

**Alan D. Sugarman**  
**Attorney At Law**

17 W. 70 Street  
Suite 4  
New York, NY 10023  
212-873-1371  
mobile 917-208-1516  
fax 212-202-3524  
sugarman@sugarlaw.com

November 20, 2006

Via Facsimile 212-788-8769

Jeff Mulligan  
Executive Director  
NYC Board of Standards and Appeals  
40 Rector Street 9<sup>th</sup> Floor  
New York, NY 10006-1705  
(212) 788-8769 (Fax)

Re: Shearith Israel Project at 10 West 70<sup>th</sup> Street, New York, New York

Dear Mr. Mulligan:

Thank you very much for providing to me on November 14, 2006 a response to my Freedom of Information request of September 1, 2006.

However, I do note that a meeting was held with the prospective applicant on November 8, 2006, and the meeting was scheduled weeks in advance as reflected by a letter of October 13, 2006 from the applicant to the BSA. Had my FOIL request been responded to in a timely manner on October 13, 2006, I would have been able to attend the November 8 meeting.

The meeting record provided to me shows that the ex parte private meeting included a BSA commissioner. I question the propriety of such a meeting. The fact that an application had not yet been submitted to the BSA does not make acceptable an ex parte meeting with a prospective applicant.

In your response, you did not include any notes as to the discussions during that meeting – the meeting record merely lists the attendees. I hereby request that all notes of the meeting be provided – I can see no basis for denying access to those notes. If redaction of internal thoughts is required, then that will be your choice.

The prior history of the applicant before the Landmarks Preservation Commission and Community Board reflects wanton ex parte contacts and irregular meetings together with the withholding of information from members of the public. I say this to explain to you the sensitivities and to explain why we feel a need to be explicit in our requests.

As an example, you provided for me a set of drawings -- “March 14, 2006 – Amended Application” -- which appear to be the drawings submitted by the applicant to the LPC

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for a March 14, 2006 meeting. The LPC posted this “meeting” on its calendar only 1 business day earlier. No copies of these new materials were made available to the public until after the close of the LPC meeting. Moreover, these materials contained new information. Also, new testimony by the applicant was considered by the LPC, turning the meeting improperly into a hearing.<sup>1</sup> The LPC then approved the project, without providing the public an opportunity to respond to the new material.

We are looking forward to greater transparency and regularity in the BSA proceedings.

We will be requesting a meeting in the near future with the staff of the BSA (but not with any Commissioner) to address certain issues. But, first, we would like to know the nature of the November 8, 2006 discussion and to receive a description of representations made by the prospective applicant at the meeting.

We would like to discuss topics such as:

- The testimony by the prospective applicant before the LPC that the condominium floors were an “economic engine” for the congregation.
- The prospective applicant’s non-use of current facilities including the building being demolished which is rented to an independent day school for substantial sums and the upper floors of the parsonage being rented to a private individual for \$19,000 a month.
- The prospective applicant’s description of the subbasement as a banquet room in earlier drawings submitted to the LPC and the impact of a banquet room catering facility on the character of the neighborhood and traffic on a narrow street, as is already evidenced by daily congestion caused by the 100 plus students in the day school.
- The fact that the variance needed by the applicant is almost solely for non-religious purposes – i.e. the variances are required primarily to allow construction of the private condominiums or of the banquet hall.

Thank you for your assistance in permitting the record to be fully developed in this proceeding.

Sincerely,



Alan D. Sugarman

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<sup>1</sup> Please note the absence of shadow studies. Please also note the perspective composites and in particular views 3 and 4 in which the top of the proposed building is not shown.

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