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3 COMMUNITY BOARD 7 LAND USE  
4 COMMITTEE PUBLIC MEETING  
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7 TIME: 7:00 P.M.  
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11 LOCATION: Congregation Rodeph Sholom  
12 7 West 83rd Street  
13 New York, New York  
14  
15  
16  
17 DATE: October 17, 2007  
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21 RICHARD ASCHE: Chairperson  
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1 THE CHAIRPERSON: Ladies and  
2 gentlemen, if everybody can take a seat.  
3 We have a lot to cover tonight.  
4 Everybody be seated and let's  
5 try to keep conversations out of the  
6 room, if possible. What we're doing  
7 tonight, everybody knows why we're here.  
8 We're here on an application by CSI,  
9 Shearith Israel for variances that will  
10 be heard by BSA sometime in the future,  
11 we don't know when.  
12 There have been a number of  
13 objections registered by BSA to the  
14 application, and as a consequence, the  
15 application has not been calendered for  
16 a hearing in BSA. Since BSA feels they  
17 need more information before they can  
18 vote, it stands to reason that the  
19 community board can't vote until we have  
20 the same information.  
21 So tonight's meeting is not a  
22 meeting to vote on this issue. On the

1 other hand, we felt that because there  
2 are a large number of people that want  
3 to weigh in on the issue, the issues are  
4 complex and we do have some lead time  
5 that we will have, this will be the  
6 first of at least two committee, joint  
7 committee meetings at which the issues  
8 will be first explained, then explored,  
9 and then debated. And finally voted on.  
10 No vote will be taken tonight  
11 and no minds will be made up, in all  
12 likelihood, tonight. We will give the  
13 develop -- the CSI an opportunity to  
14 explain the application and the building  
15 they propose to erect. I'm asking them  
16 to abbreviate it somewhat. I think you  
17 can assume from the -- we're familiar  
18 with the institution.  
19 We will then, I understand  
20 that there's a Power Point in opposition  
21 to the application. We'll give whoever  
22 is presenting that the opportunity to do

1 so. We will then take questions from  
2 the floor. We have some -- but I want  
3 you all to bear in mind that there will  
4 be an opportunity for public debate and  
5 speaking at the next meeting, and then  
6 another opportunity at the full board  
7 meeting.  
8 So if you wish to speak on  
9 this issue once, you may decide to speak  
10 tonight or you may wish to wait until  
11 tonight, until the night that everybody  
12 is going to be voting, and it won't be  
13 held against you either way.  
14 We will ask that you refrain  
15 from making the same speech to the same  
16 committee twice. It's bad enough that  
17 we do it.  
18 (Laughter.)  
19 THE CHAIRPERSON: Without  
20 further ado, if you could introduce  
21 yourself, who's on your team, what the  
22 application is and what exactly we need

1 private residences in order to finance  
2 the building, and if so, is the material  
3 that you submitted contain that  
4 analysis.

5 MR. FRIEDMAN: We believe that  
6 it does and with all due respect, I  
7 happen to disagree with your opening  
8 premise, we believe the condition of  
9 this residential space is essential to  
10 achieve that mission of synagogue  
11 because without that provision, we don't  
12 have the means to carry through with a  
13 great deal of the programs.

14 So it's not as if we meet the  
15 needs of the synagogues and then there's  
16 the residential. It is all tied in and  
17 apparent in the proposal to be able to  
18 execute the entire plan. In the same  
19 way many of these other institutions  
20 have also availed themselves, their  
21 rights that they own for a long time.  
22 Other institutions do it differently.

1 Some can have massive publications  
2 programs.

3 Some can have annexes and  
4 shops all over the city to sell goods  
5 and replicas, that's part of their  
6 mission, as well. This is part of ours.  
7 And the residential is no different than  
8 that. We have provided in your  
9 application the financial information to  
10 substantiate that the board decides they  
11 want to look at it. That's Mr. Freeman,  
12 he can address those points that you  
13 want to review here tonight.

14 MS. SHEFFER: You made the  
15 point earlier there are many precedence  
16 in this district, as well as all over  
17 the city for not not-for-profits or  
18 selling part of their property for  
19 residential buildings. Are there not  
20 precedence or at least some precedence  
21 in BSA rulings recently that at least  
22 question the argument or the rationale

1 of a not-for-profit seeking the proceeds  
2 from a private residential building for  
3 its programmatic needs.

4 We're faced with this recently  
5 in a different kind of situation namely  
6 the Jewish Home and Hospital in which we  
7 had recommended that they go through BSA  
8 and certain precedence were cited by  
9 their counsel and, including a couple of  
10 cases and it was very specific about the  
11 BSA needs questioning in terms of  
12 finding whether a not-for-profit could  
13 justify the need to build and sell  
14 rather its land or air rights for a  
15 private residential tower in order to  
16 promote its programmatic needs.

17 I take it that is your  
18 rationale in this instance. You need to  
19 do that, you just said, in order to  
20 serve your programmatic need and I just  
21 wonder how that squares with the other  
22 statements from BSA.

1 MR. FRIEDMAN: Well, we have  
2 as you know been at a discourse with the  
3 BSA for a couple of months with regards  
4 to the so-called notice of objections  
5 which is a consistent aspect in every  
6 application to BSA. They send you a  
7 list of things they want you to address  
8 and you do it. That question has not  
9 arisen in that discussion.

10 It's my understanding, I do  
11 not know every aspect of that case, but  
12 the question there was that, at the end  
13 of the day whether they had the  
14 sufficient justification for that alone.  
15 That is the sale of the residential  
16 component of their project. That's what  
17 the BSA is there to adjudicate. Some  
18 applications will and some won't. I  
19 believe that we have a very good  
20 submission and a very good case on that  
21 point.

22 You know, I understand that

1 the lining up of the corners, that's  
2 only a relevant factor if we waive the  
3 height in which setback is supposed to  
4 take place, correct?

5 MR. DOVELL: Correct.

6 THE CHAIRPERSON: Ladies and  
7 gentlemen, we made a lot of progress or  
8 maybe it doesn't seem like it, but I  
9 think we've -- Tom, you want to?

10 MR. VITULLO-MARTIN: One last  
11 question. I'm sorry. I'm a little  
12 confused about the school. Is the  
13 school -- someone said that the school  
14 is a rental, rents the property. Is the  
15 school part of the program of the  
16 synagogue or is it just rental income?

17 MR. FRIEDMAN: It is strictly  
18 rental income. The synagogue's Hebrew  
19 school deals with the Hebrew education  
20 of its congregants and others in the  
21 community.

22 The rental school, the Beit

1 Rabban, is a tenant and pays rent to  
2 utilize the space for a day school.

3 MR. VITULLO-MARTIN: If the  
4 school ceases to be a renter, then the  
5 synagogue has a lot more space for its  
6 programs. I mean, what is the  
7 consequence of that?

8 MR. FRIEDMAN: If the tenant  
9 left the site, then the synagogue would  
10 have a lot of empty classrooms it uses  
11 in the late afternoons, evenings and  
12 weekends and most other churches and  
13 synagogues that provide after school  
14 programs, that space will be not  
15 utilized. Empty.

16 MR. VITULLO-MARTIN: Okay.  
17 Thank you.

18 MR. FINE: Use space on  
19 weekends, at other times as it is,  
20 that's what I remember from two years  
21 ago.

22 THE CHAIRPERSON: In other

1 words, the space, Tom, is not used by  
2 the synagogue during the --

3 MR. VITULLO-MARTIN: They  
4 mesh, I see it makes sense.

5 THE CHAIRPERSON: Anyhow I  
6 think we've identified issues. We  
7 understand the issues on both sides. We  
8 have a lot of work to do and we look  
9 forward to working with everybody again.

10 We may try to narrow some of  
11 the economic issues in a smaller working  
12 group, if we can, and hopefully,  
13 Mr. Frazier will be available.

14 MR. FRIEDMAN: I'm sorry.  
15 Will be available. Thank you very much  
16 everybody.

17 (Whereupon, at 9:47 o'clock  
18 p.m., the meeting was concluded.)

19 C E R T I F I C A T E

20 I do hereby certify that the  
21 foregoing taken at the time and place  
22 aforesaid, is a true and correct

1 transcription of my shorthand notes.

2  
3 JOHN PHELPS, CSR, RPR, CRR