

# Board of Standards and Appeals

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Website @ [www.nyc.gov/bsa](http://www.nyc.gov/bsa)

MEENAKSHI SRINIVASAN  
Chair/Commissioner

May 29, 2007

Ralph Perfetto  
Ombudsman  
The Public Advocate for the City of New York  
One Centre Street  
New York, New York 10007

Dear Mr. Perfetto:

We are in receipt of your letter dated May 9, 2007 asking the Board of Standards and Appeals to investigate allegations from Alan Sugarman that the Board is not cooperating on providing information on the application for a variance at 6-10 West 70<sup>th</sup> Street (Congregation Shearith Israel, BSA 74-07-BZ). We are also in receipt of Mr. Sugarman's correspondence to the Public Advocate, which you have shared with us after our request.

Your letter states that representatives of the Board met with the applicants without community representatives invited to attend. Please be advised that Board staff and two Board members met with the applicant prior to the filing of the application, in a meeting that is entirely consistent with the Procedure for Pre-Application Meetings, as posted on the Board's website. There is no requirement that community representatives be invited to attend such a meeting. After receiving Mr. Sugarman's complaint that community representatives had not been invited, we extended an invitation to Mr. Sugarman to also meet with representatives of the Board. He did not accept the invitation.

Your letter also states that we did not provide notes of the meeting pursuant to a FOIL request. Please note that I, as the Board's FOIL Officer, along with the Board's FOIL Appeals Officer have explained in letters to Mr. Sugarman that hand-written meeting notes are not disclosed because they are subject to attorney/client privilege or attorney work product privilege, or because they are exempt under FOIL §87(2). Copies of the Board's letters to Mr. Sugarman are attached.


Mr. Ralph Perfetto  
May 29, 2007  
Page 2

Your letter also refers to Mr. Sugarman's allegation that the pre-application meeting was an ex-parte meeting. Please see the attached letter which states that we will address Mr. Sugarman's allegations of ex-parte communication at the first public hearing of this case, when calendared.

Finally, you have also attached letters from Mr. Sugarman which identify questions and concerns based on his review of the filed application for the variance – including the date of the DOB objection letter for the proposed project. Please be advised that we will consider the issues raised in Mr. Sugarman's letter as we review the application for the variance.

Please contact me at (212) 788-8805 should you have any questions.

Sincerely,



Jeff Mulligan  
Executive Director

c: Greg Belcamino, General Counsel