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April 5, 2007

Via Fax 212-925-5199

Shelley Friedman  
Friedman & Gotbaum, LLP  
568 Broadway  
Suite 505  
New York, New York 10012

Re: Congregation Shearith Israel Project at 8-12 West 70<sup>th</sup> Street, New York, New York

Dear Shelley:

I had understood that your client Congregation Shearith Israel was an Orthodox Jewish synagogue and I, who also am Jewish, am therefore taken aback by events this week.

I am referring to the fact that very late in the afternoon of Monday, April 2, 2007, (perhaps at 4:54 P.M.) the Congregation filed its application for a zoning variance with the New York City Board of Standards and Appeals. Of course, that evening was the first Seder of Passover, and, indeed, the entire day is considered to be religiously significant amongst many Orthodox Jews many of whom do not work on that day.

Then, either that evening, or, I believe, the next morning, the Congregation served a copy of the application upon the offices of Community Board 7. It is my understanding that the Chair of Community Board 7 is an observant Jew.

The significance of the date of service of a copy of the application upon the Community Board is that the service of the application initiates the 60 day period within which the Community Board must hold any hearing relating to the application. Since the Community Board has only one scheduled meeting (May 1) during the 60 day period commencing April 2, this places unnecessary time pressure on the Board. Among other things, a committee meeting to consider this matter must occur prior to May 1. However, because of Passover this week, discussion of the scheduling was not possible, and with Friday being Good Friday, additional problems are raised.

I do note that the Trustees of the Congregation signed their letter on April 1, 2007, which is a Sunday, perhaps so as to avoid taking an official action of the day of the Passover Seder.

If service of the application on the Community Board on Passover had been done intentionally, not only would this behavior be abusive and demonstrative of a lack of respect for the community, but it appears to be in conflict with principles of Halachic law, of which an Orthodox synagogue should respect. It would seem that the service of a legal document initiating a statutory period upon the Community Board on Passover would be invalid under Halachic law, and, accordingly, the running of the 60 day period would be tolled during the Passover period.

Page 2 of 2

Accordingly, out of respect of these circumstances, which, no doubt escaped everyone's notice, I ask that the Congregation agree that the Community Board meeting to consider this matter will be timely if it takes place by the regular June meeting. This technically would be accomplished by serving again the application upon the Community Board and advising the Board of Standards and Appeals that effective service took place only upon such date.

Thank you very much for considering this request.

Sincerely,

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

Alan D. Sugarman

P.S. Supporting Documents are posted at [www.protectwest70.org](http://www.protectwest70.org)

cc: Gail Brewer, New York City Council Member  
Hon. Scott Stringer Manhattan Borough President  
Hon. Richard Gottfried State Assembly Member  
Commissioner Meenakshi Srinivasan, BSA  
Hon. Sheldon J. Fine, Chair Manhattan Community Board 7  
Kate Wood, Executive Director, Landmarks West