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October 30, 2007

Via Facsimile Transmission
(212) 925-5199

Shelly S. Friedman, Esq.
Friedman & Gotbaum LLP
568 Broadway, Suite 505
New York, New York 10012

Re: Congregation Shearith Israel ("CSI")
6-10 West 70th Street/99 Central Park West
Block 1122, Lots 36, 37, Manhattan
B.S.A. CEQR CAL, No. 74-07 BZ
No. 07-BSA-71M; File No. 89628.003

Dear Mr. Friedman:

As you know, my firm has been retained by Landmark West and various Upper West Side residents as one of their counsel to conduct research into the nature and appropriateness of the proposal for the construction of the new building (the "New Building") which your client, CSI, proposes to construct on Block 1122, Lot 37 (the "Property"), adjacent to the Synagogue and single family townhouse building on Lot 36 and the March 30, 2007 BZ application (the "Application") which your firm (the "Firm") filed with the City of New York Board of Standards and Appeals ("BSA") for a variance (the "Variance") from the requirements of the City of New York Zoning Resolution.

This is to request that you respond to the following:

Request for Authorization for Access to New Building Records
at the City of New York Department of Buildings ("DOB")

In my May 9, 2007 letter to you, I wrote:

In attempting to fulfill our responsibilities, we have been stymied -- as have others who have attempted to obtain DOB documents

relating to the New Building (the "New Building Documents") -- by the DOB "policy" prohibiting access to such documents, even pursuant to the New York State Freedom of Information Law ("FOIL"), on the ground that the Property has been declared to be "sensitive" as a result of the terrorist attack which destroyed the World Trade Center and took many lives on September 11, 2001.

As you no doubt are aware, pursuant to this "sensitive" property policy, DOB requires the consent of the owner of the property to access documents relating thereto.

As I am sure you will agree, it would be unfair to force our clients -- and the members of Community Board 7 -- to attempt to respond to your Application without having access to the documents filed with and produced by DOB. Under the circumstances, this is to request that you immediately provide CSI 's written authorization for my firm to access and obtain copies of all records relating to the Property and the New Building in DOB's possession, custody or control.

You refused to provide such authorization. I renew my request.

Request for Reconsideration Documents

On June 15, 2007, BSA issued a 48 item Notice of Objections (the "June 15, 2007 BSA Notice of Objections") which stated, in part:

20. Page 24: Please correct the title of the first full paragraph by replacing "Building Separation" with "Standard Minimum Distance Between Building."
21. Page 24: Please note that ZR § 23-711 prescribes minimum distance between a residential building and any other building on the same zoning lot. Therefore, with the first full paragraph, please clarify that the DOB objection for ZR § 23-711 is due to the lack of distance between the residential portion of the new building and the existing community facility building to remain.

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25. It appears that the "as-of-right" scenario would still require a BSA waiver for ZR § 23-711 (Standard Minimum Distance Between Buildings) given that it contains residential use (see Objection # 21). Please clarify.

By letter dated September 10, 2007, addressed to Jeff Mulligan, BSA Executive Director, your partner, Lori G. Cuisinier, responded to the June 15, 2007 Notice of Objections, with respect to the Application.

With respect to Items 20, 21 and 25, Ms. Cuisinier's letter stated:

N/A Objection #8 omitted by DOB upon reconsideration. (See, DOB Objection Sheet and Proposed Plans, dated August 28, respectively)

Please provide copies of all documents submitted to or received from DOB with respect to the reconsideration and the DOB Notices of Objections.

Request for Explanation of DOB Notices of Objection

A. *DOB's October 28, 2005 Notice of Objections*

In my May 22, 2007 letter to you, I asked you to explain how the March 27, 2007 plans submitted to the BSA could have been the same plans which resulted in the DOB Notice of Objections issued on October 28, 2005.

You never explained this discrepancy.

In fact, the DOB October 28, 2005 Notice of Objections was issued even before the March 14, 2006 plans were approved by the Landmarks Preservation Commission ("LPC"), notwithstanding that you have represented to BSA that the plans which were the basis for the Application were the same plans approved by LPC.

In the June 15, 2007 BSA Notice of Objections, BSA asked:

DEPARTMENT OF BUILDINGS (DOB) OBJECTIONS

34. Please provide evidence that the DOB issued their current objections based on the proposal before the BSA.

Ms. Cuisinier's September 10, 2007 letter merely stated:

DEPARTMENT OF BUILDINGS (DOB) OBJECTIONS

Item #34: See attached DOB Objection Sheet, which was issued on August 28, 2007 in conjunction with Proposed Plans P-1 through P-17 dated August 28, 2007.*

Clearly, that did not address the question as to how a DOB Notice of Objections dated October 28, 2005, could have been issued with respect to plans dated March 27, 2007. Rather, it mentioned a new set of plans dated August 28, 2007. Please explain this discrepancy.

B. *DOB's August 24, 2007 Notice of Objections*

Ignoring BSA's request, you submitted plans dated August 28, 2007, as to which an August 24, 2007 Notice of Objections was purportedly issued. Contrary to your representation to BSA, this Notice of Objections was issued on August 24, 2007, not August 28, 2007. The request for reconsideration to the DOB Borough Commissioner was denied on August 28, 2007. However, it is still impossible for August 28, 2007 plans to have been rejected on August 24, 2007 (unless you are using a calendar with which I am unfamiliar).

Moreover, these plans, dated August 28, 2007, are not the October 28, 2005 plans which were the basis for the Application nor the March 14, 2006 plans approved by LPC.

* By the way, the LPC March 21, 2007 Certificate of Appropriateness approved "drawings 1 through 20, dated March 14, 2006", yet Ms. Cuisinier's September 10, 2007 letter refers to "Proposed Plans P-1 through P-17". Please explain this discrepancy.

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This is the second time that you have made such misrepresentations. Moreover, you have failed to respond to Question 34 of the June 15, 2007 BSA Notice of Objections.

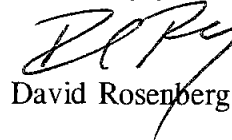
Request for Explanation as to Why BSA Should
Not Consider This to be a New Application

Your original BSA Application sought review of a DOB Notice of Objections dated October 28, 2005, to plans allegedly dated March 27, 2007.

Rather than responding to item 34 of BSA's June 15, 2007 Notice of Objections -- apparently, because you had no adequate explanation -- you have substituted a DOB Notice of Objections dated August 24, 2007 (as to which reconsideration was denied on August 28, 2007), allegedly with respect to plans dated August 28, 2007, almost two years after the plans which were the basis for the original Application.

Please explain why BSA should not treat this is a new application?

Very truly yours,



David Rosenberg

DR/pab

cc: Hon. Meenakshi Srinivasan, Chair, New York City
Board of Standards of Appeals
Mr. Jeff Mulligan, Executive Director, New York City
Board of Standards of Appeals
Margaret P. Stix, Esq., General Counsel,
New York City Board of Standards of Appeals
Mr. John Woods, Inspector General, New York City
Board of Standards of Appeals
Hon. Betsy Gotbaum, Public Advocate of the
City of New York, Attn: Ralph Perfetto
Hon. Richard Gottfried, State Assembly Member
Hon. Scott Stringer, Manhattan Borough President
Hon. Gale A. Brewer, City Council Member

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Hon. Sheldon J. Fine, Chair, Manhattan Community
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Landmark West!
Norman Marcus, Esq.
Alan Sugarman, Esq.