

**Testimony of LANDMARK WEST!  
Before the Community Board 7 Land Use Committee  
Regarding 6-10 West 70<sup>th</sup> Street, Congregation Shearith Israel  
October 17, 2007**

LANDMARK WEST! is a not-for-profit community organization committed to the preservation of the architectural heritage of the Upper West Side.

This is, at heart, not a complicated project. In fact, it is a prime example of a persistent and growing breed of nonprofit institutions seeking to “monetize” their real-estate assets at the public’s expense by violating the protective height and setback requirements.

What makes this project seem complicated are the mountains of paper, thousands of words, columns of numbers all seeking to show why Congregation Shearith Israel should not have to play by the rules—rules that this community and this Board fought long and hard to create in order to protect the special character of this neighborhood. Indeed, this application sets out to undo one of the Board’s truly great successes—low-rise, R8-B, contextual midblock zoning.

As Columbia Urban Planning Professor Elliott Sclar wrote in a statement about this project when it first appeared four years ago, the very fact that so many special variances are needed “should set off alarm bells everywhere in the planning and preservation community” (Statement of Elliott D. Sclar, January 10, 2003).

What is also disturbing is the applicant’s repeated failure in all of its voluminous materials to provide essential information necessary to evaluate this application on the merits. These failures are starkly called out by the BSA’s list of 48 objections to the original application, its additional 22 objections to the revised application, plus extensive analyses by community representatives including attorney Alan Sugarman and planner Simon Bertrang.

The most probing of these objections have been totally ignored by the applicant. Questions left unanswered include: How much square footage and how many classrooms are devoted to the income-producing tenant school? Why doesn’t the applicant’s feasibility study include the Parsonage, with its residential rental use and income, in its analysis of its needs and opportunities? Why does the applicant believe it is okay to exploit its neighbors’ light, air, and quality of life rather than taking advantage of the resources they already have or could have under an as-of-right scenario?

One cannot help but suspect that all of these convolutions are simply a smokescreen to hide the one clear fact, right there in the applicant’s drawings, that the most pressing of the claimed programmatic needs—for improved circulation and accessibility—could be accomplished in just the first floor of an as-of-right community house, and certainly without stacking floors of luxury condos on top.

Nothing in life comes for free. But, in this case, Congregation Shearith Israel wants the community to pay the price.