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Robert B. Tierney -
Chair
Landmarks Preservation Commission
1 Centre Street
9th Floor
New York, NY 10007

RE: 8 West 70th Street - Congregation Shearith Israel Synagogue

Dear Chair Tierney:

I am writing in opposition to the latest proposal of the Congregation Shearith Israel for a building at 8 West 70th Street. I understand that the Landmarks Preservation Commission (the "Commission" or the "LPC") will hold a public meeting on January 17, 2006 and that this matter is on the agenda.

I am unable to attend because of previous plans— but, it seems that in any event no testimony from the applicant or anyone may be heard and relied upon by the Commission since this meeting was not properly noticed as a hearing. I further note that your comments at the conclusion of the November 15, 2005 hearing indicated that further hearings would be held.

Height of the Building

I have a great deal of respect of the architects of this building: so we must listen very very carefully to the words of **Sam White** at the November 15, 2005 hearing at the end of his presentation. **White is quite clear: this building, he says, will be seen in a "great many places."** He emphasized that "technical sightlines" are inherently misleading as to the way a building which actually appear. True, a few sightlines from convenient locations were cherry picked and presented by the developer including one labeled "perspective from mid-block." (despite the requests of the Community Board that perspectives be prepared and given to the community, this was not done). But, other perspectives show a far greater impact. More perspectives and an audio of these comments may be found at: <http://www.protectwest70.org/2005-perspective.html>.



The perspectives from 21 West show a much more imposing building. However White's client may wish to downplay the impact by having cherry-picked perspectives, and even providing misleading models (see next topic), White as an honest professional has forewarned us as to the impact of this building.

Misleading Model Which Does Not Extend to the Property Line:

I wish to note the following **significant misrepresentation** made by the Congregation at the November 15, 2005 hearing. Quite simply, in order to deemphasize the impact of the building on its surrounding, the three dimensional model presented by the Congregation is substantially set-back from the property line. But, the proposal submitted in the written package shows a building that extends to the property line.



Quite clearly, the entire process is now infected – for this very same model was shown to the Community Board. This was another deceptive effort by the Congregation. Therefore, the Commission must disregard the Community Board resolution, and, as well should not act until an accurate model is presented.

Impermissible Factors Considered By the Community Board

The Community Board Resolution states:

WHEREAS, MCB7 recognizes the need of Congregation Shearith Israel for additional space for its educational and other programming and unique archives, and to provide ADA accessibility to its historic Spanish & Portuguese Synagogue structure; and

There are several reasons that this is impermissible and we hope that the Commission will restrain itself from considering these factors as well. It is completely irrelevant as to what the motives are of the Congregation. The architectural and landmark issues have nothing to do with the fact that this is the oldest Jewish Congregation in the country or whether the Congregation are good or bad people. But, once the Commission or the Community Board starts down this path, then not only is the whole process infected, but it then becomes incumbent upon the Commission to review the claims. For example, it is apparent that there are two major uses that this new building would add:

A Modern Catering Facility with Dual Kosher kitchens to replace the less chic area in the basement of the Synagogue.

An economic engine to provide the foregoing facilities in the form of four very larger modern condominium apartments with large picture windows overlooking Central Park.

Further, there was no evidence to show that the Congregation needs to build this building to improve handicapped access – indeed, the current building could easily be remodeled to accommodate this need, and should have been remodeled years ago as required by law. Further, there is a large parsonage building that could easily accommodate its “unique archives.” This is just political correctness run amok. No one wants to second guess what the Congregation will do with its property, but, please, if the Congregation wishes to start down this path, then they have to open their internal workings. For example, since the economic engine asserts crying impoverishment, the Congregation should be asked to show:

- The current debt of the building.
- The net worth of the 600 or more families that are members.
- The value that could be obtained by the sale of unused air rights over the synagogue.
- An explanation of the current use of the Parsonage.

In regard to the last item, the use of the Parsonage on CPW – in recent weeks lights have been seen late at night and the plans submitted by the Congregation show that the Parsonage has been designed with living quarters. This gives support for the **rumor** that the **Congregation recently has rented the Parsonage for \$19,000 a month** – if true, this belies the claims that the Congregation has an urgent need for new space for its “programs.” One can also speculate as to the market value of the Parsonage.

But, these issues have no place in an LPC hearing – clearly, the Congregation cannot have it all ways.

Misleading Assumptions Of The Community Board

Another assumption in the Community Board resolution is equally incorrect – and – indeed is a complete mischaracterization of the prior actions of the Commission.

This is what the Community Board resolution states, and, which in substance was reiterated by the Congregation at the November 15, 2005 hearing as the basis for its argument:

WHEREAS, LPC has instructed the applicant that the proposed building's location is a 'transition' site between avenue and midblock and therefore should be no higher than 18 West 70th Street to its immediate west; and

WHEREAS, the applicant's architects have worked diligently to follow LPC's guidance in reducing the height and bulk of the building from the 15-story building with 3 setback penthouses previously proposed to an 8-story building with 2 additional floors of setback penthouses; and

[I must say – I would really like to see whose word processor first prepared these words.] As far as I can understand, in listening to the December 9, 2004 audio tape, no action was taken by the Commission at the meeting. There were no “instructions” as such. It is true that individual Commissioners expressed a view, but, clearly not all Commissioners even expressed a view. **Moreover, the most favorable views for the proposal were presented by two Commissioners who were attending their very last meetings of the board before ending their terms as Commissioners.**

Additionally, the proposed building is higher than 18 West, both in the façade and in the height of the structure. So, this was a completely misinformed statement by the Community Board, but, I would admit, is based upon the clever propaganda from the Congregation’s lawyers and lobbyists.

The Congregation contention is that it received instructions from the Commission at the December 9, 2004 hearing, and diligently and reasonably complied with the instructions. This is all so untrue as indicated above. Hopefully, the Commission will not fall for this same nonsense.

Action By The Community Board With Incomplete Information

The Community Board made other mistakes that this Commission should avoid – it made a decision KNOWING THAT IT DID NOT HAVE ALL RELEVANT INFORMATION. The Board Resolution states:

WHEREAS, the applicant has not provided sightlines from the public way, Central Park, and the neighboring buildings;

BE IT FURTHER RESOLVED THAT MCB7 requests that sightlines from the public way, Central Park, and the neighboring buildings be provided to it and all other interested parties;

Even though some belated sightlines apparently were provided to the Commission, from what I have seen, these are clearly cherry-picked and inadequate. Moreover, the sightlines were not provided to interested parties. [At the Community Board committee hearing on this matter, during the hearing and on the record, I asked Mr. Friedman twice for a copy of the power point presentation that had just been presented and also asked for these sightlines. I gave Mr. Friedman my business card. He refused to provide the PowerPoint Presentation in paper or electronically and I have never heard from him.]

What still are lacking are shade studies and how this building will affect the light on the street. There is the curious anomaly since LPC seems to believe it cannot review bulk and light, and yet, it never will get review in any sensitive way by the BSA.

So, again the Community Board resolution is to be ignored in that the Board admits that it proceeded without complete information. We hope the Commission does not make the same error.

Setting Bad Precedent

Shown here is the building at 11 W. 70th which is directly opposite the Congregation's vacant lot . [Incidentally, the sunlight shown here will never be seen again.]



LPC repeatedly has refused the construction of rooftop additions to brownstones just down the street – but, look at the precedent that approval of this proposal would set. If the Board approves the proposed Shearith Israel tower on the vacant lot soaring to 124.5 feet, then what if the owner of 11 West were to ask for permission to build a rooftop addition to his building, increasing the height from 55’9” to 124.5 feet? What will the Landmark Commission then say? No? What would happen there was a fire and 11 West destroyed and the owner wanted a new 124.5 foot building? What if 11 West were sold to a religious institution, could the building then be increased to 124.5 feet? And, let us not forget, the Congregation destroyed a brownstone in 1970 – when it was clear that one day the building would be landmarked. Similarly, the logic of the exception proposed would permit roof-top construction between the buildings at 18 West and 30 West – creeping waivers.

Creeping Waivers And Who You Are

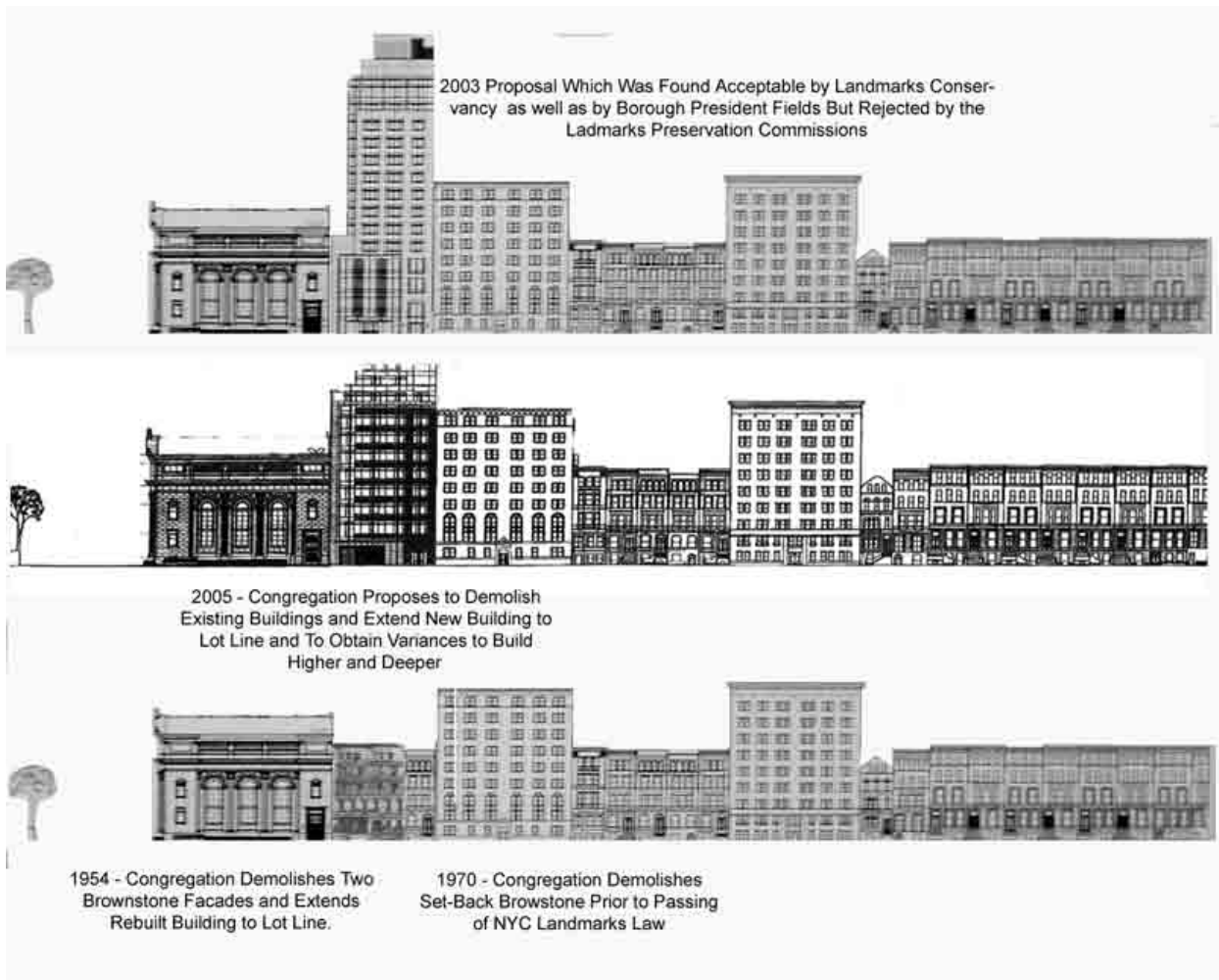
One would hope that the prohibition against rooftop additions was applied consistently. Although the LPC turned down rooftops addition on West 70th down the block, shown here is an interesting anomaly at 21 West 70th Street. Here, clearly construction of a chimney easily seen from the south side of 70th Street was apparently authorized by LPC in the recent years. Was this a result of reliance by LPC upon technical sightlines which have little to do with the real world?



Or, is this an example of who you are and who you know? The chimneys would not be seen directly in front of 21 West on the North Side in technical sightlines, but is in fact seen everywhere from the north side of West 70th. This is instructive as to the dangers of the LPC not requiring specific perspectives (instead of letting the developer cherry-pick) and also of the results of looking the other way when politically correct.

Should the LPC compromise with the extreme?

There is some sentiment that the Commission should accept the so-called compromise of the Congregation. But is this so wise or even rational? First the Congregation proposed an **extremely outrageous** tower which was rejected. Then, in 2002-2004, the Congregation was back with a simply **very outrageous** proposal – which the Commission politely nixed in late 2004. Now the Congregation has just a just a **simply outrageous** proposal which pays lip service to the objections. So, should LPC consider it a success and a meaningful compromise to go from extremely outrageous to simply outrageous. I think not. I will rely upon my neighbors to explicate all the reasons as to why this project should just fail.



MINIMAL SUPPORT FOR THIS PROPOSAL

Whatever the Congregation might wish one to believe, support for this is extremely limited to a narrow interest group – members of the Congregation many many of which are not part of the community. There is no support within the immediate neighborhood except for members of the Congregation who will all benefit economically.

Then there are two landmarks groups that support this proposal – but one of those supported the 2002-2004 proposals which pretty much destroy the credibility of that group. The other group supporting the proposal has officers who are also officer of the Congregation. But, what would one expect for a lobbying plan that goes back to 1970 when the brownstone was demolished.

The lame efforts of the attorney for the Congregation to characterize the lack of attendance at the Community Board is just wrong as far as this writer is concerned, since,

for some reason, I was unaware of that meeting, although two weeks later I appeared at and spoke at the committee meeting. The notice process for this Board is somewhat lacking and I would like to exactly who drafted the resolution.

I have only touched on a few of many issues. Please refer to my web site www.protectwest70.org for more information.

Thank you.

Sincerely

A handwritten signature in cursive script that reads "Alan D. Sugarman".

Alan D. Sugarman