

LEBOW & SOKOLOW LLP

ATTORNEYS AT LAW
770 LEXINGTON AVENUE, SIXTH FLOOR
NEW YORK, NEW YORK 10065-8165
TEL: 212-935-6000 FAX: 212-935-4865

October 31, 2007

VIA FEDERAL EXPRESS

Hon. Meenakshi Srinivasan, Chair
New York City Board of Standards and Appeals
40 Rector Street
New York, NY 10006

**Re: Applicant: Congregation Shearith Israel ("CSI")
BSA Cal. No. 74-07 BZ
Premises: 6-10 West 70th Street, Manhattan
CFQR No. 07 BSA 071 M
Hearing Date: November 27, 2007**

Dear Chairperson Srinivasan:

We are the attorneys for the coalition of buildings and residents of West 70th Street, including 91 Central Park West, 101 Central Park West and 18 West 70th Street, who oppose the eight variances requested by CSI to build luxury housing condominiums for more than half of the area at the above premises.

On Friday, October 26, 2007, we received a copy of new materials submitted by CSI to BSA one day earlier. We also received a copy of BSA's official Notice of Hearing, dated Monday, October 29, 2007, setting the date and time of a public hearing on this application for Tuesday, November 27, 2007.

We respectfully request BSA postpone its hearing until January 2008 at the earliest in order to ensure adequate time for Manhattan Community Board 7 to review and vote on this revised application.

BSA should delay the November 27 hearing to ensure that Community Board 7 has adequate time to review the application, which has been substantially modified since it was originally submitted [BSA Rules & Procedures, Section 1-06 (j)]. Postponing the hearing would seem especially crucial given the Community Board's mandated role in

the zoning review process, an elemental part of a “substantially complete” BSA application. BSA’s rules state, “When the CEQR and zoning examiners have determined that the application is substantially complete, the case shall be calendared for a public hearing” [BSA Rules, Section 1-04(d)]. The Mayor’s Handbook for Community Boards provides that a review “may not be completed until after the Community Board has made its formal recommendation.” Because Community Board 7 has not yet had the opportunity to make its formal recommendation, CSI’s application cannot be considered “substantially complete.”

While presenting the earlier version of its application to Community Board 7’s Land Use Committee, applicant’s attorney, Shelly Friedman, repeatedly alleged that CSI’s application has the imprimatur of the Bloomberg administration, as evidenced by the Landmarks Preservation Commission’s approval of a Certificate of Appropriateness for the project in 2006. Of course, any notion that the City as a whole has passed judgment on this project implies that BSA’s consideration is, a fait accompli. Proceeding with the November 27 hearing date, without input from the affected Community Board, might lead some to believe that the BSA has in fact abdicated its power to review this application for zoning variances. We do not believe this to be the case. We are concerned, however, by the applicant’s cavalier attitude toward the public review process, which by law begins at the community board.

CSI has now submitted dozens of new drawings, rewritten many of its arguments and offered pages of revamped financial analyses relying on new numbers and methodologies. BSA has rightly maintained that the application was substantially incomplete and therefore not ready for calendaring. It is still incomplete. The basic objections interposed by BSA on October 12, 2007 remain unanswered. For precisely the same reasons, Community Board 7’s Land Use Committee refused to vote on this application, because it was clear that the applicant had yet to provide information essential to a reasoned evaluation of a completed application.

If BSA’s hearing proceeds on November 27, Community Board 7 will be unable to inform BSA of its views on this still incomplete application. Members of the community at large who wish to speak at the November 27 hearing will do so without the benefit of a full discussion having first been held at the Community Board level.

CSI failed to respond to the BSA’s first Notice of Objections (issued on June 15, 2007, and citing 48 shortfalls in CSI’s original submission) within the 60 days prescribed by BSA. By this time, Community Board 7’s statutory 60- day comment period had also ended. CSI’s extensive revisions should have reset the Community Board’s 60-day clock. BSA’s rules clearly intend to allow ample opportunity for community board review. In this case, the applicant appears to have deliberately manipulated and delayed the process in order to minimize community input, in direct violation of BSA rules.

Accordingly, we respectfully request that BSA adjourn the hearing date on the above matter until January 2008.

Respectfully yours,



Mark D. Lebow

Cc: 18 West 70th Street
91 Central Park West
101 Central Park West
Ms. Kate Wood
Alan Sugarman, Esq.
David Rosenberg, Esq.
Norman Marcus, Esq.
Shelly Friedman, Esq.
Hon. Scott R. Stringer
Hon. Gale A. Brewer
Hon. Thomas K. Duane
Hon. Richard N. Gottfried
Mr. Sheldon Fine
Ms. Page Cowley
Mr. Richard Asche