

Alan D. Sugarman
Attorney At Law

17 W. 70 Street
Suite 4
New York, NY 10023
212-873-1371
mobile 917-208-1516
fax 212-202-3524
sugarman@sugarlaw.com
www.sugarlaw.com

December 7, 2016

Hon. Margery Perlmutter
Chair
New York City Board of Standards and Appeals
250 Broadway, 29th Floor
New York, New York 10007

Re: 74-07-BZ
Trustees of Congregation Shearith Israel
8-10 West 70th Street,
New York, New York, 10023
Block 1122 Lots 36&37
Transmittal Letter

Dear Chair Perlmutter,

On behalf of Nizam Ketanneh,¹ owner of the townhouse at 15 West 70th Street, and other persons with an interest in the above application of Congregation Shearith Israel, I submit three copies of the following opposition documents in hard-copy accompanied by a CD. At the hearing of October 14, 2016, opposition counsel were allowed to file a response on December 7, 2016.

Counsel for the Congregation is permitted to respond on December 27, 2016. Should the Congregation amend it previously filed Statement of Facts, Technical Memorandum, etc., we ask the Board to require the Congregation to provide red-lined versions compared to the versions of November 16, 2016. The rolling submissions by BSA should not be allowed, certainly without red-lining. This is an abusive practice. Moreover, the Congregation should not be permitted to show any posters or other visuals at the scheduled hearing of January 10, 2017, unless provided on December 27, 2016.

Following are the documents submitted herewith including the Acrobat file names as included on the CD and available on DropBox.

¹ Mr. Kettaneh was the lead petitioner in the Article 78 challenge to the 2008 BSA variances.

This Transmittal Letter dated December 7, 2016	Opp.Ex. 74-07-BZ Sugarman Transmission Letter 12-07-2016.pdf
Submission Form dated December 7, 2016	Opp.Ex. 74-07-BZ Sugarman Submission Form 12-07-2016.pdf
Sugarman Opposition Statements on Behalf of Nizam Kettaneh dated December 7, 2016	Opp.Ex. 74-07-BZ Sugarman Opposition Statement 12-07-2016.pdf

BINDER VOLUME 1 DOCUMENTS

Opp.Ex.000	Table of Contents Vol. 1, Documents	Opp.Ex.000 74-07-Bz Table of Contents Vol1 EX 1-41.pdf
Opp.Ex.1	Sugarman Statement at BSA Hearing October 14, 2016, Revised With References	Opp.Ex.001 74-07-Bz Sugarman Presentation at BSA Hearing of October 14, 2016 Edited with Citations to Exhibits.pdf
Opp.Ex.2	August 26, 2008, Highlighted BSA Resolution 74-07-BZ, In Re Congregation Shearith Israel.	Opp.Ex.002 74-07-Bz BSA Decision.pdf
Opp.Ex.3	April 22, 2015 Sugarman "Bait and Switch" Letter to BSA Advising BSA of Congregation Non-Complying filings to BSA	Opp.Ex.003 74-07-Bz 2015-04-22 Sugarman Letter BSA DOB Re Congregation Shearith Israel Bait And Switch.pdf
Opp.Ex.4	Table of Changes of Use in DOB Plans between the 2008 BSA plans and the plans initially accepted by DOB in 2015 as filed with DOB Challenge.	Opp.Ex.004 74-07-Bz Table Changes Of Use.pdf
Opp.Ex.5	Summary of 2007-2007 Testimony and Statements Made by Congregation in Support of Variances.	Opp.Ex.005 74-07-Bz 16 2015-06-10 Summary Excerpts From Documents 2007-08.pdf
Opp.Ex.6	2007-2007 Testimony and Statements Made by Congregation in Support of Variances, as filed with DOB Challenge.	Opp.Ex.006 74-07-Bz 16 Excerpts Of 2007-8 Testimony And Statments.pdf
Opp.Ex.7	May 10, 2013 and March 13, 2015, PW1-A-Certificate of Occupancy	Opp.Ex.007 74-07-Bz Pwia Occupancy Filed With DOB.pdf

NYC Board of Standards and Appeal
December 7, 2016
Page 3 of 6

Documents filed by Congregation With
DOB

Opp.Ex.8	December 4, 2007 CB-7 and CB-7 Committee Resolutions Disapproving CSI Project	Opp.Ex.008 74-07-Bz 2007 Cb7 And Committee Resolutions.pdf
Opp.Ex.9	Group Exhibit Re Congregation Non-Response of September 8, 2016 to BSA Notice of Comments	Opp.Ex.009 74-07-Bz Exerpts CSI Response To BSA Request For LPC Documents.pdf
Opp.Ex.10	June 10, 2015, Kettaneh Initial Zoning Challenge to DOB Without Exhibits	Opp.Ex.010 74-07-Bz Kettaneh Challenge And Appeal To 8 West 70th St Manhattan Wo Exhibits.pdf
Opp.Ex.11	August 12, 2008, Congregation Financial Analysis In Support of Variance - valuing condominiums at \$30 million.	Opp.Ex.011 74-07-Bz 2008-08-12 Freeman Frazier 2008 Analysis.pdf
Opp.Ex.12	February 10, 2012, Group Exhibits Congregation Application to Test The Market to NY Attorney General and related documents. See page 11 re \$60 million.	Opp.Ex.012 74-07-Bz 2016-04-27 Congregation Condominium Value Market Test.pdf
Opp.Ex.13	Certificate of Appropriateness issued December 16, 2014 by LPC	Opp.Ex.013 74-07-Bz 2014-12-26 LPC Amended Cofa.pdf
Opp.Ex.14	Landmark West Development Challenge of June 18, 2015.	Opp.Ex.014 74-07-Bz Lw Development Challenge 06-18-15.pdf
Opp.Ex.15	September 22, 2015 DOB Decision accepting Kettaneh Challenge.	Opp.Ex.015 74-07-Bz 2016-09-22 DOB Decision Zrd2.pdf
Opp.Ex.16	October 11, 2015 Congregation's DOB Application Details Showing intent to Revoke.	Opp.Ex.016 74-07-Bz 2015-05-04 DOB Application Details,Summary.pdf
Opp.Ex.17	Kettaneh Second Challenge and Appeal to DOB With Attachments	Opp.Ex.017 74-07-Bz 2015-10-28 Sugarman Second Challenge And Appeal To BSA With Attachments.pdf
Opp.Ex.18	October 28, 2015, Letter Sugarman to BSA re Zoning Challenge Decision With Copies of Challenge and Appeals, copied to Shearith Israel.	Opp.Ex.018 74-07-Bz 2015-10-28 Sugarman Letter To BSAL.pdf
Opp.Ex.19	December 10, 2015 Letter from DOB to Congregation re Intent to revoke permit.	Opp.Ex.019 74-07-Bz 2015-12-10 DOB Intent To Revoke.pdf

NYC Board of Standards and Appeal
December 7, 2016
Page 4 of 6

Opp.Ex.20	January 5, 2016 Letter Sugarman to DOB re Request to Attend Meeting.	Opp.Ex.020 74-07-Bz 2016-01-05 Letter Sugarman To DOB.pdf
Opp.Ex.21	January 15, 2016, Supplement to Kettaneh DOB Appeal - With Second Challenge as Exhibit	Opp.Ex.021 74-07-Bz 2016-05-20 16 01 15 Kettaneh Supplement To Second Challenge And Appeal With Exhibits.pdf
Opp.Ex.22	February 18, 2016, CSI Request to BSA for Certificate of Substantial Compliance.	Opp.Ex.022 74-07-Bz 2016-02-18 Friedman To BSA Request For Certificate Of Substantial Compliance.pdf
Opp.Ex.23	March 30, 2016, DOB Stop Work Order,	Opp.Ex.023 74-07-Bz 2016-03-30 DOB To Cs Stop Work Orderi.pdf
Opp.Ex.24	WSJ A Synagogue's Long Delayed Building March 24, 2016	Opp.Ex.024 74-07-BZ 2016-03-24 WSJA Synagogue's Long-Delayed Building - WSJ.pdf
Opp.Ex.25	March 30, 2016 Letter from Sugarman to BSA re Improper Communications with Shearith Israel.	Opp.Ex.025 74-07-Bz 2016-03-30 Sugarman Letter To BSA.pdf
Opp.Ex.26	March 30, 2016, Landmark West Objection Letter to BSA, March 30, 2016	Opp.Ex.026 74-07-Bz 2016-03-30 Rosenberg Letter To Nyc BSA.pdf
Opp.Ex.27	April 8, 2016 Letter from Sugarman to DOB Re Failure of DOB to Act on Second Challenge and Appeal	Opp.Ex.027 74-07-Bz 2016-04-08 Letter Sugarman To Stallard At DOB.pdf
Opp.Ex.28	2016-04-14-Landmark West Internal Appeal to DOB due to failure of DOB to respond to 2015 Challenge and Appeal of Landmark West.	Opp.Ex.028 74-07-Bz 35 2016-04-14 Rosenberg Landmark West Internal Appeal To DOB.pdf
Opp.Ex.29	April 4, 2016, BSA Denial of CSI Request for Certificate of Substantial Compliance,	Opp.Ex.029 74-07-Bz 2016-04-28 BSA Denying CSI Application Email.pdf
Opp.Ex.30	June 27, 2016 Letter Sugarman to BSA Concerning New Application by Shearith Israel	Opp.Ex.030 74-07-Bz 2016-06-27 Letter Sugarman To BSA.pdf
Opp.Ex.31	June 20, 2016 Congregation Submission to CB7	Opp.Ex.031 74-07-Bz 2016-07-20 CSI To Cb7 Presentation.pdf
Opp.Ex.32	August 25, 2016 Sugarman Letter to Asche CB7 Land Use Committee	Opp.Ex.032 74-07-Bz 2016-07-25 Sugarman To Asche Shearith Israel.pdf
Opp.Ex.33	BSA Notice of Comments to CSI	Opp.Ex.033 74-07-Bz 2016-08-12 BSA


		Notice Of Comments.pdf
Opp.Ex.34	2008 Elevations Comparison to DOB elevation showing building height.	Opp.Ex.034 74-07-Bz 30 2008 2016 Comparison Of Building Heights.pdf
Opp.Ex.35	2008-2016 Section Comparison of Building Height-CSI Version submitted with 2016 Congregation Application at Page 10 of the Booklet.	Opp.Ex.035 74-07-Bz Section Comparison Looking North From CSI BSA Booklet.pdf
Opp.Ex.36	About Chris Collins, Executive Vice President Capalino+Co, from Capalino+Co. Web Site	Opp.Ex.036 74-07-Bz Chris Collins, Executive Vice President Capalino + Company.pdf
Opp.Ex.37	Group Exhibit Capalino + Co. Lobbyist Documents	Opp.Ex.037 74-07-Bz 41 Group Exhibit Capalino.pdf
Opp.Ex.38	Site Photographs By Opposition	Opp.Ex.038 74-07-Bz 2015 Site Photos By Opposition Color.pdf
Opp.Ex.39	Group Exhibit rental of Parsonage as Residence on Zoning Site – Space available to meet programmatic needs.	Opp.Ex.039 74-07-Bz Group Exhibit Re CSI Rental Of Parsonage.pdf
Opp.Ex.40	May 16, 2016 Decision of the United States District Court, District of Rhode in Congregation Jeshuat Israel v. Congregation Shearith Israel - Excerpts.	Opp.Ex.040 74-07-Bz 2016-05-10 Opinion Of Us District Court Rhode Island Against Congregation CSI Excerpts.pdf
Opp.Ex.41	January 2015 Documents re merging of Congregation zoning lot.	Opp.Ex.041 74-07-Bz 2015-04-13 Zoning Lot Combination.pdf
BINDER VOLUME 2		
Opp.Ex.1000	Table of Contents Vol. 2. Drawings	Opp.Ex.1000 74-07-Bz Table of Contents Vol2 EX 1001-1015.pdf
Opp.Ex.1001	Congregation Permit Drawings Supportin initially filed May 10, 2103 and modified.	Opp.Ex.1001 74-07-Bz DOB Permit Plans 12
Opp.Ex.1002	August 6, 2013 Selected Drawings Submitted by Congregation to LPC.	Opp.Ex.1002 74-07-Bz 2016 DOB Permit Drawings As Filed With LPC For 2014 Cofa - Selected.pdf
Opp.Ex.1003	DOB 2013-4 Plans Submitted by CSI to LPC in Support of CofA- Selected.	Opp.Ex.1003 74-07-Bz 2016 Drawings Filed With LPC August 2013.pdf
Opp.Ex.1004	Drawings Submitted by Congregation Purporting to be all Drawings Filed With LPC in 2013-4, but incomplete.	Opp.Ex.1004 74-07-Bz CSI Purported LPC Drawings Filed With BSA.pdf
Opp.Ex.1005	Second, Third, and Fourth floor plans comparison: 2008, 2014, and as initially submitted to BSA in June, 2016.	Opp.Ex.1005 74-07-Bz 2016 2 3 4 Floor Comparison.pdf
Opp.Ex.1006	Sub-Cellar Group Drawings	Opp.Ex.1006 74-07-Bz Subcellar Grpup.pdf

NYC Board of Standards and Appeal
December 7, 2016
Page 6 of 6

Opp.Ex.1007	Cellar Group Drawings	Opp.Ex.1007 74-07-Bz Cellar Group.pdf
Opp.Ex.1008	First Floor Group Drawings	Opp.Ex.1008 74-07-Bz First Floor Group.pdf
Opp.Ex.1009	Second Floor Group Drawings	Opp.Ex.1009 74-07-Bz Second Floor Group.pdf
Opp.Ex.1010	Third Floor Group Drawings	Opp.Ex.1010 74-07-Bz Third Floor Group.pdf
Opp.Ex.1011	Fourth Floor Group Drawings	Opp.Ex.1011 74-07-Bz Fourth Floor Group.pdf
Opp.Ex.1012	Sections Group Drawings	Opp.Ex.1012 74-07-Bz Sections.pdf
Opp.Ex.1013	Parsonage Group Drawings	Opp.Ex.1013 74-07-Bz Parsonage Group.pdf
Opp.Ex.1014	Drawings Submitted by Congregation in Support of Substantial Compliance February 18, 2016 - marked to show changes.	Opp.Ex.1014 74-07-Bz 2016-02-04 Drawings With Request For Sub Compliance.pdf
Opp.Ex.1015	Revised Drawings Submitted by Congregation in Support of Substantial Compliance February 18, 2016 with offices on Fourth Floor.	Opp.Ex.1015 74-07-Bz 2016 2016-02-11 Pbdw Substitute Drawings With Classrooms.pdf

This transmittal letter is being e-mailed to the Congregation's counsel and other opposing counsel, together with instructions to download the computer files.

Sincerely,



Alan D. Sugarman

cc via email:

David Rosenberg, Esq.
Michael Hiller, Esq.
Zachary Bernstein, Esq.