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May 24, 2007

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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 submitting the following two FOIL request,

1. All documents related the Certificate of Appropriateness dated March 21, 2007, COFC 07-6281, issued to Congregation Shearith Israel.

In a letter sent to me by Mark Silverman date April 11, 2006, a copy of which is enclosed, Mr. Silverman said that a COA would only be issued by LPC after action by the BSA. Yet, only days before the Congregation filed its application to the BSA on April 2, 2007, the LPC did issue a COA. This is what LPC said to me in 2006:

Finally, you requested a copy of the "resolution" by which the Commission approved the application. The March 14 transcript will include the resolution. As of this date, no Certificate of Appropriateness – which will recite the resolution – has been issued. The CofA will be issued upon receipt and approval of the construction drawings.

I wish to have all documents related to the issuance of the COA in 2007 as well as documents related to the apparent change of policy and documents between the Mayor's Office and LPC.

2. All documents related to Department of Buildings Objection Letters related to the above project.

Shelly Friedman, counsel for Shearith Israel stated the following in a letter dated May 21, 2007:

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Shearith Israel
May 24, 2007
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There is certainly no procedural mystery regarding these filings. It is common knowledge that the Landmarks Commission requires an Objections Sheet in connection with a review of an application for which its form of application indicates the project will require land use discretionary approvals. This accounts for the 2005 Objections Sheet, which remains in the Landmarks Commission's publicly accessible files. For BSA purposes, an Objections Sheet must be dated within thirty (30) days of the submission of an application, thus accounting for the more recent Objections Sheet. The subsequent Objections Sheet was also required because the New Building approved by the Landmarks Commission was smaller and shorter than the building associated with the earlier Objections Sheet.

So, according to Mr. Friedman, LPC has in its files an Objection Sheet from DOB filed back in 2005, which is different from the Objection Sheet filed with the BSA in April, 2007.

Despite my prior FOIL Request to LPC, such a document (a 2005 Objection Sheet) was never provided to me by LPC. I wish to have copies of all such Objection Sheets, cover letters, and all other documents related to objections of the Department of Buildings to this project.

Thank you.

Sincerely



Alan D. Sugarman

cc: Citizens Emergency Committee to Preserve Preservation



The New York City Landmarks Preservation Commission

Municipal Building, 1 Centre Street, 9th Floor North New York NY 10007
212-669-7919 (direct dial) 212-669-7797 (fax)
msilberman@lpc.nyc.gov



Mark A. Silberman
General Counsel

April 11, 2006

Alan D. Sugarman, Esq.
17 West 70th Street
Suite 4
New York, NY 10023

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

Dear Mr. Sugarman:

I write in response to your letter to Chair Robert B. Tierney, dated April 5, 2006, concerning the application of Congregation Shearith Israel for a new building/addition adjacent to their synagogue. The Landmarks Preservation Commission ("Commission") approved the application on March 14, 2006.

You have written that the Commission's approval was a "nullity" because, in your view, the Commission should not have allowed the applicant's representatives (architects, attorney, etc.) to present a modified proposal. You are incorrect. The Commission's action was in every respect proper.

The Commission holds public hearings and meetings when considering Certificate of Appropriateness applications. Public hearings are used when the application is first presented to the Commission. Not only is the public allowed to comment at the hearing, but the Commission requires the applicant to present the application to the local community board, and strongly encourages the applicant to make the plans and architect available to other interested groups (such as neighbors). In addition, the presentation boards are available at the Commission's offices the Friday before the public hearing to any person who wishes to review them. None of this is required by law, but is of long-standing practice at the Commission.

If an application is not approved at the public hearing, the applicant is instructed to modify the proposal in accord with comments by the Commissioners. If the modifications are

substantial, the proposal goes back through the public hearing process (community board, etc.). If the modifications are not substantial, or if the Commission gives fairly specific instructions on how the application should be changed, the modified proposal is brought back to the Commission at a public meeting. It is the Commission's long-standing policy to re-open the public hearing for the limited purpose of permitting the applicant to present the modified proposal. The Commission does this because the applicant knows the project better than anyone, and this allows the Commission to understand the proposed changes in the best, most complete and efficient manner.

Your reference to my "concern" about "reopening" the hearing is misplaced. I was urging the Chair not to allow an attorney for many opponents of the project to make a statement in opposition to the revised application, not about the traditional practice of allowing the applicant to present the changes.

With respect to your request for a copy of the transcript of the meeting, do you wish a copy of the transcript of the entire application or just the March 14th meeting? Please note that there is a 25 cents per page charge for copying.

Finally, you requested a copy of the "resolution" by which the Commission approved the application. The March 14 transcript will include the resolution. As of this date, no Certificate of Appropriateness – which will recite the resolution – has been issued. The CofA will be issued upon receipt and approval of the construction drawings.

Please feel free to contact me if you wish to discuss this in more detail.

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'Mark A. Silberman', with a long horizontal flourish extending to the right.

Mark A. Silberman

Cc: Robert B. Tierney, Chair



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION

1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007

TEL: 212 669-7700 FAX: 212 669-7780



PERMIT CERTIFICATE OF APPROPRIATENESS

| | | | |
|---|---------------------------------------|----------------------------------|----------------------------------|
| ISSUE DATE: 03/21/2007 | EXPIRATION DATE: 03/14/2012 | DOCKET #: 07-5585 | COFA #: COFA 07-6281 |
| ADDRESS 8 WEST 70TH STREET HISTORIC DISTRICT UPPER WEST SIDE-CPW | | BOROUGH: MANHATTAN | BLOCK/LOT: 1122/36 |

Display This Permit While Work Is In Progress

ISSUED TO:

Dr. Alan Singer
Congregation Shearith Israel
8 West 70th Street
New York, NY 10023

Pursuant to Section 25-307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission, at the Public Meeting of March 14, 2006, following the Public Hearing of November 26, 2002, and the Public Meetings of November 26, 2002, February 11, 2003, July 1, 2003, December 9, 2003, July 19, 2005, and January 17, 2006, voted to approve a proposal to demolish the existing community house and construct a new 8-story-plus-penthouse building at the subject premises; as you were notified in Status Update Letter 06-6545 (LPC 03-2628), issued on March 14, 2006.

The proposed work, as approved, consists of the demolition of the existing 4-story community building, and the construction of a new 8-story-plus-penthouse, building with a basement and sub-basement as shown in drawings 1 through 20, dated March 14, 2006, prepared by Platt Byard Dovell White Architects LLP. The proposal, as originally presented, included the demolition of the existing community house and the construction of a new 14-story building with a 20' setback from the rear on the third and fourth floors and a 30' setback from the fifth to the fourteenth floors as shown drawings 1 through 22, dated October 24, 2002, prepared by Platt Byard Dovell White Architects LLP, submitted as components of the application, and presented at the Public Hearing and Public Meetings.

In reviewing this proposal, the Commission noted that the designation report describes the Congregation Shearith Israel Synagogue, 99 Central Park West a/k/a 2-4 West 70th Street, as an Academic Classical and Beaux-Arts style synagogue, designed by Brunner & Tryon and built in 1896-97. The Commission also noted the presence of a 9 story building at 12-18 West 70th street adjacent to the proposed building, and an 8 story building at 30-36 West 70th street located in the middle of this block of predominantly 4-5 story rowhouses.

With regard to this proposal, the Commission found that the demolition of the four-story Community House will not eliminate a building which contributes to the special architectural and historic character of the Upper West