



## The New York City Landmarks Preservation Commission

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Mark A. Silberman  
General Counsel

April 11, 2006

Alan D. Sugarman, Esq.  
17 West 70<sup>th</sup> Street  
Suite 4  
New York, NY 10023

Re: 8 West 70<sup>th</sup> Street - Congregation Shearith Israel Synagogue

Dear Mr. Sugarman:

I write in response to your letter to Chair Robert B. Tierney, dated April 5, 2006, concerning the application of Congregation Shearith Israel for a new building/addition adjacent to their synagogue. The Landmarks Preservation Commission ("Commission") approved the application on March 14, 2006.

You have written that the Commission's approval was a "nullity" because, in your view, the Commission should not have allowed the applicant's representatives (architects, attorney, etc.) to present a modified proposal. You are incorrect. The Commission's action was in every respect proper.

The Commission holds public hearings and meetings when considering Certificate of Appropriateness applications. Public hearings are used when the application is first presented to the Commission. Not only is the public allowed to comment at the hearing, but the Commission requires the applicant to present the application to the local community board, and strongly encourages the applicant to make the plans and architect available to other interested groups (such as neighbors). In addition, the presentation boards are available at the Commission's offices the Friday before the public hearing to any person who wishes to review them. None of this is required by law, but is of long-standing practice at the Commission.

If an application is not approved at the public hearing, the applicant is instructed to modify the proposal in accord with comments by the Commissioners. If the modifications are

substantial, the proposal goes back through the public hearing process (community board, etc.). If the modifications are not substantial, or if the Commission gives fairly specific instructions on how the application should be changed, the modified proposal is brought back to the Commission at a public meeting. It is the Commission's long-standing policy to re-open the public hearing for the limited purpose of permitting the applicant to present the modified proposal. The Commission does this because the applicant knows the project better than anyone, and this allows the Commission to understand the proposed changes in the best, most complete and efficient manner.

Your reference to my "concern" about "reopening" the hearing is misplaced. I was urging the Chair not to allow an attorney for many opponents of the project to make a statement in opposition to the revised application, not about the traditional practice of allowing the applicant to present the changes.

With respect to your request for a copy of the transcript of the meeting, do you wish a copy of the transcript of the entire application or just the March 14<sup>th</sup> meeting? Please note that there is a 25 cents per page charge for copying.

Finally, you requested a copy of the "resolution" by which the Commission approved the application. The March 14 transcript will include the resolution. As of this date, no Certificate of Appropriateness – which will recite the resolution – has been issued. The CofA will be issued upon receipt and approval of the construction drawings.

Please feel free to contact me if you wish to discuss this in more detail.

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'Mark A. Silberman', with a long horizontal flourish extending to the right.

Mark A. Silberman

Cc: Robert B. Tierney, Chair