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NIZAM PETER KETTANEH and HOWARD LEPOW

Petitioners,

For a Judgment Pursuant to Article 78  
Of the Civil Practice Law and Rules

-against-

BOARD OF STANDARDS AND APPEALS OF THE  
CITY OF NEW YORK, MEENAKSHI SRINIVASAN,  
Chair, CHRISTOPHER COLLINS, Vice-Chair, and THE  
TRUSTEES OF CONGREGATION SHEARITH  
ISRAEL,

Respondents.  
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**NOTICE OF  
PETITION**

**Upon** the annexed petition of Petitioner Nizam Peter Kettaneh, verified September 23, 2008 and the exhibits thereto, the accompanying Memorandum of Law dated September 23, 2008 , and the annexed Affirmation of Alan D. Sugarman Submitting Appendix A, dated September 29, 2008, an application will be made to this court, at the Courthouse, 60 Centre Street, Room 130, New York, NY 10007, at 9:30 a.m., October 31, 2008, for a Judgment, pursuant to CPLR Article 78, granting the following relief:

1. Declaring as arbitrary, capricious, illegal, unlawful, and irrational the Decision of the Respondent Board of Standards and Appeals of the City of New York (“BSA”) in Calendar No. 74-07-BZ, issued August 26, 2008, and filed August 29, 2008, granting height and setback variances under Zoning Resolution §72-21 to the Respondent The Trustees of the Congregation Shearith Israel (the “Congregation”) for the construction of a mixed use building at 8-10 West 70th Street in the Borough of

Manhattan, on appeal from an alleged determination of the Manhattan Borough Commissioner of the New York City Department of Buildings (“DOB”) (the “Variances”);

2. Annuling, vacating, and reversing the Decision;
3. Should the court in its discretion determine that the Decision be remanded for further proceeding, ordering that in any proceeding, the Respondent BSA be ordered to allow Petitioners to intervene, to question representatives of the Respondent Congregation as to material issues, to propound written questions and request for documents, and to have the other rights of a party to the proceeding and declaring that, upon the evidence, the Respondents BSA Chair MEENAKSHI SRINIVASAN and BSA Vice-Chair CHRISTOPHER COLLINS may not participate in any rehearing as a result of improper ex parte meetings with the Respondent Congregation and the lack of impartiality of said Chair and Vice-Chair in the proceeding below; and
4. Any further relief this court deems just and proper.

Respondents are required to serve, at least five days prior to the return date, a verified answer and supporting affidavits, if any.

New York County is designated as the venue of this proceeding as the county in which Respondent made the determination complained of.

Dated: September 29, 2008  
New York, New York

Alan D. Sugarman



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