

CB7
Land Use Committee
October 17, 2007
Statement of Bruce H. Simon

We should not be here at all this evening.

I can only imagine the pressure the Committee was under to permit the almost-applicant to trot out its half-baked proposal for a taste test. The plain fact is that the Applicant is not an applicant. BSA, just five days ago, by letter dated October 12, refused to calendar the application until the BSA's 22 specific objections are addressed "point by point," as the BSA specified. The BSA also specified that the almost-applicant's response must be submitted to CB7.

Now why would BSA refuse to calendar the application until its objections are met? And why must the almost-applicant also submit their responses to CB7?

Because the structure and the logic of the BSA process requires that be done.

The purpose of CB7 review before BSA consideration is so that BSA can have the benefit of an informed community opinion. By definition, if an application is not complete for BSA review, it is not complete enough for CB7 to make an informed judgment of any value to BSA.

And so, this evening is a pure waste of everyone's time.

BSA wants to know what you, CB7, think about the application to be heard by BSA. There is not application to be heard by BSA for you to consider.

You are in the position of an "official taster" for the food to be placed before the King. But the pie has yet to be baked.

Macbeth said it:

"If it were done when tis done, then 'twere well it were done quickly."

But tonight requires a non-iambic shift:

"Since t'will not be done till it's done, 'twere well it not be done o'er quickly."

One very general comment on the underlying issue you will have to confront once a real application is before you:

Should a variance be granted to a religious institution to allow luxury residential construction that would otherwise violate the zoning resolution, simply to provide the money the institution says it needs to build some new space for its mission? Where, (and this is important), the new space it says it needs for its mission could be built as-of-right-or with minor and non-objectionable variances?

Or to but it bluntly, should the community sacrifice the public policy underlying its zoning resolution, and thereby bear the burden of overdevelopment, so that the religious institution's Board -- and its members -- can avoid the cost of fulfilling its mission?

I do not think the community should be asked to subsidize Jack Rudin and his co-congregants.