

Alan D. Sugarman
Attorney At Law

17 W. 70 Street
Suite 4
New York, NY 10023
212-873-1371
mobile 917-208-1516
fax 212-202-3524
sugarman@sugarlaw.com

November 14, 2007

Jeff Mulligan, Executive Director
NYC Board of Standards and Appeals
40 Rector Street - 9th Floor
New York, New York 10006

Re: BSA 74-07-BZ
Congregation Shearith Israel
6-10 West 70th Street/99 Central Park West
Block 1122 Lots 36. 37 - Manhattan

Dear Mr. Mulligans:

I have received a copy of a letter dated November 7, 2007 from Margaret O. Stix, General Counsel of BSA, to Assemblyman Richard Gottfried concerning improper ex parte meetings by BSA hearing examiners adjudicating waivers of zoning laws at quasi judicial proceedings. As you know, I have a pending request that two Commissioners recuse themselves from this proceeding.

I am aware that this would mean that the proceeding would need to be adjourned until Mayor Bloomberg appoints another Commissioner, but, this issue of recusal has been on the table since at least April of this year, if not last November. Furthermore, the Applicant should have considered this possibility of delay when it solicited such a obviously improper meeting.

Ms. Stix's response is wholly disingenuous – to suggest that the November meeting is part of this proceeding is a gross misrepresentation of the facts. No authority can be provided to show that hearing examiners of zoning boards with full time professional staff may meet with quasi judicial applicants for the purpose of discussing a proposed application.

In any event, Ms. Stix asserts there are strict policies prohibiting ex parte communications by the Board. I note that in many variance proceedings, Commissioners make on-site visits.

If an on-site visit is made of the Congregation's site (which I would assume would include inspection of the private home at the Parsonage and the interior where all of the alleged access issues exist), what provision is made to avoid discussions of any type between the Applicant and the Commissioners?

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In any event, I formally request that I be advised of any such proposed site visit and that I, along with other opponents of this project who are on record as being opposed, be invited to accompany the Commissioner's at any such visit. This would be an excellent opportunity to explore the innumerable inconsistencies between the Second Revised Statement in Support and the actual situation at the site.

As I have also noted in prior communication, and a significant fact ignored by Ms. Stix's letter, that just prior to the improper November, 2006 meeting both I and Landmark West had already communicated with the BSA as to our opposition to the project. Yet knowing the identity of opponents to the project, the BSA went ahead and held a private ex parte meeting and has adamantly refused since to provide notes of the meeting or to otherwise explain what occurred.

This situation should not be made worse by one more ex parte meeting.



Alan D. Sugarman

P.S. Supporting Documents are posted at ProtectWest70Street.org.

cc:

Hon. Richard N. Gottfried, State Assembly Member, District 64

Hon. Meenakshi Srinivasan, Chair, Board of Standard and Appeals

Margaret P. Stix, General Counsel, Board of Standards and Appeals

Richard Asche, Co-Chair CB7 Land Use Committee

Page Cowley, Co-Chair CB7 Land Use Committee

Hon. Betsy Gotbaum, Public Advocate of the City of New York

Hon. Gale A. Brewer, New York City Council Member

Hon. Scott M. Stringer, Manhattan Borough President

Hon. Thomas K. Duane, State Senator, District 29

Alan Geiger, Department of City Planning

Kate Wood, Executive Director, LANDMARK WEST!

Shelly Friedman, Esq. and Lori Cuisinier, Friedman & Gotbaum LLP