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The masthead for The New York Observer, a weekly newspaper. It features the title "THE NEW YORK OBSERVER" in large, bold, serif letters. Below the title is the subtitle "NEW YORK'S WEEKLY NEWSPAPER". To the left of the title is a small inset image labeled "Real Estate Classified" showing a man in a suit. To the right is another inset image labeled "NYO Home" showing a person's hands. Below the title is a navigation bar with links: "Table of Contents | Media and Society | Arts and Entertainment | Opinions | The Financial Observer". At the bottom of the masthead, it says "August 7, 2003 | 10:23 AM" on the left, "THE FRONT PAGE" in the center, and "© 2003 THE NEW YORK OBSERVER" on the right.

Peter Jennings Hops to Protest Synagogue Plan

by Blair Golson



Peter Jennings has tossed a Molotov cocktail into a bitter Upper West Side real-estate battle. The ABC newsman is charging that Congregation Shearith Israel, the oldest Jewish congregation in America, is pulling strings to destroy the character of his neighborhood by erecting a 14-story residential building on West 70th Street next-door to its synagogue on Central Park West.

"The synagogue gives the impression of having worked to bypass the neighbors, to have its way whatever the neighbors think," Mr. Jennings wrote in a July 1 letter to the chairman of the Landmarks Preservation Commission. "I realize we may all be a bit paranoid at the moment, but I must tell you that those of us who harbor productive feelings about government—and the governing process—feel that in this instance our rights—yes, it is not too strong a word—are being ignored by people who wish to serve their own interests at the expense of the community."

The strong words from Mr. Jennings have riled the congregation, which argues it needs the proceeds from the apartment building to finance renovations on its landmark synagogue.

But opponents charge that the proposed tower—whose height would exceed zoning restrictions by over 80 feet—is out of character with the rest of the low-lying brownstone buildings on the block.

And despite a public debate on the issue that has stretched back almost a year, many neighborhood residents and advocacy groups are arguing that the congregation has been working behind closed doors to gain the city's approval for the project—a claim that the congregation dismissed as specious.

But that's the gist of the letter that Mr. Jennings, a nine-year resident of 101 Central Park West, which is across the street from the proposed building, wrote to Robert Tierney, the chairman of the Landmarks Preservation Commission.

"Here's what else I hear on the street," his letter continues. "That people have lost faith in the process—the governing process—because they believe 'the fix is in.' It's a horrible phrase, but many of my neighbors are convinced it is true."

It's a characterization that Congregation Shearith vigorously denies.

"We have provided well over a dozen presentations; we have gone to co-op meetings, neighborhood meetings ... we have briefed elected officials," said the congregation's attorney, Shelly Friedman, one of the city's most effective real-estate lawyers and the go-to guy for institutions like the Metropolitan Museum of Art and Memorial Sloan-Kettering Cancer Center when they meet resistance to construction plans. "We have gone well beyond any requirement to at least make sure people are informed about what Shearith Israel is proposing, and why it's proposing it."

Shearith Israel's neo-classical synagogue on the corner of Central Park West and 70th Street has been the congregation's home since 1897, but the congregation's roots in the city stretch back to its founding in 1654; it remained the only Jewish congregation in New York City until 1825. Presently, the synagogue and its "community house," on the south side of 70th Street, are home to its twice-a-week Hebrew school, a toddlers' program, cultural events and a Shearith Sisterhood. The community house, a non-landmark four-story building built in 1954, would be razed to make room for the 14-story apartment building. The bottom four stories would be used as a new community center, and the remaining 10 stories would be high-end condominiums, which would hit the market as sale units. The congregation plans to split the profits with the developer and use its share to finance ongoing renovations at the synagogue.

To date, the congregation has spent \$8 million restoring the synagogue, and much work remains: a new copper roof, grates and grillwork, glazing the Tiffany stained-glass windows and a complete overhaul of a parsonage townhouse directly south of the synagogue on Central Park West.

Mr. Friedman said the congregation's proposed 14-story building would provide an "economic engine" for the renovation work. To erect it, however, the congregation needs a zoning variance, because the 157-foot building would be over double the height allowed on that block, which is part of the Upper West Side–Central Park Historic District.

In fact, this is a battle that Congregation Shearith has been waging for more than 20 years. In 1983, it proposed erecting a 42-story tower that would cantilever directly above the existing synagogue. It abandoned that plan in face of widespread public opposition. In 1995, the synagogue proposed building a 33-story tower, but the Landmarks Commission dealt an early death blow to that plan, calling it equally unrealistic.

Then as now, most of the plan's opponents object to the building because they say it's grossly inappropriate for a brownstone-laden block. But Manhattan Borough President C. Virginia Fields and the New York Landmarks Conservancy disagree with that assessment, noting that the proposed building is so close to the end of the block that it's practically a Central Park West building; the block is already home to two relatively tall buildings, No. 18 West 70th Street, a nine-story apartment building, and No. 30, a 10-story building.

"We thought it was a reasonable height and design," said Peg Breen, president of the Landmarks Conservancy. "It would have a minimal impact on the historic district, as it would be at the end of the block."

Only the City Planning Commission can grant a building variance. But before that happens, the congregation must get an O.K. from the Landmarks Commission. The agency last held a hearing on the issue on July 1—and officials there said they don't plan to take the matter up again until September. When they do, it will be the commission's fourth public hearing on the matter. The synagogue's attorney, Mr. Friedman, cites that—and about a dozen other meetings the congregation has held with community members—as evidence of the synagogue's determination to give the public its fair say in the process.

But critics of the project, including elected officials and community-advocacy groups, note that Mr. Friedman and the synagogue began meeting privately with members of the Landmarks Commission about a year before they first publicly announced their plans in October 2002. This has fueled speculation that the commission may have informally greenlighted the project before it was ever subject to public scrutiny.

"It's incredibly frustrating when an advocacy group reviews a project and spends time and intelligence and energy to influence the process, only to discover that the project is already way down in the pipeline and a lot of the decisions have already been made—so all you're managing to affect is the color of the paint," said Simeon Bankoff, executive director of the Historic Districts Council, which opposes the project. "That does not exactly inspire faith in the public process."

Mr. Friedman doesn't dispute that he and the synagogue participated in private meetings with the Landmarks Commission prior to October 2002, but he and the commission both called those meetings "standard operating procedure" for an application of this nature.

"It's in the nature of these things for an applicant to work very hard before putting its case before the public," he said. "That requires a bit of time, and invariably a community can say, 'Why didn't you come to us sooner?' The simple response to that is: How can we come before we know precisely what we want to say and what it's going to look like?"

State Assemblyman Richard Gottfried, who has been a vocal opponent of the project, said he sees a double standard in the city's allowance of such private meetings.

"If a community group said, 'So-and-so developer got to meet with the Mayor, and we'd like to do that,' they'd look at you like you had two heads," he said. "In a criminal case, if the defense attorney—or the district attorney—worked on that basis with the judge, it would be a constitutional outrage."

Kate Wood, executive director of Landmarks West, a local preservation group that opposes the project, said that while she believes the public has been given ample time to react to the project, she is beginning to wonder if those arguments haven't been falling on deaf ears.

Since the synagogue first publicly announced its intentions of seeking the variance in October of 2002, hundreds of neighborhood residents, elected officials, community-advocacy groups and historic-preservation organizations have come out in vocal opposition to the plan.

Along with Mr. Jennings, they include the historian Robert Caro, the former New York City Opera director Julius Rudel, City Council member Gale Brewer, State Assemblyman Richard Gottfried, State Senator Tom Duane, the preservation groups Landmark West! and the Historic Districts Council, and hundreds of neighborhood residents.

In his letter, Mr. Jennings wrote that many of his neighbors "believe that people over whom they have no influence have been working against the best interest of the neighborhood, even though the neighborhood is overwhelmingly opposed to the project."

He proceeded to single out developer Jack Rudin, a Shearith honorary trustee, as being a congregation member who is spoken of as trying to push the project through over the objections of concerned residents.

"Jack Rudin's name comes up a lot," Mr. Jennings wrote. "He's done a great deal for New York City, but in this neighborhood these days I hear him discussed as a member of the synagogue who wishes to have his way, and the synagogue's, no matter what the neighbors think."

Mr. Rudin, for his part, denied having any formal or informal involvement with the project aside from having once spoken in favor of the project at a November 2002 Landmarks meeting, and his spokesman, Howard Rubenstein, took issue with Mr. Jennings' characterization of his actions.

"Jack Rudin is concerned about his neighbors' opinions," said Mr. Rubenstein. "He

sat in on three and a half hours of his neighbor's opinions. He believes many of the neighbors are in the belief that [the project] is a good thing for the community."

Mr. Friedman said that the community's reservations have indeed made their impact on the congregation's plans.

"This project was proposed in an excess of 40 stories, and that was cut down to 33 stories, and now it stands at 14 stories," he said. "That is, over the longitudinal view, attributable to the fact that the community made its views known, and the Landmarks Commission reacted to it."

The project does have its supporters. Aside from the congregation members themselves, they include Manhattan Borough President Fields, who originally opposed the project but reversed herself last month after reviewing updated building plans; the New York Landmark Conservancy, a prominent preservation group; and, according to the congregation, many residents citywide.

Still, even the plan's supporters concede that the opposition has been well organized and has done a good job drafting some prominent New Yorkers into its cause. Mr. Caro, for example, whose Pulitzer Prize-winning book *The Power Broker* made issues like zoning and neighborhood preservation sexy, wrote a letter in February to the Landmarks Commission about his fear that the proposed building would set a dangerous precedent for the future of the city's historic districts.

"If you walk along Central Park West today, there are a number of low-rise religious buildings whose membership could, for the same reasons, request the same series of 'waivers,' 'variances' and 'special permits,'" wrote Mr. Caro. "Setting a precedent is often only the first step in changing existing rules and regulations."

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