



Richard N. Gottfried
75th Assembly District

Chair
Committee on Health

NEW YORK STATE ASSEMBLY

822 Legislative Office Building, Albany, NY 12248
Tel: 518-455-4941 Fax: 518-455-5939

250 Broadway, Rm. 2232, New York, NY 10007
Tel: 212-312-1492 Fax: 212-312-1494
E-mail: GottfrR@assembly.state.ny.us

COMMITTEES
Rules
Health
Higher Education
Insurance
Judiciary
Social Services
Majority Steering

REJECT THE SHEARITH ISRAEL REAL ESTATE DEVELOPMENT

Testimony by Assembly Member Richard N. Gottfried
Before Landmarks Preservation Commission
February 11, 2003

My name is Richard N. Gottfried. I am the Assembly Member representing the 75th Assembly District, which includes Congregation Shearith Israel (CSI) and the site of the proposed building. I urge the Commission to reject the proposed project.

Under the law, CSI must prove that its proposed real estate development both "contributes to a preservation purpose" and "relates harmoniously" to the landmark synagogue and the historic district. It does not pass either test. It has nothing to do with the preservation of the synagogue landmark, and it is grossly out of scale and conflicts with the historic district.

A growing and prosperous congregation can and should support its mission without damaging the surrounding community and the law.

The project does not "contribute to a preservation purpose"

Under Section 74-711(a)(1) of the zoning code, the City Planning Commission may not approve this proposal unless the Landmarks Preservation Commission issues a report finding that the proposal "contributes to a preservation purpose." This project actually has nothing to do with a "preservation purpose." It is simply a plan to yield an extraordinary amount of money for CSI.

If CSI's proposed development were actually intended to help preserve the landmark structure, it would not have worked behind closed doors with City agencies for two years without a word to its neighbors or the preservation community. Its secrecy and effort to rush the development through the approval process belie its claim of public spirited motive.

If the statutory language – "contributes to a preservation purpose" – is meaningful, it must mean that preservation of the landmark will in some way be increased or improved by the project. If preservation will be no more or no less *with* or *without* the proposal, then the proposal is not *contributing* anything to a preservation purpose. It is *irrelevant* to that purpose.

CSI has not provided any evidence that the funds derived from the project would support any restoration or maintenance of the landmark beyond what it *has been doing* and will in any event *continue* to do. CSI has done an admirable job of restoring and maintaining the landmark synagogue, thanks to the resources of its members. CSI offers no evidence of financial need, nor does it suggest that it could not or would not continue the restoration and maintenance without the profits from this real estate development.

Instead, CSI concedes that the profit from the deal will largely be committed to building its “community house” and running the synagogue’s programs. The real beneficiaries will be the synagogue’s wealthy and growing membership, which will not have to dig as deeply into its pockets as it otherwise would to run the synagogue.

Since restoration and maintenance of the landmark have been and will continue to be done *without* the proposed project, the most that can be said is that to some extent, some of the profit from the project will *supplant* synagogue funds that would otherwise help preserve the landmark. Supplanting support for preservation cannot be said to “*contribute* to a preservation purpose.”

Violation of statutory standard

The proposal involves a landmark building and is located in a historic district. Before the Landmarks Preservation Commission can act favorably on the project under Section 74-711(a)(2) of the zoning code, it must find that it “relate(s) harmoniously to the subject landmark building (and) buildings in the Historic District.”

The proposed building would be on West 70th Street, a side street of the Upper West Side/Central Park West Historic District. This and many other side streets of the historic district are characterized primarily by decades-old brownstones and small apartment buildings.

The proposed building would be dramatically out of scale with the buildings on the side street. The 157-foot building would be one and one half times the height of the adjacent building. It would be about three times the height of the brownstones that make up most of the block.

It would be more than two and a half times the ordinarily-permitted streetwall height for the site.

It would also be several times the total bulk or FAR that would ordinarily be permitted for the site.

If this building does not flunk the “harmonious” test, what *does* it take to flunk?

The plan will get worse

If this real estate development is approved, CSI will then bring in a commercial developer or owner for the residential part of the building. The commercial developer will certainly see the potential for multiplying its profit by adding more floors to the building.

CSI and the developer will then argue that since LPC had found that creating a multi-million dollar endowment for the synagogue “contributes to a preservation purpose,” then enlarging the endowment would contribute even more. They will argue that if a new 14-story building is “harmonious” with a brownstone block, then surely a few more stories would not

make a big difference.

The Commission should think ahead to that prospect and consider this: When CSI or its commercial partner comes back for more, on what basis will the Commission be able to turn them down?

Damaging precedent

Approving this proposed real estate development would set a dangerous precedent that would seriously undermine the protection for landmarks and historic districts. When the law is ignored, diminished or distorted for one applicant, other applicants will insist on – and will receive – similar exemptions, because the Commission will have no legal basis for turning them down.

If a real estate development that does not improve or increase historic preservation is allowed to claim that it “contribute(s) to a preservation purpose,” does the statutory standard have any meaning? If the Landmarks Preservation Commission empties the statutory language of meaning, how will the Commission hold any future applicant to a meaningful standard and insist on a real contribution to preservation?

If the developer of a side street building that is several times the height and bulk of the other buildings on the block in a historic district is allowed to claim that it “relate(s) harmoniously to . . . the buildings in the Historic District,” then every historic district is in grave peril.

If this real estate development is approved, then in this and other historic districts we will soon have churches, synagogues, schools, and even ordinary property owners coming up with countless real estate schemes to make money by multiplying the height and bulk of a building. They will all be able to point to the example of CSI. And the Landmarks Preservation Commission will have given up its ability to insist on a meaningful contribution to a preservation purpose or to apply any meaningful standard of what is harmonious with a historic district.

New York City has not headed down that road and should not. The laws protecting landmarks and historic districts are an important part of what holds our City together. These laws should not be ignored, diminished or distorted.

The better alternative

CSI is a growing congregation with wealthy members. It has a magnificent building and sanctuary that require restoration and maintenance. The congregation has been honoring its centuries-old tradition and its religious mission by raising the necessary funds to preserve the synagogue.

Now, CSI also wants to build a new, expanded “community house” and support its programming. (Note that the “community house” serves CSI, not the community.) A new community house – without a real estate development component – could certainly be designed

in a way that would not run afoul of the landmarks and historic districts laws and applicable zoning.

CSI can and should preserve the synagogue, and build and run the new community house, by raising the necessary funds, primarily from among its members. It is not a simple matter, but that is what congregations do across New York City and across the country. And CSI is better able to do that than the vast majority of other congregations.

Conclusion

The Landmarks Preservation Commission should stand by the law and reject the proposed real estate development. It does not "contribute to a preservation purpose" and it is not "harmonious" with the historic district. CSI should stand by its honorable tradition and turn away from real estate development.