, as some are quick  
6        to point out when they seek to diminish your role.  
7        But, you are the gatekeeper. Those waivers, those  
8        permits, those variances cannot be granted unless you  
9        certify three things:

10                  The project must present a program for  
11       continued maintenance. We've heard nothing.

12                  A preservation purpose. The economic  
13       engine, as I've indicated, is not appropriate.

14                  And, that the modifications relate  
15       harmoniously to the landmark and the Historic  
16       District.

17                  No one else has done it. I don't need the  
18       mike for this. I can't go up there. I guess I get  
19       arrested if I do. But, I do call your attention to  
20       this. This is an architecturally-correct view of what  
21       this building will do to this landmark.

22                  AUDIENCE MEMBER: We can't see it. Turn it  
23       around.

24                  MR. SIMON: And, this is what it will look  
25       like in the context of the mid-block, low-rise

1 brownstone building. And, I'll get to this one in a  
2 minute.

3 (Various unintelligible comments)

4 MR. SIMON: I worked on this. I'd like  
5 people to listen to it.

6 Your role is to honor the Historic District  
7 and not to cynically seize upon the admitted anomalies  
8 in the District. The building I pointed out, one of  
9 fifteen percent exceptions to the overwhelmingly low-  
10 rise, brownstone character that pre-existed  
11 designation. It is simply Orwellian to call this  
12 project "harmonious" using the anomalies as the  
13 justification for harmoniousness. That is not clever  
14 lawyering. That is dishonest.

15 If you grant this application, there will  
16 not come before this Commission in the future a  
17 § 74-711 that will not assert, with a sneer and a nod  
18 and a wink, "if the Spanish Portuguese mid-block high-  
19 rise was harmonious, why surely so is this." And  
20 worse, they will be right. It turns logic on its head  
21 to suggest that something so clearly out of scale and  
22 character with a Historic District which was  
23 designated in significant part because of its low-rise  
24 character, is harmonious because there are a few pre-  
25 designation anomalies also out of scale.

1           I would like to briefly address the  
2 argument that penetrating the mid-block is justified  
3 by the fact that there already exists Central Park  
4 West buildings that run deeper than a hundred and  
5 twenty-five feet. Of course there are. They're  
6 Central Park West buildings.

7           This Commission may not avert its eyes to  
8 the significance of the hundred and twenty-five foot  
9 limit by saying, "Well, that's a zoning issue for the  
10 City Planning Commission." This developer, here and  
11 now, before this Commission, argues that other Central  
12 Park West buildings -- our glorious Central Park West  
13 towers -- penetrate the side streets as deeply as this  
14 project would. But, it was precisely to prevent  
15 further incursions that the hundred twenty-five foot  
16 limit was adopted, precisely because the pre-existing  
17 two hundred foot limit permitted those incursions into  
18 the mid-block. What do you think the zoning change  
19 was all about, if not specifically to prevent  
20 applications of this character, including specifically  
21 in the legislative history, the Spanish Portuguese  
22 Synagogue?

23           As with the cynical reliance upon the  
24 fifteen percent pre-existing non-conforming mid-block  
25 high-rises, reliance upon pre-existing two hundred

1       foot Central Park West depth structures is simply, if  
2       you'll forgive me, ass backwards.

3                     Summing up, economic engines are not your  
4       area of expertise. For God's sake, this is the  
5       Landmarks Preservation Commission, not J.P. Morgan  
6       Chase.

7                     This is not the garden variety § 74-711.  
8       But, if you grant this outrageous proposal, you will  
9       in a very real sense open the door to the wholesale  
10      degradation of Historic Districts throughout the City,  
11      and that's why you've heard from them.

12                  The proposal before you is measurably worse  
13      than the original proposal. It is not harmonious with  
14      the Historic District. It is not appropriate for the  
15      Historic District, or for the individual landmark it  
16      would loom over.

17                  Prove the cynics wrong. Do the right  
18      thing. Deny this application.

19                  CHAIRMAN TIERNEY: Thank you.

20                  [Applause]

21                  CHAIRMAN TIERNEY: Jonathan Baker, then  
22      Teri Slater, and Avra Petrides.

23                  (Pause)

24                  MR. SIMON: Can I add a footnote? I want  
25      to go back to the process.

1                         [Unintelligible comment]

2                         MR. SIMON: I'm a lawyer. I've practiced  
3 law for forty-three years. I represent labor unions  
4 around the country. I have appeared on behalf of lead  
5 mine workers in Coueur d'Alene, in Utah. I've  
6 appeared for rubber workers in Jackson, Mississippi.  
7 I've appeared for sugar cane cutters on sugar  
8 plantations in Hawaii. I want to tell you something.  
9 In courts around the country, applicants are treated  
10 with more dignity and more respect than they are in  
11 this room.

12                         [Applause]

13                         CHAIRMAN TIERNEY: Let me go down the list  
14 of people I've mentioned. Jonathan Baker, Teri  
15 Slater, or Avra Petrides. If not, I'm going to put  
16 them -- is there any of those people whose names --

17                         MS. PETRIDES: I'm here. I'm Avra  
18 Petrides.

19                         CHAIRMAN TIERNEY: Oh, are you? Okay.

20                         MR. BAKER: Just to identify myself, I am  
21 Jonathan Baker. I am co-owner of 31 West 69th Street,  
22 a brownstone on the same block as Shear!th Israel,  
23 where I've lived for more than three decades, and my  
24 father before me, at the same address, going back to  
25 the early 1940s. Therefore, I am a second-generation

1           resident, as well as a second-generation American.

2           I am also a professional, full-time  
3       liturgical musician for both synagogues and churches.  
4       So, I also bring my own keen insight and sympathy to  
5       the needs and concerns of those institutions.

6           That the tower is clearly out of proportion  
7       to its surroundings is not an issue. That is obvious  
8       at first sight. So, we can skip past that. I don't  
9       care whether the stone is gray, beige, or a faint  
10      pink.

11           We can see that the situation here is with  
12       the pompous Roman facade of the synagogue, behind it  
13       is the high-rise, which gives to the neighborhood its  
14       ass rear end. And, that then tends to symbolize the  
15       presentation that's been given, and this is the reason  
16       we are a little bit offended by some of the claims  
17       that have been made. I'm going to make this short.  
18       So many points have been made for me, I want to cut to  
19       the quick.

20           One is we, the residents, would like to see  
21       what they do not want to present -- proof of poverty.  
22       This is the basis of the claim to build the high-rise.  
23       They are not obligated by law to present that. But  
24       then, we are not obligated to believe their claim.

25           I can tell you that when I was the director

1 of music at the First Christian Science Church on 96th  
2 Street, which I think recently has come under your  
3 supervision, if they want to make any changes, we had  
4 assets of two hundred and fifty thousand dollars. I'm  
5 not ashamed to admit that.

6 They are perfectly free, the congregation,  
7 to present their figures. I challenge them to do that  
8 today. They're not obligated to, but in the spirit of  
9 transparency and moral clarity, which we all want to  
10 observe, present the figures. We really want to know.

11 Without that, there is no reason to take  
12 any further argument seriously at all. It's the  
13 entire foundation of the entire argument. Okay?

14 I would like to also say that the  
15 relationship between the synagogue and the church --  
16 excuse me, the synagogue and the neighborhood perhaps  
17 could use a little improvement, a little public  
18 relations counseling. Those of us who have lived on  
19 this street for decades, who have gotten on our knees  
20 and gotten our hands dirty planting trees and flowers,  
21 who have come to meetings like this, without profit in  
22 mind, at our own expense, in the middle of the day, we  
23 have put on the festivals, the street fairs, the  
24 Hallowe'en safe zone for the children, these are big  
25 deals, and they're a lot of work. Over the past

1       thirty years, we have raised the property values. We  
2       have done the muscle work to raise the property  
3       values, but that's secondary. It's a home.

4                 And, I think in the future, the synagogue  
5       would be wise to talk to us, and not just to you  
6       first, for a proposition. Then, they may not be so  
7       befuddled as to why we're coming out here. It's not a  
8       revelation. Talk to us.

9                 But, unfortunately, all the people who live  
10      on the block are opposed to this proposition. The  
11      people in the congregation are for it, but then they  
12      don't live on the block. That's kind of  
13      understandable.

14                I would like to finally just present one  
15      last item. We have these pictures of the synagogue  
16      and the high rise. What we are not seeing is what the  
17      high rise sees when you look out the window. That's  
18      relevant on this street. Previously, the synagogue  
19      had produced false information. They had shown a  
20      photograph of 101 Central Park West, as evidence of  
21      what one would see looking out of the condo. This  
22      didn't strike me right. I have three decades on the  
23      block. I think I know the block.

24               So, I went and stood with one foot,  
25      literally, on one side of the property, and one foot

1 on the other, of the proposed condo high rise, the  
2 property that it's going to put on. I aimed my camera  
3 dead center, dead center straight, without prejudice.  
4 This is what comes through the lens, okay? Not a  
5 great big monolithic apartment building.

6 Then standing, without moving my feet, less  
7 than fifteen degrees, what do you see? This is what's  
8 bearing down on the block, and we're told this is  
9 symmetry? I don't see the sense of proportion. It  
10 needs to be spelled out to me. I'm not so bright.  
11 Spell it out. We don't get it.

12 Finally, I'm going to wrap this up. We're  
13 all tired. But, this tower desecrates the historic  
14 trust. And, we have put our trust in you. We are  
15 willing to play by the rules. I am not going to add  
16 five stories to my brownstone. And, I'm not going to  
17 give you a song and a dance about it, about the  
18 wonderful things I'm going to do. If I were going to  
19 be doing wonderful things, I'd be doing them all  
20 along, anyway, and so would the synagogue, which  
21 hasn't no outreach to the community, unlike Saint  
22 Stephen's Church, which feeds thousands, and it  
23 clothes them. No such thing. Okay?

24 What we see is simply profit motive. And,  
25 that's not the building for this neighborhood. There

1       are churches and synagogues which build high-rises  
2       right on top of them, such as Calvary Baptist Church,  
3       such as the Church of Christ, Scientist, down on 34th  
4       and Madison. This congregation needs to consider  
5       whether this site is appropriate for its ambitions.  
6       If not, it has the option to move, and I don't mean  
7       that as a "get lost clause." I mean you really need  
8       to consider whether this site is suitable for your  
9       ambitions.

10                   We're happy to have you as neighbors.  
11                   Please play by the rules which we are happy to  
12                   observe, ourselves.

13                   Thank you.

14                   [Applause]

15                   CHAIRMAN TIERNEY: Thank you. Avra  
16                   Petrides? Oh, okay, Teri. I didn't [inaudible] then  
17                   -- then you. Great.

18                   MS. SLATER: My name is Teri Slater. I am  
19                   Co-Chair, along with Elizabeth Ashby, of Defenders of  
20                   the Historic Upper East Side.

21                   Chairman Tierney, Commissioners: The Upper  
22                   West Side and the Upper East Side continue to be two  
23                   of the most desirable residential areas in the United  
24                   States and possibly the world. Their rich variety of  
25                   building types and architectural styles represent the

1 architectural development of these areas of New York.

2 Both of these areas have been afforded a  
3 level of protection which should ensure that their  
4 irreplaceable character remains intact for future  
5 generations. The marriage of landmark regulations and  
6 zoning regulation protecting these areas was  
7 celebrated when it took place and is nothing short of  
8 perfect.

9 The importance of the predominating low-  
10 scale brownstone character of the mid-blocks to these  
11 areas of Manhattan was recognized when the R8-B Zoning  
12 District for residential mid-blocks was incorporated  
13 into the West Side zoning package in 1984. Ensuring  
14 that new development does not jeopardize the integrity  
15 of existing mid-block context is not an issue which is  
16 limited to the Upper West Side. The same regulations  
17 were adopted for the mid-blocks of the Upper East Side  
18 the following year.

19 This perfect marriage of LPC and CPC  
20 regulations does not mean that these fragile areas  
21 cannot be compromised. They have a strong and  
22 identifiable sense of enclosure, scale, and coherence  
23 and form enclaves within the larger community,  
24 offering quiet refuge from the busier avenues, which  
25 makes them a prime target for developers.

1                   In recent years, many institutions have  
2 relentlessly disregarded the historic scale of the  
3 architecture in these mid-blocks. The Congregation  
4 Shearith Israel application is just another example of  
5 an ill-conceived, out-of-scale institutional proposal.  
6 Avenue buildings belong on the avenues, where there is  
7 higher-density zoning balanced by the low-scale  
8 development in the mid-blocks. This is a policy which  
9 has been upheld repeatedly by the City Planning  
10 Commission.

11                  For the record, in the early eighties,  
12 Elizabeth Ashby and I, who is my Co-Chair, by the way,  
13 were members of a small group of individuals working  
14 closely with the Department of City Planning to see  
15 that the contextual R8-B zoning for our historic mid-  
16 blocks was adopted. We would be horrified if the  
17 Landmarks Commission did anything except disapprove  
18 Congregation Shearith Israel's request for a special  
19 permit.

20                  It is your charge to protect the integrity  
21 of the architectural scale of our historic residential  
22 neighborhoods.

23                  Thank you.

24                  CHAIRMAN TIERNEY: Thank you, Teri.

25                  [Unintelligible comments]

1 MS. PETRIDES: Good afternoon, Chairman  
2 Tierney.

3 CHAIRMAN TIERNEY: Please proceed.

4 MS. PETRIDES: Commissioners, all. I'm  
5 Avra Petrides, and I'm going to be reading a statement  
6 made by Peter Jennings, the newscaster.

7 "Chairman Tierney, you do make it tough.  
8 For the second time, a hearing on this issue is being  
9 held on a day when so many people in the neighborhood  
10 can be expected to have other plans. Some of us are  
11 unable to leave work. I am one of those. Others with  
12 a deep interest in the outcome believe that the  
13 hearing has against been held conveniently close to a  
14 national holiday when they have long-standing plans to  
15 be somewhere else. I regret that, in my case, this  
16 letter must suffice.

17 "First, may I say that if the synagogue is  
18 permitted to build, my view of Central Park will not  
19 be affected. Much more importantly, I write as a  
20 neighbor who grew up believing that when neighbors  
21 wishes to do something that would have an effect on  
22 other neighbors, they would discuss it with the  
23 neighbors.

24 "It has not happened in this case. The  
25 synagogue give the impression of having worked to by-

1 pass the neighbors, to have it way whatever the  
2 neighbors want. No wonder that I find the neighbors  
3 frustrated, even angry, feeling as if they don't  
4 matter.

5                 "In New York City, we price ourselves on a  
6 sense of community, the strength of which is a  
7 collection of communities. There is no sense of  
8 community in this case, and I am afraid that the  
9 synagogue's behavior appears to be the reason.

10                "Here is what else I hear on the street:  
11 That people have lost faith in the process, the  
12 governing process, because they believe 'the fix is  
13 in.' Now, that's a horrible phrase, but many of my  
14 neighbors are convinced that it is true. In this  
15 particular case, my neighbors believe that people over  
16 whom they have no influence have been working against  
17 the best interest of the neighborhood, even though the  
18 neighborhood is overwhelmingly -- overwhelmingly  
19 opposed to this project.

20                "I was really surprised to hear that a  
21 member of the City Council told me that she thought  
22 'the fix was in.' So many, many people, so many  
23 neighbors believe that they have been kept in the dark  
24 deliberately.

25                "I am certainly not an expert in city

1 planning, but people keep telling me that twenty years  
2 ago the City Planning Commission changed the zoning  
3 precisely to prevent this -- to prevent this sort of  
4 project that will so alter a neighborhood. What has  
5 happened to change this? Why then? Why now?

6 "I realize we all may be a bit paranoid  
7 about this, at this moment, but I must tell you that  
8 those of us who harbor productive feelings about  
9 government, and the governing process, feel that in  
10 this instance our rights -- yes, yes, that is not too  
11 strong a word -- our rights are being ignored by  
12 people who wish to serve their own interests at the  
13 expense of the community.

14 "Recently, I asked one of my more activist  
15 neighbors if anyone in the neighborhood was in favor  
16 of this. 'Other than the congregants,'<sup>1</sup> she said,  
17 'no.' Other people ask me how many members of the  
18 congregation live in the neighborhood. I don't know  
19 the answer. May I petition you to have these  
20 questions answered publically?

21 "I know that there are many, many more  
22 questions, but I have taken a great deal of your time.  
23 However, it will be very sad if, in wanting to have  
24 things their own way, members of the synagogue and,  
25 perhaps, even City officials involved, ignore and

1 alienate so many people, so many neighbors, so many  
2 citizens of a city that holds itself up as a symbol of  
3 the democratic process."

4 Thank you.

5 [Applause]

6 CHAIRMAN TIERNEY: Okay. Karen Avrich --  
7 A-V-R -- it looks like Avrich. I'm sorry. I can't  
8 read it. 91 Central Park West?

9 AUDIENCE MEMBER: I believe that there's  
10 someone else who wants to [inaudible] --

11 AUDIENCE MEMBER: You'll get a copy of them  
12 [inaudible] --

13 CHAIRMAN TIERNEY: Okay. Please proceed.

14 MS. SHUSTER: My name is Susie Shuster. I  
15 live at 10 West 74th Street.

16 And, the reason why I'm speaking is that,  
17 in the Spring of 1994, as an undergrad at Columbia, I  
18 did my undergraduate Master's on the history of New  
19 York City and its neighborhoods, with Ken Jackson, who  
20 is now the President of the New York Historical  
21 Society. For those of you who might know who he is,  
22 you may know that he also wrote *The Encyclopedia of*  
23 *New York City*. I don't think he mentioned Syracuse,  
24 or Utica, or one of those surrounding towns.

25 But, what I learned in the countless --

1                   AUDIENCE MEMBER: Can somebody get

2 [inaudible] --

3                   MS. SHUSTER: -- walking tours --

4                   AUDIENCE MEMBER: -- came in the street --

5                   MS. SHUSTER: I'm sorry. It's -- I have  
6 the mike.

7                   What I learned in the countless walking  
8 tours, when we explored Manhattan and we actually did  
9 an all night bike tour with Ken Jackson, where we left  
10 Columbia at midnight and hiked through the City and  
11 got back to campus about seven-thirty in the morning.  
12 One of the places that we stopped was on the Upper  
13 West Side on the way down. And, to me, back then,  
14 that was downtown, because it was the seventies and  
15 Columbia is, obviously, at 116th Street.

16                  We got off our bikes and we walked the  
17 brownstones. And, what Professor Jackson tried to  
18 reiterate to us and tried to get us to understand was  
19 the sense of community and neighborhoods. And, that  
20 was because of the small buildings. What he taught us  
21 was that New York originated in neighborhoods. And,  
22 as we all know from the history of the City, being  
23 built around the Park, being built as the sprawl went  
24 uptown, certain areas were able to preserve  
25 neighborhood.

1                   He actually pointed to the Jacobs book that  
2 was mentioned earlier. Unfortunately, I think that  
3 may have been misinterpreted because what we know from  
4 Jacobs, clearly, is the importance of neighborhood.  
5 And, what she actually stressed was small is better,  
6 and that familiarity is better.

7                   What does that have to do with this -- with  
8 this particular building? The first thing -- well, I  
9 wanted to point out one thing that I was noticing  
10 sitting here for the last four hours, which is  
11 neighborhood means enclosure, and it means  
12 encompassing a community and engendering goodwill.  
13 But, more importantly, a neighborhood should be like  
14 an embrace, I think at one point Jacobs did say.

15                  That building kind of separates off the  
16 synagogue from the rest of the neighborhood. It  
17 actually puts a wedge between the synagogue and the  
18 rest of the neighborhood. That's a shame, because  
19 that is very much against what Jacobs did -- did put  
20 forth in her books.

21                  But, I think more importantly, since I  
22 still speak at Columbia. I'm a -- I'm a sports  
23 journalist, and I got up and speak to a lot of  
24 students. I'm thrilled that I could say involved with  
25 the school. The kids always ask me what was the best

1 part of my education at Columbia, and I always say it  
2 was the history of New York City. It was the thrill I  
3 got, being able to get on the subway and experience  
4 the City. And, how different my experience would have  
5 been, had I not gone that night, and had I not walked  
6 on that actually very cold night, up and down the  
7 brownstone-lined streets of the West 70s.

8               It made such an impact. I'm thirty-one,  
9 and I still remember ten years ago walking those  
10 streets and traversing Manhattan. And, I think that  
11 if we were to let the kids go next year, because the  
12 seminar is always full -- if the kids are going to go  
13 and walk up those streets, and suddenly all of these  
14 buildings are there, and they no longer resemble the  
15 Upper West Side, and Professor Jackson has to say,  
16 "Well, this used to be a beautiful neighborhood. This  
17 used to be a building, and look at this gorgeous  
18 synagogue."

19               And, my mother, by the way, overlooks the  
20 synagogue. So, I always say to her, like, "Thank  
21 goodness, you got this apartment. How lucky are you,  
22 when I can't find a decent apartment. How lucky are  
23 you that you've got this incredible window overlooking  
24 this incredible pediment, that you can almost feel  
25 like you're in a part of Greece, with that beautiful

1 arch on the top, and you look over on the Park. How  
2 lucky are you."

3 I just feel bad for the kids who are going  
4 to come and they're going to skip this street, because  
5 it's just not the same thing. Community is small.  
6 Community is brownstones. And, community is history,  
7 on behalf of those of us who actually studied it, love  
8 it, and appreciate what landmarks mean. Because this  
9 is what landmarks mean. It means that kids like me,  
10 like kids that are following in my footsteps at  
11 Columbia, are going to go walk those streets, and look  
12 at the brownstones.

13 The building doesn't belong. I hope that  
14 they'll build a building that belongs. I hope that  
15 this sense of community remains. And, I'm excited  
16 that people still care. Because, quite honestly, most  
17 people my age don't really care about coming to these  
18 things. They figure that the old folk in the  
19 neighborhood will go, because they have nothing else  
20 to do. I have a lot to do. My husband has a lot to  
21 do. He is a sportscaster, as well. He is doing a  
22 radio interview right now. He took a minute or a  
23 break or two, but he thought it was important enough  
24 to take four hours out and sit here.

25 We do care. And, we do care about

1 preserving the legacy of New York City. Thank you.

2 CHAIRMAN TIERNEY: Thank you. Robert --  
3 sorry about the writing here. Spirak -- S-P-I-R-A-K,  
4 I believe. But, I'm not certain of that. 62 West  
5 69th? West 69th Street Block Association? Does that  
6 ring a bell? Am I close? If not, we'll go to Ron  
7 Prince, of 18 West 70th?

8 AUDIENCE MEMBER: He had to leave.

9 CHAIRMAN TTERNEY: Thank you. Myles  
10 Weintraub, at 18 West 70?

11 AUDIENCE MEMBER: Had to leave.

12 CHAIRMAN TIERNEY: Daniel Ruzumna?  
13 Ruzimna, apparently. I can't -- I'm sorry. I can't  
14 read the writing here, also. From 18 West 70th.

15 AUDIENCE MEMBER: He had to leave.

16 CHAIRMAN TIERNEY: West 70th -- 18 West  
17 70th is bailing on us.

18 Lauren Belfer? Lauren?

19 AUDIENCE MEMBER: She had to leave, as  
20 well.

21 CHAIRMAN TIERNEY: Peter Janovsky?

22 AUDIENCE MEMBER: The record should reflect  
23 that the folks who had to leave left before seven-  
24 twenty, which is what time it is now.

25 AUDIENCE MEMBER: He had to leave.

1 CHAIRMAN TIERNEY: David Martowsky?

2 MR. MARTOWSKY: Here.

3 CHAIRMAN TIERNEY: Please, come up.

4 Representing Robert Caro.

5 MR. MARTOWSKY: My name is David Martowsky.

6 I've lived on the West Side for about forty-five  
7 years, first on West 67th Street, and for the last  
8 thirty-five at 91 Central Park West, at West 69th  
9 Street.

10 I've been asked by Robert Caro, my  
11 neighbor, to read his letter into the record. I think  
12 most of you will recognize Robert Caro as one of the  
13 country's leading historians, the twice Pulitzer Prize  
14 winner for his books, *The Power Broker*, and on Lyndon  
15 Johnson.

16 "Dear Sir: The proposal from Congregation  
17 Shearith Israel as now being considered by your  
18 Commission has, in my opinion, implications that  
19 extend far beyond that individual project;  
20 implications that I feel go to the very heart of the  
21 Commission's responsibilities.

22 The proposal would, of course, violate the  
23 zoning codes that have been established for the West  
24 Side Historic District. And, what is a district but  
25 an area that, by the Commission's own definition, has

1       a special character or sense of place? It is the  
2       sense of place, of neighborhood, if you will, of  
3       community, of architectural coherence and harmony that  
4       would be endangered by your approval of this project,  
5       for the West Side Historic District is a district, a  
6       neighborhood, a fabric whose parts fit together and  
7       complement each other.

8                 "And, one particularly vital piece of the  
9       fabric is the low-rise nature of the district's mid-  
10      blocks. This is a key element in the delicate balance  
11      between high-rise and low-rise buildings which make  
12      this area so harmonious. Approving a high-rise  
13      building for a mid-block on West 70th Street would,  
14      therefore, alter the essential nature of this block.

15                "And, your approval would do more. If you  
16      walk along Central Park West today, there are a number  
17      of low-rise religious buildings whose memberships  
18      could, for reasons similar to those offered to you  
19      today by Shearith Israel, request similar waivers,  
20      variances, and special permits. Your approval of the  
21      Shearith Israel proposal would set a precedent that  
22      would encourage these organizations to advance similar  
23      projects. Your approval would be a step -- and not a  
24      small step -- towards altering the essential nature of  
25      the West Side.

1                 "If I were to try to take a longer view, an  
2 historian's view of the West Side of Manhattan Island,  
3 I think I would say that, at the present time, the  
4 fundamental character of that area is being  
5 transformed because of the high-rise construction at  
6 Columbus Circle and northwards from the Circle along  
7 its avenues. To change the character of the  
8 district's mid-blocks, as well, would create the  
9 danger that in a few decades the district will no  
10 longer exist as we know it, and that the values which  
11 made it special will be lost forever.

12                 "Cordially, Robert A. Caro."

13                 Thank you.

14                 CHAIRMAN TIERNEY: Thank you. Audrey  
15 Lasky?

16                 MS. LASKY: I will not take up too much of  
17 your time. I think there's a little bit of confusion,  
18 as to the congregation.

19                 I live almost sixty miles north of here, in  
20 East Fishkill. I am a New York State licensed public  
21 school teacher. I cannot afford to live on 70th  
22 Street, or anywhere on the Upper West Side, yet I am a  
23 member of Congregation Shearith Israel, for many  
24 reasons. I'll tell you the most important ones.

25                 Number one, because it has been a pillar of

1 the community for three hundred and fifty years. I,  
2 myself, was not born in the United States. I had to  
3 apply for citizenship. With this New York accent, I  
4 had to apply for citizenship, just like anybody else.  
5 But, I come from a family that was thrown out of a  
6 country for being Jewish.

7                 The point I'm trying to make here now is  
8 that I'm a member of the congregation. I drive sixty  
9 miles down the Taconic Parkway to get to 70th Street.  
10 I park in a garage on 70th Street. And yes, I walk up  
11 and down 70th Street, to get to and from the  
12 synagogue.

13                 It is a beautiful synagogue. It is a  
14 pillar of the community. It represents everything  
15 that is good about people, in general. I look at this  
16 building, and I live in East Fishkill, New York.  
17 [inaudible] where that is, off the Taconic Parkway, in  
18 Southern Dutchess County.

19                 I spent eleven and half months with a  
20 wonderful architect. I know about elevations. I know  
21 about five [inaudible]. I know about how I had to  
22 build a house, which had to be wheelchair for myself  
23 for a time. So, two years ago, I built that house. Al  
24 Capelli [phonetic] Junior was my architect. I spent a  
25 lot of time looking at pictures like this. I think

1 that building is beautiful. It's clean. It's  
2 aesthetically pleasing.

3                   And, we're talking about a congregation  
4 who, for three hundred and fifty years, has been  
5 symbolizing nothing but what is good about New York  
6 City. Because for me, from East Fishkill, to drive  
7 down sixty miles, there's got to be something really  
8 special. Okay? And [inaudible], I'm forty-one years  
9 of age.

10                  After being thrown out of a country that  
11 did not accept people of the Jewish faith, all right?  
12 I was not born here. I lived the next twenty-two  
13 years of my life in Bergen County. And, I remember  
14 the opposition to Mediterranean Towers West,  
15 Mediterranean Towers -- those are towers. Sir,  
16 madame, ma'am, gentlemen, ladies, everybody, that is  
17 not a tower. That is not a tower.

18                  [Applause]

19                  MS. LASKY: My parents live in  
20 Mediterranean Towers West, in Fort Lee. That is not a  
21 tower. That is a low-rise. That is not a tower.

22                  [Laughter]

23                  MS. LASKY: The tower -- a tower --- excuse  
24 me. In Fort Lee, New Jersey -- I lived twenty-two  
25 years in Bergen County, the last nineteen in East

1 Fishkill. My parents live in Mediterranean Towers  
2 West, on the twenty-first floor. They live in a high-  
3 rise.

4                   And, I will end this by saying I really  
5 would like you to look at those pictures, and see that  
6 -- because, this is what this is about. It is a  
7 beautiful landmark synagogue. And, as far as trees on  
8 the sidewalk? Because we are a Jewish congregation,  
9 we have to keep in mind security. You wouldn't put  
10 where the entrance, which is a side entrance, for  
11 security purposes. I would love to enter the  
12 synagogue from the front. But, we can't, for security  
13 reasons. We have to enter from the side.

14                  You have to keep that clear. The security  
15 that we have to have at Congregation Shearith Israel,  
16 as well as any other Jewish congregation -- okay? I'm  
17 a graduate of Teaneck High School, and a graduate of  
18 Rutgers University. You have got to have security  
19 wherever there are people of the Jewish faith. And,  
20 it is to a greater extent. And, that's where there  
21 are -- I would not expect that there would be bushes  
22 hiding entrances. You have to keep that space open.

23                  But, the basics here is that that is  
24 aesthetically pleasing. That is not a tower.  
25 Mediterranean Towers is a tower in Fort Lee. And, I

1 remember the opposition. I'm old enough to remember  
2 the opposition to building those high-rises in Fort  
3 Lee, and Edgewater, and Cliffside Park. And now, the  
4 residents of Bergen County are very happy that those  
5 towers are there, because of what it's done for that  
6 community. It's a safe, beautiful place for my  
7 parents to retire in.

8 Thank you, very much. I appreciate your  
9 time.

10 CHAIRMAN TIERNEY: Thank you.

11 [Applause]

12 CHAIRMAN TIERNEY: Madelene Towne?

13 AUDIENCE MEMBER: She left.

14 CHAIRMAN TIERNEY: Naomi Neustadter?

15 MR. BULOW: [inaudible] out of order,  
16 because [inaudible]. My name is George Bulow. I  
17 don't live at 101 Central Park West, and I don't live  
18 at 91 Central Park West. As a matter of fact, I don't  
19 live on West 70th Street. However, I've lived in the  
20 West Seventies since 1971, and I'm a member of  
21 Congregation Shearith Israel.

22 I was on a tour of Battery Park City on  
23 Sunday, with Stanton Eckstut. We talked about what it  
24 is that makes the urban character of the neighborhood.  
25 And he said, essentially, in setting up the rules

1        behind Battery Park City, there were four of them that  
2        were keys, all pertaining to the exteriors.

3                 The first was that the building should come  
4        to the building line. They should not be set back in  
5        plaza, they shouldn't be set off. They should be of  
6        the fabric of the neighborhood.

7                 Secondly, the average pedestrian walking by  
8        looks at the first two floors, that the matter then is  
9        finding a method by which those floors, those lower  
10      floors have a context that is not only human in scale,  
11      but carries on the character of the neighborhood in  
12      which its found.

13                We have that in the cladding that's here.  
14        We have it in the fenestration. We also have it in  
15        the sense that by separating the community house  
16        portion of the proposed building, we are also  
17        delineating its differences from those of the  
18        landmark.

19                I'll carry a few other comments. One of  
20        them that they also brought up, essentially the two  
21        other key points that both Stanton Eckstut and,  
22        ironically, Frank Lloyd Wright brought up was that  
23        corners mean everything. And, I call your attention  
24        to the corners of this building. These corners have  
25        certainly set themselves off sufficiently from the

1       landmark, to delineate a new building from the  
2       existing landmark. Yet, at the same time, they are  
3       aesthetically pleasing and they are of a scale that  
4       goes well with their neighbors.

5                          Those neighbors are not just the two large  
6       buildings which are along Central Park West. They are  
7       the buildings that are on the block. They are  
8       certainly not those of brownstones, which are five  
9       stories high. But, the immediate neighbors are  
10      apartment houses. And, for whatever reason, they  
11      happen to be there. And, the aesthetic for anyone  
12      walking that neighborhood, and walking on that street,  
13      and walking in that block, looking up two stories,  
14      looking up three stories -- my goodness, looking up  
15      eight or nine stories, is that that person sees a  
16      large bulky building of absolutely no architectural  
17      character en route to a landmark.

18                          The materials that have been used in this  
19       proposed building are those which are extremely  
20       sympathetic to the concepts that the Landmarks  
21       Preservation Commission is trying to preserve, that  
22       this neighborhood is about, and that the people who  
23       live in it care about, much as I do, as a citizen of  
24       the Upper West Side in the West Seventies. The use of  
25       brick. The use of stone. The interlacing of those,

1 and the care given to issues of the framings and the  
2 use of metals that does it. These are all factors  
3 which, from an aesthetic perspective, characterize  
4 very well the beauty, solemnity, solitude, and  
5 structural integrity of the landmark which it is our  
6 sworn duty to protect and preserve.

7                 Seeing a building like this built, allowing  
8 § 74-711 approvals to be given for this, will extend  
9 to us the opportunity to insure that a landmark which  
10 is a jewel will remain exactly that in this  
11 neighborhood.

12                 And, I think you very much.

13                 CHAIRMAN TIERNEY: Thank you. Saul  
14 Laniado?

15                 AUDIENCE MEMBER: He's gone.

16                 AUDIENCE MEMBER: No, he's here.

17                 MR. LANIADO: My name is Saul Laniado.

18                 The pros and cons have been given to you,  
19 and I think it's sufficient. I would just say that I  
20 think this is an appropriate building for the -- for  
21 the area. And, I would urge you to approve it.

22                 Thank you.

23                 CHAIRMAN TIERNEY: Thank you, sir. Is that  
24 Ancona? A-N -- apparently, A-N-C-0-N-A?

25                 AUDIENCE MEMBER: They [inaudible] --

1                   CHAIRMAN TIERNEY: I'm sorry? Yes, Naomi  
2 Neustadter? Yes.

3                   MS. NEUSTADTER: It's now good evening. I  
4 am Naomi Neustadter, a resident and congregant for  
5 more than twenty-five years of Shearith Israel and the  
6 Upper West Side.

7                   Are we dealing here with the fairy tale of  
8 The Emperor's New Clothing? We have heard so much  
9 verbiage in the past four hours that blinds us to what  
10 is really real. Maintaining this grand building, this  
11 landmark, is important. Maintaining three historic  
12 cemeteries in Manhattan is important. Congregation  
13 Shearith Israel is honorable and respectful of these  
14 landmarks and traditions.

15                  No person who resides at 91 Central Park  
16 West, or 101 Central Park West, will have his or her  
17 view compromised. I think that's important to state,  
18 right now.

19                  I urge you to realize that this is a low-  
20 rise building that will benefit the congregation and  
21 the neighborhood.

22                  Thank you.

23                  CHAIRMAN TIERNEY: Thank you. Marc Daniel?

24                  MR. DANIEL: Thank you, very much. My name  
25 is Marc Daniel, and I'm on the Board of Directors at

1    18 West 70th Street. Please pardon my casual dress,  
2    but at the risk of sounding like a stand-up comic, I  
3    just flew in from Chicago.

4 [Laughter]

5 MR. DANIEL: I returned early from a  
6 business trip because of the importance that I place  
7 on stopping this affront to the landmark status of the  
8 neighborhood. The real issue here is that landmark  
9 status of the neighborhood, and this -- this building  
10 -- this tower -- and, yes, it is a tower, would --  
11 would detract greatly from that.

I don't have very much to add to earlier testimony, since the revised proposal has been altered only adversely from the earlier one. It remains a Central Park West-sized tower smack in the middle of landmark designated mid-block meant to hold row house-sized buildings, except for the two buildings, including my own, which date from the Roaring Twenties. We could certainly propose having a board meeting to vote about whether we would tear our building down, but I don't think anyone would want to do that.

23                   But, the fact that our building exists, and  
24 another building exists slightly larger than the row  
25 house should not affect the decision of the Commission

1 here.

2                   Further, I respectfully and vehemently  
3 disagree with the Parnas's view that the location of  
4 the building is not the point. Don't let the  
5 proposal's advocates fool you. We all know what the  
6 meaning of mid-block is, and as I said once before,  
7 just like we all knew what the meaning of "is" is.

8                   The enormous amount of zoning waivers  
9 requested here are ample evidence of how far outside  
10 the norm this proposal is. An architect living in our  
11 building pointed out that the aggregate square footage  
12 in the tower would exceed, by sixty-four percent, the  
13 space permitted as-of-right, and a hundred and sixty  
14 percent, vis-a-vis R8-B.

15                  I also feel Rabbi Angel's pain, and I  
16 guarantee that most of the community respects the  
17 synagogue and its membership. And, many of us would  
18 be willing to contribute --

19                  [End of recording]

20                  MR. DANIEL: -- overwhelmingly opposed to  
21 this proposal.

22                  Let us celebrate, as we enter the 4th of  
23 July season -- let us celebrate our country's  
24 independence and the advent of democracy, by accepting  
25 the will of the people and stopping this tower, which

1       remains --

2                             [Break in recording]

3                             MR. KANTER: I'm Ari Kanter. I live at 56  
4                             West 70th.

5                             My fiance and I moved to our apartment,  
6                             where we pay twenty-two hundred bucks a month, for  
7                             something that hasn't been renovated in thirty years,  
8                             and we feel very lucky. We moved there about last  
9                             September, and every day -- we work, we work -- each  
10                            other -- we -- both of us work about eighty hours a  
11                            week. This is the first day I've had where I've  
12                            actually left work at four o'clock, or three o'clock.  
13                            I haven't eaten yet.

14                          We wanted a place where we could come home  
15                          to, turn on the street, turn the corner, and see a  
16                          beautiful street. And, we're willing to pay our --  
17                          unbelievable how much money we pay. We have no  
18                          savings. But, it's worth it, every last penny. And,  
19                          I want to thank all the people here that have spoken  
20                          and told me what they've done to the neighborhood. I  
21                          can't believe there used to be a row house right next  
22                          to it, two brownstones.

23                          I look at that building there and I know  
24                          that when I get out of the subway, after spending a  
25                          long week, or after a long day, it might be eleven

1 o'clock at night, and it might be seven o'clock, but  
2 I'm going to see that building, and I'm going to go,  
3 "What a mistake."

4 CHAIRMAN TIERNEY: Thank you.

5 [Applause]

6 CHAIRMAN TIERNEY: Pilar Davila?

7 MS. DAVILA: Hi. My name is Pilar Davila,  
8 and I'm reading a statement from Carl Kaisermann, a  
9 Trustee of the Park Slope Civic Council.

10 "The Park Slope Civic Council, fresh from  
11 our victory to complete contextual zoning for the Park  
12 Slope neighborhood, was disturbed to learn that the  
13 hard-fought for quality housing standards for bulk and  
14 height can be by-passed by an application for a  
15 special permit. Our organization was responsible, in  
16 1970, for collecting the data, photographing the  
17 homes, and writing the research that made the 1973  
18 designation of the Park Slope Historic District  
19 possible.

20 "In 1991, we joined with the City Planning  
21 Commission to promote a pilot program of contextual  
22 zoning for a portion of the community. And now,  
23 twelve years later, we have succeeded in seeing that  
24 protection expanded to cover the balance of Park  
25 Slope.

1                   "We believe the height and bulk controls  
2 fought for and adopted for both Park Slope and the  
3 Upper West Side are sensible measures that permit  
4 development while preserving what is best about our  
5 neighborhoods -- the scale of our built environment.

6                   "We ask you to oppose the Congregation  
7 Shearith Israel special permit requests, and protect  
8 the low-rise character of the neighborhood mid-blocks.  
9 Our eight hundred members, and thirty Trustees, will  
10 follow closely the action taken here, as we wish to  
11 avoid any precedents that could be used to compromise  
12 the decades of work and accomplishments achieved to  
13 maintain the integrity of our historic and unique  
14 neighborhood."

15                  Thank you.

16                  CHAIRMAN TIERNEY: Thank you. Nina Gray?

17                  MS. GRAY: I'd like to speak on behalf of  
18 myself and of my son, Alexander, who, like Peter  
19 Jennings, is not available to be here today, because  
20 he's at camp in the Adirondacks.

21                  CHAIRMAN TIERNEY: I think I read his  
22 letter.

23                  MS. GRAY: And, he did --

24                  CHAIRMAN TIERNEY: [inaudible] his letter  
25

1 MS. GRAY: -- he did send a letter. I just  
2 want to read the -- the addendum to it.

3 CHAIRMAN TIERNEY: Okay.

4 MS. GRAY: He writes: "I now understand  
5 that the synagogue has added twenty-nine more feet to  
6 the building. This will only make it worse, and all  
7 the more reason to dispose of the idea altogether,  
8 before it gets any bigger. This is why I say to the  
9 Landmarks Preservation Commission again that this idea  
10 is totally out of hand, unethical, and against the  
11 principles of the community. Please protect us."

12 He takes these things very seriously.

13 AUDIENCE MEMBER: He [inaudible] --

14 MS. GRAY: Excuse me? He's eleven.

15 [Unintelligible comments]

16 MS. GRAY: My name is Nina Gray. I'm a  
17 curator, and I specialize in the preservation of  
18 interiors for historic house museums. And, in  
19 addition, I am the consulting curator for the Neustadt  
20 Museum of Tiffany Glass.

21 I believe that this project is  
22 inappropriate, because it violates the established  
23 regulations of the Historic District. Further, it  
24 jeopardizes the integrity of the entire landmark  
25 system, by opening the door for any kind of

1 development by not-for-profit institutions in need of  
2 money in previously protected areas.

3                   The synagogue was decorated by Tiffany  
4 Studios, complete with Tiffany windows. And, the  
5 congregation has already done an admirable job of  
6 restoring these windows and interiors. A large  
7 construction project would certainly compromise this  
8 landmark, and I don't believe that a development is  
9 the answer to the as yet to be described preservation.

10                  Thank you, very much.

11                  CHAIRMAN TIERNEY: Thank you. This has a  
12 Shuster last name, but I -- I cannot read the first --  
13

14                  AUDIENCE MEMBER: She [inaudible] --

15                  CHAIRMAN TIERNEY: I'm sorry?

16                  AUDIENCE MEMBER: She left.

17                  CHAIRMAN TIERNEY: Okay.

18                  AUDIENCE MEMBER: I think she already  
19 spoke.

20                  CHAIRMAN TIERNEY: No, it's not the same  
21 Shuster.

22                  AUDIENCE MEMBER: No, it's not the same  
23 Shuster?

24                  CHAIRMAN TIERNEY: Yeah, exactly, you're  
25 right. 91 Central Park West. Tim Davis, from 91

1       Central Park West?

2                   MR. DAVIS: Thank you, very much.

3                   The key words that I seem to have taken  
4       away from many of the presentations this evening  
5       include "relative uniformity," "appropriate,"  
6       "contextual zoning," "historical identity," "community  
7       standards," "neighborhood character," "unique,"  
8       "conformity," "harmony," "consistency," "defining  
9       pattern," "preservation integrity," and "landmark  
10      status."

11                  If I think about all of those words, and I  
12       add them all up, this doesn't add up to anything  
13       anywhere near that. What this does provide is a  
14       Central Park West building transplanted into a mid-  
15       block location. Please reject this proposal.

16                  Thank you.

17                  CHAIRMAN TIERNEY: Thank you. Robert  
18       Goldrich? Arlene Simon?

19                  MS. SIMON: I am pleased to read a  
20       statement from -- good evening. It's almost a quarter  
21       to eight, so I do thank you for being so patient and  
22       being here.

23                  I do want to say that I'm reading a  
24       statement from our friends on the Upper East Side.  
25       It's called the Defenders of the Historic Upper East

1 Side. And, Elizabeth Ashby could not be here this  
2 evening, and this is a statement --

3 [Inaudible comment]

4 MS. SIMON: No, no, this is a statement  
5 that deals with -- not with what Teri had read.

6 Elizabeth writes -- "Elizabeth Ashby could  
7 not be here today, but she wished to share the  
8 following statement regarding the principle behind the  
9 transition between avenue and mid-block zoning. In  
10 the early 1980s, she" -- Elizabeth -- "not only worked  
11 on R8-B zoning for the Upper East Side, she proposed  
12 the contextual terms of the 'sliver' regulations."

13 So, let me read this short statement.

14 "Although the tower proposed by the  
15 Congregation Shearith Israel does not fall under the  
16 ' sliver' regulations, the reasoning and principles  
17 behind those regulations' terms shed light on the  
18 proper transition between avenue and mid-block scale  
19 and, therefore, the relevant zoning regulations.

20 "On an avenue or wide street" -- this is  
21 pretty technical -- "a narrow building is limited in  
22 height to the width of the street or the taller of the  
23 fulling abutting buildings. On a narrow side street  
24 such as West 70th Street, a narrow building is limited  
25 in height to the width of the street or the lower of

1       the fully abutting buildings. Narrow buildings are  
2 governed by the street that they face, not the zoning  
3 district in which they are located. Therefore, a  
4 narrow building facing a side street and within one  
5 hundred feet of the avenue and, consequently, within  
6 the avenue zoning district, is governed by the narrow,  
7 side street terms of the 'sliver' regulations.

8                 "The purpose was to prevent the ' creep' of  
9 taller, avenue-sized buildings into the mid-block. It  
10 must also be mentioned that avenues such as Fifth and  
11 Madison have transition provisions in their  
12 regulations that lower the height of buildings within  
13 the avenue zoning districts themselves.

14                 "Therefore, it is clear that the tower  
15 proposed by the Congregation Shearith Israel is  
16 contrary to the planning principles behind the zoning  
17 regulations, whose purpose is to protect the scale and  
18 character of residential mid-blocks."

19                 I thank you. And, Elizabeth had a terrible  
20 cough, or otherwise she would have been here. So,  
21 thank you, very much.

22                 CHAIRMAN TIERNEY: Claire Friedlander?

23                 AUDIENCE MEMBER: She had to leave.

24                 CHAIRMAN TIERNEY: Brett Applebaum? Brett  
25                 Applebaum?

1                   AUDIENCE MEMBER: Oh, he -- he had to  
2 leave.

3                   CHAIRMAN TIERNEY: Deborah Winokur?

4                   AUDIENCE MEMBER: [inaudible] had to leave  
5 [inaudible].

6                   CHAIRMAN TIERNEY: Kathryn Sheehan? No?  
7 Yasmine Ergas?

8                   AUDIENCE MEMBER: Gone.

9                   CHAIRMAN TIERNEY: Gone? Stan Towne?

10                  AUDIENCE MEMBER: He left.

11                  CHAIRMAN TIERNEY: Ernest Nounou, it  
12 appears to be?

13                  MR. NOUNOU: Good evening. I am Ernest  
14 Nounou. I am a West-Sider, and I'm a member of the  
15 congregation. And, I took off from work much earlier  
16 today to attend, and stuck around, because of the  
17 value of this process.

18                  I must confess to you I didn't expect to  
19 come into a love-in, but some of the things here have  
20 been a real learning experience. This is my third  
21 such meeting that I've attended, and I have learned a  
22 new definition for a "quick five-minute presentation."  
23 That resonates with me.

24                  And, I must tell you, without any sarcasm,  
25 and with real sincerity, that I was quite impressed at

1 the presentations that were able to be made without  
2 the benefit of PowerPoint. I think points were made,  
3 and I can respect that there's a difference of  
4 opinion.

5                   What is a little difficult to take is some  
6 of the characterizations that have been made about the  
7 congregation, about our motives, and so on. And, I'll  
8 leave that for others to speak to.

9                   All I wanted to say is I don't think ever I  
10 were Frank Lloyd Wright, or Clarence Darrow, combined,  
11 that I'd be able to make any arguments that would  
12 change anyone's minds here. So, I'll simply say that  
13 let's -- let's agree, as the Rabbi said, to disagree  
14 with respect, and let the chips fall where they may,  
15 and not take this to personal contentiousness.

16                   Thank you, very much.

17                   CHAIRMAN TIERNEY: Thank you. Angelo  
18 Abdela?

19                   MR. ABDELA: Good evening. My name is  
20 Angelo Abdela. I am a resident at 115 Central Park  
21 West, which is the corner of 72nd Street. It's one of  
22 the buildings you see in one of [inaudible] there.

23                   I have lived for twenty-eight years, the  
24 West Side. And, I have been living in many other  
25 cities, which are maybe as nice, less nice, like

1 [inaudible] and London and Brussels, and in Jerusalem,  
2 and in a few other places. So, I know a little bit.

3 I'm not an architect and I'm not eloquent  
4 as many of the lawyers who presented here various  
5 ideas. I am surprised, really, by the perspective.

6 People have lost perspective here. We are  
7 talking about eight stories above the synagogue.

8 That's all. We're not looking at a tower. People who  
9 want to see towers can go along Columbus Avenue and  
10 see the Millennium, they can see the Trump Towers.  
11 Those are towers. These are not towers. These are  
12 only ten apartments. These are not two hundred  
13 apartments. How much -- how much more [inaudible] ten  
14 -- ten apartments. That's all. That's all we're  
15 talking about.

16 I think we have to look at it very  
17 simplistically, and in my eyes, and I'm not an  
18 engineer, and I'm not a lawyer, and I really don't  
19 understand all your regulations that you have -- that  
20 you have to conduct the business by, but I see a small  
21 building trying to make a compromise between the  
22 forty-story which was considered many, many years ago,  
23 and -- and not having anything else there, and we have  
24 to look at this reasonably and see that that -- it's a  
25 relatively good compromise, trying to -- to fit all

1       the attitude of the community, and I am part of the  
2       community.

3                   So, somebody has to listen to me. And,  
4       really, I'm amazed when I hear people say, "the whole  
5       community is against it." Who is the whole community?  
6       We are two thousand people, or three thousand people  
7       who are either members or friends of Shearith Israel.  
8       Those three thousand people count as much, I don't say  
9       more, than a few fifty residents who live on -- on  
10      70th Street, which I respect, too.

11                  But, we have to consider we are in New York  
12      City. In New York City, building are coming up,  
13      building are coming down. We cannot stop wars. We  
14      cannot stop the future of this City. And, everyone  
15      has to consider.

16                  I don't know what is the practical or the  
17      [inaudible] which governs this committee, but I don't  
18      think the committee is supposed to freeze the City as  
19      it was a hundred years ago or two hundred years ago.  
20      We have to look at the future and see how we can put  
21      this.

22                  Thank you, very much, for your time.

23                  CHAIRMAN TIERNEY: Thank you. Anne Correa?

24                  AUDIENCE MEMBER: She had to leave.

25                  CHAIRMAN TIERNEY: David Johnson? Oh, also

1 representing Robert Caro? No --

2 AUDIENCE MEMBER: No, he had to leave.

3 CHAIRMAN TIERNEY: Okay, but Caro has  
4 already had his --

5 AUDIENCE MEMBER: No, we've had -- David  
6 replaced him.

7 CHAIRMAN TIERNEY: We've had it, okay.  
8 Frosty Montgomery?

9 AUDIENCE MEMBER: She had to leave.

10 CHAIRMAN TIERNEY: Patti Lieberman?

11 AUDIENCE MEMBER: She left.

12 CHAIRMAN TIERNEY: And, Amy Newman?

13 AUDIENCE MEMBER: She left.

14 CHAIRMAN TIERNEY: Rich Eisen?

15 AUDIENCE MEMBER: He left.

16 CHAIRMAN TIERNEY: Gary Allen?

17 AUDIENCE MEMBER: He left.

18 CHAIRMAN TIERNEY: Ben Dattner?

19 AUDIENCE MEMBER: He left, I think.

20 CHAIRMAN TIERNEY: Robert Jacobson, Junior?

21 AUDIENCE MEMBER: He left.

22 CHAIRMAN TIERNEY: Leslie Fitzpatrick?

23 Representing the Village?

24 [Inaudible comments]

25 CHAIRMAN TIERNEY: Are you going to read

1        hers?

2                    MS. McINEKNY: Good evening, Commissioners.

3        My name is Liz McLernon, and I'll be reading the  
4        statement that Leslie Fitzpatrick was to read on  
5        behalf of the Greenwich Village Society for Historic  
6        Preservation. The statement reads as follows:

7                    "In response to Congregation Shearith  
8        Israel's proposed fifteen-story building in the mid-  
9        block of West 70th Street between Central Park West  
10      and Columbus Avenue, GVSHP has several concerns. As  
11      you may know, this is a block dominated by sixty-foot  
12      row houses. We feel that the proposed tower is  
13      entirely inappropriate for the current scale of the  
14      block, as well as the Upper West Side Historic  
15      District.

16                  "This proposal is of particular importance,  
17      as its approval would set a dangerous precedent that  
18      could affect historically significant neighborhoods  
19      throughout the City. In considering such a proposal,  
20      it is imperative that we respect and retain contextual  
21      zoning, particularly with regards to matters of scale.

22                  "Also troubling to GVSHP is the broad array  
23      of special permissions being asked for in this case.  
24      We feel that this proposal must be held to the highest  
25      standards, and it is unclear at this time how this

1 will be achieved.

2                    "I urge you to join GVSHP, Manhattan  
3 Community Board Number 7, the Municipal Art Society,  
4 Historic Districts Council, Landmark West, Friends of  
5 the Upper East Side Historic Districts, and a growing  
6 list of others in opposition to this proposal. We ask  
7 that you help us work to preserve and protect this  
8 community, and to help us prevent future developments  
9 that threaten the character and scale of our historic  
10 neighborhoods."

11                  Thank you.

12                  CHAIRMAN TIERNEY: Thank you. Anita  
13 Jacobson?

14                  AUDIENCE MEMBER: She had to leave.

15                  CHAIRMAN TIERNEY: David S. Nathan?

16                  MR. NATHAN: Thank you. I am a vice-  
17 president of the synagogue, a fourth-generation West-  
18 sider.

19                  I am enormously proud of our professional  
20 team. I am enormously proud of our congregation and  
21 all of the effort that has gone into this. I think we  
22 have created a wonderful building that will be a  
23 wonderful addition to this neighborhood.

24                  I thank you for your consideration, and  
25 appreciate your time. Thank you.

1 CHAIRMAN TIERNEY: Thank you. Lyn

2 Jacobson?

3 AUDIENCE MEMBER: She left.

4 CHAIRMAN TIERNEY: Okay. Eric Marcus?

5 AUDIENCE MEMBER: He left.

6 CHAIRMAN TIERNEY: William Fields? Or  
7 Willa? I'm sorry. William -- William Fields? Come  
8 on up.

9 MR. FIELDS: My name is William Fields. On  
10 July 3rd, I will be eighty-six years old.

11 I have lived on West 69th Street for the  
12 past twenty-eight years, since 1975. I was born on  
13 the bottom of the Lower East Side. My parents were  
14 Jewish immigrants from eastern Europe. I'm very  
15 sympathetic to Congregation Shearith Israel. I'm very  
16 proud of the fact that they have existed for three  
17 hundred and fifty years, but I am absolutely opposed  
18 to what they are doing.

19 I think they are not doing good for  
20 themselves by opposing the overwhelming opposition of  
21 the community and the elected representatives of the  
22 community. I think if they want to restore the  
23 synagogue, they would get tremendous amounts of money  
24 by simply appealing to the Jewish community and to the  
25 friends of the Jewish community.

1                   I think that you should reject this  
2 proposal. I think they should scale back what they're  
3 doing, and I want to prove that the fix is not in.  
4 Prove that you're honest.

5                   Because, I know that the real estate  
6 interests in this City have tremendous influence.  
7 They are pushing people out of apartments, by getting  
8 rid of rent stabilization. They did it up in Albany,  
9 recently. And, we don't need more luxury apartments.  
10 What we need are affordable apartments. Prove that  
11 you're honest.

12                  By the way, I have a law degree that I got  
13 from attending law school at night, NYU, 1961. I'm a  
14 retired accountant. I'm a volunteer tutor at Hunter  
15 College, tutoring accounting, history, English, and  
16 political science. I have listened to all the  
17 evidence today. And, I want to tell you there's no  
18 question in my mind that this proposal is wrong, and  
19 it's wrong for the synagogue.

20                  So, I appeal to you [inaudible] consider  
21 what you do.

22                  CHAIRMAN TIERNEY: Thank you. Edgar  
23 Nathan?

24                  [Applause]

25                  MR. NATHAN: I'm speaking as an ex-

1 president of Shear!th Israel, a job I held for more  
2 years than I'd like to think and should have been  
3 allowed to. I'm also, I suppose, speaking as a long-  
4 time resident of the West Side, where I have lived all  
5 my life, which you will have to measure.

6 My parents lived on the West Side all of  
7 their lives. And, our son and daughter do now, and as  
8 we have brought them on the West Side, they are  
9 bringing their children up on the West Side. And we  
10 feel and understand what has happened at the West --  
11 on the West Side during these past decades, and what  
12 the Landmarks Commission has done to preserve and make  
13 it possible to have its current re-birth. We -- our  
14 synagogue was declared a landmark some years ago,  
15 which we are very proud of, and which we encouraged at  
16 the time.

17 I only -- in view of the hour, all I'm  
18 going to really say is the conclusion that David  
19 Nathan made. I am and we are proud of our team, of  
20 our architects, who are very talented and thoughtful  
21 people, concerned about the historic traditions of the  
22 synagogue, as emphasized in our structure, and their  
23 -- not only desire, their dedication to seeing that  
24 that is preserved.

25 I do feel strongly that -- I'm not an

1 architect. I'm a lawyer. But, I still feel strongly  
2 that the proposed building is appropriate to the area,  
3 appropriate to the landmark synagogue, and that when  
4 all is said and done, and it's finished, as with so  
5 many things of life, it will be a great addition to  
6 the community.

7 CHAIRMAN TIERNEY: Thank you. Sherry  
8 Miller?

9 MS. MILLER: My name is Sherry Miller. I  
10 am a member of the congregation, but I will state  
11 right away that just because I'm a member, that says  
12 nothing about my having any vested interest in the  
13 proposal. What says I have a vested interest in the  
14 proposal, is the fact that I'm here at all. All  
15 right?

16 I have lived on the Upper West Side for  
17 twenty-seven years. I've been a member of the  
18 congregation for twenty years. I'm going to try to  
19 keep this very, very focused, because I think that's  
20 been part of the problem of this whole session. Some  
21 people have been, and have -- and some of the antis,  
22 if you will, have made some very cogent, focused  
23 arguments. But, I'm afraid that there -- it has  
24 become -- it has spread too far afield, from what  
25 should be focused on.

1                   One thing I do have to address is two *ad  
2 hominem* arguments that have been used, that are  
3 extremely unfair. To characterize it as a very  
4 affluent congregation? Listen, it's no more affluent  
5 than anybody else who's in this room, whether they're  
6 part of the congregation or not. Yes, we do have  
7 affluent members, to be sure. But, we have the  
8 average, working professional people who are  
9 struggling with their rents, who are trying to make a  
10 decent living, and who are foregoing a lot of things.

11                  And, if you will, there is the other end of  
12 the spectrum, of which I am a part. I am certainly  
13 not affluent, and never have been, and who knows what  
14 the future can bring? And, that's the way it is.  
15 That's the broad representation that's part of the  
16 congregation.

17                  And, in terms of whether they're part of  
18 the neighborhood? Listen, the nature of the beast is  
19 such that you're going to have, probably, easily over  
20 fifty percent of the membership living in the near  
21 neighborhood. We're an orthodox synagogue, for  
22 goodness sake. If you take it seriously, you're going  
23 to try to be as close as possible, if you can. If  
24 not, at least not so far away that you can't manage in  
25 some way to be there.

1                   So, we all have, in one shape -- in one way  
2 or another, we're a part of this neighborhood, which  
3 is in striking contrast to some of the organizations  
4 who are weighing in against the proposal, who have  
5 nothing to do with the neighborhood at all, whether it  
6 be the East Side, Greenwich Village, or other  
7 organizations.

8                   I'm not saying they shouldn't show concern,  
9 but to use that as the primary weight against us is  
10 like saying, "Oh, you people who live nearby don't  
11 have any right to say anything about what's going on."  
12 Well, we do live nearby, and we do value what's there.  
13 And, we are a neighborhood.

14                  Because, I'll tell you something. I may  
15 have an apartment very close, and that's certainly  
16 home. But, this congregation and its membership is my  
17 family, and that's just as much my home, no matter  
18 what it's like, it's plusses, its minuses, whatever  
19 you want to call it, it's still home to me, too, and I  
20 love the block I walk down to get to it. It's just  
21 been way too much emotion, too much strident emotion  
22 that's been going on today.

23                  Now, you know, in terms of the economic  
24 engine, the profit motive, whatever you want to call  
25 it? Ultimately, it's irrelevant. And, let's say --

1 let's say that there is profit out of it. You think  
2 it's going to go into our individual pockets? I only  
3 wish. It's not. Because, as was once said by one of  
4 our treasurers many years ago, and I'm sorry I can't  
5 quote it exactly, but the striking word that he had  
6 used -- and this was Arthur Goldberg -- was, in  
7 referring to ourselves as an eleemosynary  
8 organization, is in fact always going to be broke, in  
9 some kind of way, because that's what we do. We try  
10 to do good.

11 So, any so-called profit that may arise out  
12 of it is going to go for the good, not to anybody's  
13 individual benefit. And, by the way, we do need it  
14 for renovation and renewal within the -- within the  
15 physical confines of the building, itself.

16 Yes, we have done a great deal in terms of  
17 renovating this synagogue building, itself, but we  
18 could not complete everything that was projected to be  
19 done, precisely because of monetary matters. So, to  
20 find fault over the issue of trying to derive a source  
21 of money to take care of that, as well as to in some  
22 way enhance the appearance of the neighborhood, I  
23 don't see how that can be faulted.

24 I think -- oh, by the way, in terms of the  
25 two buildings that were replaced by the lot and the

1       community building? Well, I mean, if you want Polly  
2 Adler's brothel still there, as they say in English,  
3 more power [inaudible]. Yes, of course, I'm sorry.  
4       Absolutely.

5                   Really, the bottom line is this: There  
6 should be only one consideration. Does it work? Or  
7 doesn't it work? You, the Commissioners, have to use  
8 your best judgment, using all that you've heard here,  
9 to see if it really does function well. Not any one  
10 particular argument. It's the accumulation of  
11 everything that you've heard, to make a decision, one  
12 way or the other. But, to listen and listen  
13 carefully, and use good judgment. That's really the  
14 bottom line. Everything else is just extraneous.

15                  CHAIRMAN TIERNEY: Thank you.

16                  Those are the only sign-ups I have. Is  
17 there anyone else that hasn't signed up, or is here  
18 and wants to speak? Please come up, and identify  
19 yourself [inaudible] and so on.

20                  MS. MOONEY: Hi. My name is Laverne Mooney  
21 [phonetic], and I live at 18 West 170th. And, I have  
22 been at a few of these meetings. I came a bit late,  
23 so I didn't get to sign up.

24                  I don't have any axe to grind with the  
25 synagogue. All I want to do is express my concern

1       about the building. I know there's a lot of people  
2       who know the law, and that's -- I'm not one of them.  
3       I'm here as, like, a resident, a mom, and a scientist.

4                  As a resident, obviously, we will be  
5       affected. I mean, we're right next door. When we  
6       bought our apartment in the neighborhood, we thought  
7       we were going to be in a place that was a historic  
8       district. It's a beautiful, tree-lined street. We  
9       planted flowers last week. It's a great neighborhood.

10                 I understand that the synagogue has their  
11       own concerns, but we also have to look at what's for  
12       the greater good of the community. I have a couple of  
13       kids, and I live there with my husband. And, I was  
14       hoping to live there for a long time. We'll see what  
15       happens.

16                 As a scientist, I'm a little bit thrown by  
17       the fact that we're having this discussion, because  
18       although I don't know the technicalities, it seems  
19       that, you know, the building is mid-block, and all the  
20       zoning requirements say a certain, you know, height of  
21       building. And yet, we're having this discussion now  
22       about putting in this big, Central Park West building  
23       right in the mid-block of a historic district.

24                 So, I would just like to say that I oppose  
25       it, obviously. I feel like it's inappropriate, and I

1 just wanted to express my concerns. Thanks.

2 CHAIRMAN TIERNEY: Thank you, very much.

3 Anyone else?

4 MS. ROSEN: Good evening. I'm Rena Sashel  
5 Rosen [phonetic], and I'm actually reading a statement  
6 by Elliott Sclar, who's Director of the Urban Planning  
7 Program at Columbia. He submitted a statement  
8 earlier, dated January 10th, to the record, and I just  
9 want to read a revision that he -- a short revision  
10 that he wrote to that.

11 "The revisions to the proposed design for a  
12 tower adjacent to Congregation Shearith Israel does  
13 nothing to alleviate the concerns identified in my  
14 earlier statement.

15 "For a meaningful, community-based dialogue  
16 and resolution to take place, in the spirit of the  
17 type of planning that created the regulations, the  
18 congregation must, as a first step, be willing to  
19 reduce the objectionable bulk, not merely re-position  
20 it. The revised proposal still threatens the  
21 contextual zoning and landmark designations that  
22 protect the Central Park West Historic District, and  
23 should not be approved."

24 Thank you.

25 CHAIRMAN TIERNEY: Thank you. Anyone else?

1               Let me summarize the mail we've received  
2 since the last hearing. Letters, some of which were  
3 actually in -- and I can't sort them all out, but some  
4 of which were read today, some of which were not.  
5 These are letters or e-mails. Fifty-eight were  
6 opposed; one in favor.

7               Postcards, sitting over here. Five hundred  
8 and fifty-seven opposed; one in favor. And, I was  
9 just asked to see the one in favor. It is actually  
10 one of the opposed -- the opposition postcards, that  
11 was marked up and changed [laughter] to put "not" in,  
12 or whatever, change the wording, to words to be in  
13 favor of it.

14               Community Board 7 -- well, that -- we've  
15 already gone through that. So, I believe that covers  
16 everything since the last public hearing, that we've  
17 received, in addition to all the testimony today.

18               And, of course, the letter in favor, which  
19 has been alluded to here, and I'm not going to read  
20 it. I'll put it in the record. It's from the Borough  
21 President, Virginia Fields. It was received today, in  
22 favor [inaudible].

23               And now, I'd like, since it's tradition --  
24 traditional practice for the -- to -- to respond, but  
25 you should either summarize or just very briefly --

1                   MR. FRIEDMAN: Very briefly, Mr. Chairman.

2                   CHAIRMAN TIERNEY: Very briefly.

3

4                   RESPONSE BY THE APPLICANTS:

5                   MR. FRIEDMAN: I do want to bring the focus  
6 back to the original question that came up to the  
7 Commission, as -- as to highlight one -- one issue,  
8 and one issue only.

9                   It's an old and cagey lawyer's tactic --  
10 and nobody will deny that Mr. Simon is a bold and  
11 cagey lawyer -- to bring up a term and then use it  
12 fifty-five times, and thereby plant it in the mind as  
13 having come from -- come from the other side. This  
14 issue about the economic engine, I'm sure if you'll  
15 take -- if you'll review the record, you'll see it was  
16 mentioned once in our presentation. It was mentioned  
17 about seventy-four times, I believe, by Mr. Simon.  
18 Once in our presentation.

19                  And, as part of that presentation, we went  
20 on to discuss the fact that the so-called economic  
21 engine was a valid justification from the congregation  
22 to go forward with the project. It is not the basis  
23 for which we're asking the Commission to approve  
24 anything.

25                  In fact, § 74-711 calls simply for a

1 preservation program. And, in the past, this  
2 Commission has used that language of the preservation  
3 program to mean all kinds of things, some of which  
4 have nothing to do with financial return or financial  
5 investment.

6                   Mr. Simon did not refer to a couple of  
7 § 74-711s. He did not refer to the Saks Fifth Avenue  
8 § 74-711, which -- in which the Commission found a  
9 preservation purpose to simply be move the bulk off  
10 the avenue, into mid-block, so that the views of Saint  
11 Patrick's Cathedral would not be -- so that the vista  
12 that led to Saint Patrick's Cathedral would not be  
13 blocked, and so that the street wall of the existing  
14 Saks Fifth Avenue building, which at the time wasn't  
15 even a landmark, would be preserved, with no economic  
16 investment in the landmark, because Saks Fifth Avenue  
17 wasn't even a landmark. There, the financial interest  
18 was zero, and the Commission found a preservation  
19 purpose.

20                   With regard to the Episcopal School, which  
21 received a § 74-711 for an additional floor, again,  
22 there was no economic interest there. It was a matter  
23 of permitting a school to do a -- a programmatic  
24 expansion in a way in which this Commission found  
25 completed the landmark. No money, no funds, nothing

1 was derived, but yet the Commission found the required  
2 preservation purpose there.

3                   And, with regard to the Jewish Museum, a  
4 § 74-711 was permitted with regard to waiving the rear  
5 yard requirements. It, in fact, treated the Warburg  
6 Mansion as if it were totally within the avenue, not  
7 the mid -- not in the mid-block, to waive the rear  
8 yard, so that the Warburg Mansion could be continued  
9 to be used as a museum. There was no economic engine  
10 in that project, either, and the Commission found a  
11 true preservation purpose.

12                  And finally, with regard to the Louis  
13 Sherry Building, at 65th and Madison Avenue, there was  
14 a § 74-711 provided to waive the very important street  
15 wall requirements in the Madison Avenue Special  
16 District, so that the building could be -- so that the  
17 building could be used by, first, The Limited, and  
18 secondly, we came back on a modification so that  
19 Hermes could use it. And, again, there was no  
20 economic engine asked for in that § 74-711 either. It  
21 was what worked for the landmark, and what augmented  
22 the landmark, what permitted the landmark to continue  
23 to be used in the vital way it was to be used.

24                  So, I would say to you, please do not fall  
25 for the old and cagey lawyer's trick, of having heard

1 the word seventy-eight times, and then assuming that  
2 it's from the applicant. Because, in this case, it  
3 has not been. The economic engine means something to  
4 Congregation Shearith Israel, but it should mean  
5 nothing to the Landmark Commission. And, in that, I  
6 totally agree with Mr. Simon's remarks.

7                   That ended [inaudible] --

8 MR. SIMON: My name has been invoked. I  
9 request no more than sixty seconds to respond.

10 CHAIRMAN TIERNEY: Sixty seconds and then  
11 we're going to wind up.

12 REBUTTAL COMMENTS

13 MR. SIMON: I'm prepared to issue a  
14 challenge to Mr. Friedman [laughter] that if the --  
15 that if the Applicant invoked economic engine only  
16 once, only once, grant the application.

17                   If -- if every quotation I made from the  
18 record is accurate, deny it.

**19** UNIDENTIFIED: Wow.

20 MR. SIMON: The fact of the matter is --  
21 the fact of the matter is that every quotation I gave  
22 was from a representative of the Applicant, to this  
23 Commission.

24 I'm not cagey. I'm honorable. I'll stand  
25 by that challenge, if Mr. Friedman will put his

1 building where his mouth is.

2 CHAIRMAN TIERNEY: Thank you. I want to  
3 thank every -- all the witnesses for being so  
4 thoughtful, patient, sitting through all this. And,  
5 my fellow Commissioners, for the same.

6 And, we are [inaudible] keep the record  
7 open. And, I'm going to take a motion to adjourn this  
8 hearing [inaudible] the motion [inaudible] motion to  
9 close the hearing? Please, and a second? All in  
10 favor?

11 VOICES: Aye.

12 CHAIRMAN TIERNEY: The hearing is closed.  
13 The record remains open and we will adjourn the  
14 meeting.

15 (Whereupon, the proceeding was concluded.)

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C E R T I F I C A T E

I, June Accornero, do hereby certify that I typed the preceding transcript of the proceedings before the New York City Landmarks Preservation Commission, In the Matter of 8 EST 70th STREET, Block 36, 37, Lot 1122, CONGREGATION SHEARITH ISRAEL SYNAGOGUE, Application #03-2628, heard on July 1, 2003, at The Municipal Building, One Centre Street, New York, New York, from tapes recorded and provided by the Commission, and that this is an accurate transcript of what happened at that time and place, to the best of my ability.

June Accornero