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U.S. | NEW YORK

A Synagogue's Long-Delayed Building

Opponents slow project proposed by the Upper West Side's Congregation Shearith Israel



Congregation Shearith Israel. PHOTO: AGATON STROM FOR THE WALL STREET JOURNAL

By **JOSH BARBANEL**

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Fifty years is a long time to wait to put up a building, even for a Jewish congregation that has been around since 1654, but Congregation Shearith Israel might have to wait a bit longer.

The Orthodox congregation, housed in a landmark neoclassical building at Central Park West and West 70th Street, is about to begin excavation work next door for a nine-story

community house and condominium.

But neighborhood opponents, who have been fighting the project for decades, won a rare victory in a zoning appeal at the city's Department of Buildings that could further delay the project's completion.

The conflict raises questions about the rights of religious institutions to deference in carrying out their missions when contending with zoning rules designed to preserve the scale and qualities of the city's neighborhoods.

Last fall, the department issued a "notice to revoke" threatening to withdraw the synagogue's permits for not complying with zoning rules.



The lot where Congregation Shearith Israel proposes to build a community center with condominiums. PHOTO: AGATON STROM FOR THE WALL STREET JOURNAL

The notice is pending. Meanwhile, the synagogue, working with attorney Shelly Friedman and lobbying firm Capalino+Company, is trying to work out the problem.

The buildings department based its findings on discrepancies between drawings submitted last year and earlier drawings provided when the synagogue won an exemption from regular zoning rules for the site.

The community house has been at issue on the Upper West Side since at least 1983, when the synagogue proposed putting up a 42-story apartment tower that would cantilever over the peaked roof of the synagogue.

Over time, the synagogue has scaled down its vision.

In 2002, it proposed a 14-story building.

In 2006, under pressure from the city's Landmarks Preservation Commission, this was cut to nine stories, with five condos including a penthouse, a wheelchair-accessible entrance to the synagogue, a below-grade catering hall, and three floors of classrooms. Some of the apartments looked out over the synagogue toward views of Central Park.



A rendering of the proposed building. PHOTO: PBDW ARCHITECTS

Still, opposition remained from neighbors whose light and views would be blocked. They were joined by a preservation group, Landmark West!, which is worried about setting a precedent that could allow other zoning exceptions for tall buildings on the mostly low-rise side streets near Central Park West.

The synagogue says the problems raised by the city stem from relabeling of rooms that can easily be reversed. “We have revised the building-department drawings and refiled them with the board,” said Samuel G. White, the project architect and a partner at PBDW Architects.

They have asked the staff of the Board of Standards and Appeals to issue a so-called letter of substantial compliance blessing the changes.

But opponents say that even if the building department drops its threat, they would continue to challenge the project through the courts.

Alan Sugarman, a lawyer who filed the zoning appeal on his own behalf and that of several neighbors, said the appeal showed that the synagogue didn't act in good faith when it said it needed a hardship exemption from zoning rules to accommodate its programmatic needs.

“We are preparing to pounce no matter what they do,” said Mr. Sugarman, who lives directly across the street from the synagogue project.

The synagogue, also known as the Spanish and Portuguese synagogue, is the first Jewish

congregation to be established in North America. A history of the congregation says it was founded by 23 Jews who fled Recife, Brazil, after the Portuguese took control from the Dutch.

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The congregation has been housed in five different buildings and moved to the Upper West Side after its current home was completed in 1897. Seth Haberman, a co-chairman of the synagogue's building committee, said his father joined the synagogue in the mid-1960s, when it was already working on plans for a new community house.

At issue in the dispute is a 2008 decision from the Board of Standards and Appeals that granted the synagogue an exemption from zoning rules that included a height limit of 75 feet on much of its building site. That rule was adopted in 1984, soon after the synagogue proposed its tall condo building.

In its decision approving the building, which would be 106 feet tall excluding rooftop mechanicals, the board said it was required under state law to give "significant deference" to religious and educational institutions to meet their "programmatic needs."

But, when revised plans were submitted to the buildings department last year, the number of classrooms was cut and many spaces were labeled as "offices" instead.

Kate Wood, executive director of Landmark West!, said the solution was for the synagogue to comply with the underlying zoning rules.

"The community has always maintained that the synagogue could build an appropriately sized building that could fulfill their programmatic needs," she said. Such a building would be no more than 75 feet tall and have setbacks in keeping with the townhouses on the block, she said.

Louis Solomon, the Parnas, or president, of the synagogue, said the congregation has been assured by city officials that there was "nothing approaching bad faith in the synagogue's submissions." He said that while the synagogue is no longer renting

classroom space to a day school, it has had a Hebrew school for “more than 200 years.”

“The underlying needs of the synagogue, the programs we plan to run, the institutional requirements, have not changed,” he said.

Even with the legal situation uncertain, he said, the “construction is proceeding.” Vibration detectors have been installed on some of the synagogue’s stained-glass Tiffany windows.

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