

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

----- X
NIZAM PETER KETTANEH
and HOWARD LEPOW,

Petitioners,

For a Judgment Pursuant to Article 78
Of the Civil Practice Law and Rules

-against-

BOARD OF STANDARDS AND APPEALS OF
THE CITY OF NEW YORK, MEENAKSHI
SRINIVASAN, Chair, CHRISTOPHER
COLLINS, Vice-Chair, AND THE TRUSTEES
OF CONGREGATION SHEARITH ISRAEL

Respondents.
----- X

Index No. 113227-08

**VERIFIED ANSWER OF
RESPONDENT TRUSTEES OF
CONGREGATION SHEARITH ISRAEL**

Respondent Trustees of Congregation Shearith Israel (the “Congregation”), by its attorneys, Proskauer Rose LLP, as and for its answer to the Verified Petition (the “Petition”) of Petitioners Nizam Peter Kettaneh and Howard Lepow (“Petitioners”), states as follows:

1. The Congregation states that no response is required to paragraph 1 of the Petition, which purports to set forth the nature of the action, and that, to the extent a response is required, denies the allegations in paragraph 1.

2. The Congregation states that no response is required to paragraph 2 of the Petition, which purports to set forth legal conclusions as to the Court’s jurisdiction, and that, to the extent a response is required, denies the allegations in paragraph 2.

3. The Congregation admits the allegations in paragraph 3 of the Petition to the extent not inconsistent with the record.

4. The Congregation is without knowledge or information sufficient to form a belief as to the allegations in paragraph 4 of the Petition.

5. The Congregation is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5 of the Petition.

6. The Congregation states that no response is required to paragraph 6 of the Petition, which purports to set forth legal conclusions as to the Court's venue, and that, to the extent a response is required, denies the allegations in paragraph 6.

7. The Congregation is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7 of the Petition.

8. The Congregation is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8 of the Petition.

9. The Congregation states that no response is required to paragraph 9 of the Petition, which purports to set forth legal conclusions as to the Board of Standards and Appeals' power, and that, to the extent a response is required, denies the allegations in paragraph 9.

10. The Congregation denies the allegations in paragraph 10, and avers that the Congregation is a not-for-profit religious institution.

11. The Congregation states that no response is required to paragraph 11 of the Petition, which purports to set forth the reason that Petitioners named certain Respondents, and that, to the extent a response is required, denies the allegations in paragraph 11, except admits that Respondents Meenakshi Srinivasan and Christopher Collins are respectively the Chair and Vice Chair of the Respondent Board of Standards and Appeals.

12. The Congregation denies the allegation in paragraph 12 of the Petition.

13. The Congregation denies the allegation in paragraph 13 of the Petition.

14. The Congregation denies the allegation in paragraph 14 of the Petition.

15. With respect to the allegations in paragraph 15 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 15 as an incomplete recitation of the record.

16. With respect to the allegations in paragraph 16 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 16 as an incomplete recitation of the record.

17. With respect to the allegations in paragraph 17 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 17 as an incomplete recitation of the record.

18. With respect to the allegations in paragraph 18 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 18 as an incomplete recitation of the record.

19. With respect to the allegations in paragraph 19 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the

contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 19 as an incomplete recitation of the record.

20. With respect to the allegations in paragraph 20 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 20 as an incomplete recitation of the record.

21. With respect to the allegations in paragraph 21 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 21 as an incomplete recitation of the record.

22. With respect to the allegations in paragraph 22 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 22 as an incomplete recitation of the record.

23. The Congregation directs the Court to the record and Resolution, which speak for themselves, and states that no response is required. To the extent that a response is required, the Congregation refers to the record and Resolution for the full and complete contents thereof and denies the allegations in paragraph 23.

24. With respect to the allegations in paragraph 24 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 24 as an incomplete recitation of the record.

25. With respect to the allegations in paragraph 25 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 25 as an incomplete recitation of the record.

26. With respect to the allegations in paragraph 26 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 26 as an incomplete recitation of the record.

27. The Congregation denies the allegations in paragraph 27 of the Petition that the Congregation participated in any “ex parte” meeting and admits that representatives of the Congregation participated in a standard, pre-application meeting over six months before the Congregation submitted an application to the Board of Standards and Appeals.

28. With respect to the allegations in paragraph 28 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent

a response is deemed required, denies the allegations in paragraph 28 as an incomplete recitation of the record.

29. With respect to the allegations in paragraph 29 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 29 as an incomplete recitation of the record.

30. With respect to the allegations in paragraph 30 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 30 as an incomplete recitation of the record.

31. The Congregation denies the allegations in paragraph 31 of the Petition, except admits that Lot 37 is a regularly shaped lot, 64 feet by 100 feet.

32. With respect to the allegations in paragraph 32 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 32 as an incomplete recitation of the record.

33. With respect to the allegations in paragraph 33 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent

a response is deemed required, denies the allegations in paragraph 33 as an incomplete recitation of the record.

34. The Congregation denies the allegations in paragraph 34 of the Petition.

35. The Congregation denies the allegations in paragraph 35 of the Petition.

36. The Congregation denies the allegations in paragraph 36 of the Petition.

37. The Congregation denies the allegations in paragraph 37 of the Petition.

38. The Congregation denies the allegations in paragraph 38 of the Petition.

39. The Congregation denies the allegations in paragraph 39 of the Petition.

40. The Congregation denies the allegations in paragraph 40 of the Petition.

41. The Congregation admits the allegations in paragraph 41 of the Petition to the extent not inconsistent with the record.

42. With respect to the allegations in paragraph 41 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 41 as an incomplete recitation of the record.

43. The Congregation states that no response is required to paragraph 43 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 43.

44. The Congregation states that no response is required to paragraph 44 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 44.

45. The Congregation denies the allegations in paragraph 45 of the Petition.

46. With respect to the allegations in paragraph 46 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 46 as an incomplete recitation of the record.

47. The Congregation admits the allegations in paragraph 47 of the Petition to the extent not inconsistent with the record.

48. The Congregation denies the allegations in paragraph 48 of the Petition.

49. With respect to the allegations in paragraph 49 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 49 as an incomplete recitation of the record.

50. With respect to the allegations in paragraph 50 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 50 as an incomplete recitation of the record.

51. With respect to the allegations in paragraph 51 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 51 as an incomplete recitation of the record.

52. The Congregation denies the allegations in paragraph 52 of the Petition.

53. The Congregation denies the allegations in paragraph 53 of the Petition.

54. The Congregation is without knowledge or information sufficient to form a belief as to the allegations in paragraph 54 of the Petition.

55. With respect to the allegations in paragraph 55 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 55 as an incomplete recitation of the record.

56. The Congregation denies the allegations in paragraph 56 of the Petition.

57. The Congregation states that no response is required to paragraph 57 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 57.

58. With respect to the allegations in paragraph 58 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 58 as an incomplete recitation of the record.

59. The Congregation denies the allegations in paragraph 59 of the Petition.

60. The Congregation denies the allegations in paragraph 60 of the Petition.

61. The Congregation states that no response is required to paragraph 61 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 61.

62. The Congregation denies the allegations in paragraph 62 of the Petition.

63. The Congregation denies the allegations in paragraph 63 of the Petition.

64. The Congregation denies the allegations in paragraph 64 of the Petition.

65. The Congregation denies the allegations in paragraph 65 of the Petition.

66. The Congregation denies the allegations in paragraph 66 of the Petition.

67. The Congregation states that no response is required to paragraph 61 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 67.

68. With respect to the allegations in paragraph 68 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 68 as an incomplete recitation of the record.

69. With respect to the allegations in paragraph 69 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 69 as an incomplete recitation of the record.

70. With respect to the allegations in paragraph 70 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 70 as an incomplete recitation of the record.

71. With respect to the allegations in paragraph 71 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 71 as an incomplete recitation of the record.

72. With respect to the allegations in paragraph 72 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 72 as an incomplete recitation of the record.

73. With respect to the allegations in paragraph 73 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 73 as an incomplete recitation of the record.

74. With respect to the allegations in paragraph 74 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 74 as an incomplete recitation of the record.

75. With respect to the allegations in paragraph 75 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent

a response is deemed required, denies the allegations in paragraph 75 as an incomplete recitation of the record.

76. With respect to the allegations in paragraph 76 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 76 as an incomplete recitation of the record.

77. The Congregation denies the allegations in paragraph 77 of the Petition, except admits, to the extent not inconsistent with the record, that Lot 37 is adjacent to the Synagogue building, contains 6,436 square feet and is currently partially improved with a four-story community house, and partially vacant, and that the Congregation has applied to the Department of Buildings for a permit to demolish the exiting community house.

78. The Congregation denies the allegations in paragraph 78 of the Petition.

79. The Congregation denies the allegations in paragraph 79 of the Petition.

80. With respect to the allegations in paragraph 80 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 80 as an incomplete recitation of the record.

81. The Congregation denies the allegations in paragraph 81 to the extent inconsistent with the record.

82. The Congregation denies the allegations in paragraph 82 to the extent inconsistent with the record.

83. The Congregation denies the allegations in paragraph 83 of the Petition.

84. The Congregation denies the allegations in paragraph 84 of the Petition.

85. The Congregation denies the allegations in paragraph 85 of the Petition.

86. With respect to the allegations in paragraph 86 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 86 as an incomplete recitation of the record.

87. With respect to the allegations in paragraph 87 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 87 as an incomplete recitation of the record.

88. With respect to the allegations in paragraph 88 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 88 as an incomplete recitation of the record.

89. The Congregation denies the allegations in paragraph 89 of the Petition.

90. The Congregation states that it is not required to respond to those allegations in paragraph 90 of the Petition that purport to state conclusions of law or characterize the record (and refers the Court thereto) and denies the allegations therein as to which a response is required.

91. With respect to the allegations in paragraph 91 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 91 as an incomplete recitation of the record.

92. The Congregation states that it is not required to respond to those allegations in paragraph 92 of the Petition that purport to state conclusions of law or characterize the record (and refers the Court thereto) and denies the allegations therein as to which a response is required.

93. The Congregation denies the allegations in paragraph 93 of the Petition.

94. With respect to the allegations in paragraph 94 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 94 as an incomplete recitation of the record.

95. The Congregation denies the allegations in paragraph 95 of the Petition.

96. The Congregation denies the allegations in paragraph 96 of the Petition.

97. With respect to the allegations in paragraph 97 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 97 as an incomplete recitation of the record.

98. With respect to the allegations in paragraph 98 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 98 as an incomplete recitation of the record.

99. With respect to the allegations in paragraph 99 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 99 as an incomplete recitation of the record.

100. With respect to the allegations in paragraph 100 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 100 as an incomplete recitation of the record.

101. With respect to the allegations in paragraph 101 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 101 as an incomplete recitation of the record.

102. With respect to the allegations in paragraph 102 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent

a response is deemed required, denies the allegations in paragraph 102 as an incomplete recitation of the record.

103. With respect to the allegations in paragraph 103 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 103 as an incomplete recitation of the record. The Congregation specifically denies the allegations in the last sentence of paragraph 103 of the Petition.

104. With respect to the allegations in paragraph 104 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 104 as an incomplete recitation of the record.

105. The Congregation states that paragraph 105 of the Petition sets forth purported characterizations of law to which no response is required, and to the extent a response is deemed required, the Congregation denies said allegations.

106. The Congregation denies the allegations in paragraph 106 of the Petition.

107. The Congregation states that it is not required to respond to those allegations in paragraph 107 of the Petition that purport to state conclusions of law or characterize the record (and refers the Court thereto) and denies the allegations therein as to which a response is required.

108. The Congregation states that it is not required to respond to those allegations in paragraph 108 of the Petition that purport to state conclusions of law or characterize the record

(and refers the Court thereto) and denies the allegations therein as to which a response is required.

109. The Congregation states that it is not required to respond to those allegations in paragraph 109 of the Petition that purport to state conclusions of law or characterize the record (and refers the Court thereto) and denies the allegations therein as to which a response is required.

110. The Congregation states that it is not required to respond to those allegations in paragraph 110 of the Petition that purport to state conclusions of law or characterize the record (and refers the Court thereto) and denies the allegations therein as to which a response is required.

111. The Congregation denies the allegations in paragraph 111 of the Petition.

112. The Congregation states that it is not required to respond to those allegations in paragraph 112 of the Petition that purport to state conclusions of law or characterize the record (and refers the Court thereto) and denies the allegations therein as to which a response is required.

113. The Congregation states that no response is required to paragraph 113 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 113.

114. The Congregation states that no response is required to paragraph 114 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 114.

115. With respect to the allegations in paragraph 115 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the

contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 115 as an incomplete recitation of the record.

116. The Congregation denies the allegations in paragraph 116 of the Petition.

117. The Congregation states that no response is required to paragraph 117 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 117.

118. The Congregation states that no response is required to paragraph 118 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 118.

119. The Congregation states that no response is required to paragraph 119 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 119.

120. The Congregation states that no response is required to paragraph 120 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 120.

121. The Congregation states that no response is required to paragraph 121 of the Petition, which purports to characterize certain “Detailed Instructions,” which speaks for itself, and that, to the extent a response is required, denies the allegations in paragraph 121.

122. The Congregation states that no response is required to paragraph 122 of the Petition, which purports to characterize certain “Detailed Instructions,” which speaks for itself, and that, to the extent a response is required, denies the allegations in paragraph 122.

123. The Congregation is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 123 of the Petition.

124. The Congregation admits the allegations in paragraph 124 to the extent not inconsistent with the record.

125. With respect to the allegations in paragraph 125 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 125 as an incomplete recitation of the record.

126. With respect to the allegations in paragraph 126 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 126 as an incomplete recitation of the record.

127. The Congregation states that no response is required to paragraph 127 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 127.

128. The Congregation denies the allegations in paragraph 128 of the Petition.

129. With respect to the allegations in paragraph 129 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 129 as an incomplete recitation of the record.

130. With respect to the allegations in paragraph 130 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 130 as an incomplete recitation of the record.

131. The Congregation denies the allegations in paragraph 131 of the Petition.

132. The Congregation denies the allegation in paragraph 132 of the Petition.

133. The Congregation denies the allegation in paragraph 133 of the Petition.

134. With respect to the allegations in paragraph 134 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 134 as an incomplete recitation of the record.

135. The Congregation denies the allegations in paragraph 135 of the Petition.

136. With respect to the allegations in paragraph 136 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 136 as an incomplete recitation of the record.

137. With respect to the allegations in paragraph 137 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent

a response is deemed required, denies the allegations in paragraph 137 as an incomplete recitation of the record.

138. With respect to the allegations in paragraph 138 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 138 as an incomplete recitation of the record.

139. With respect to the allegations in paragraph 139 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 139 as an incomplete recitation of the record. The Congregation specifically denies the allegations in the last sentence of paragraph 139 of the Petition.

140. With respect to the allegations in paragraph 140 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 140 as an incomplete recitation of the record.

141. With respect to the allegations in paragraph 141 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 141 as an incomplete recitation of the record.

142. With respect to the allegations in paragraph 142 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 142 as an incomplete recitation of the record.

143. The Congregation denies the allegations in paragraph 143 of the Petition.

144. With respect to the allegations in paragraph 144 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 144 as an incomplete recitation of the record.

145. With respect to the allegations in paragraph 145 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 145 as an incomplete recitation of the record.

146. With respect to the allegations in paragraph 146 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 146 as an incomplete recitation of the record.

147. With respect to the allegations in paragraph 147 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the

contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 147 as an incomplete recitation of the record.

148. With respect to the allegations in paragraph 148 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 148 as an incomplete recitation of the record.

149. With respect to the allegations in paragraph 149 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 149 as an incomplete recitation of the record.

150. With respect to the allegations in paragraph 150 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 150 as an incomplete recitation of the record.

151. With respect to the allegations in paragraph 151 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 151 as an incomplete recitation of the record.

152. With respect to the allegations in paragraph 152 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 152 as an incomplete recitation of the record.

153. The Congregation denies the allegation in paragraph 153 of the Petition.

154. With respect to the allegations in paragraph 154 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 154 as an incomplete recitation of the record.

155. The Congregation is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 155 of the Petition.

156. The Congregation admits the allegation in paragraph 156 of the Petition.

157. The Congregation denies the allegations in paragraph 157 of the Petition.

158. With respect to the allegations in paragraph 158 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 158 as an incomplete recitation of the record.

159. With respect to the allegations in paragraph 159 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent

a response is deemed required, denies the allegations in paragraph 159 as an incomplete recitation of the record.

160. With respect to the allegations in paragraph 160 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 160 as an incomplete recitation of the record.

161. The Congregation denies the allegations in paragraph 161 of the Petition.

162. The Congregation denies the allegations in paragraph 162 of the Petition.

163. The Congregation denies the allegations in paragraph 163 of the Petition.

164. The Congregation denies the allegations in paragraph 164 of the Petition.

165. With respect to the allegations in paragraph 165 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 165 as an incomplete recitation of the record.

166. The Congregation denies the allegations in paragraph 166 of the Petition.

167. The Congregation denies the allegations in paragraph 167 of the Petition.

168. The Congregation denies the allegations in paragraph 168 of the Petition.

169. With respect to the allegations in paragraph 169 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent

a response is deemed required, denies the allegations in paragraph 169 as an incomplete recitation of the record.

170. The Congregation denies the allegations in paragraph 170 of the Petition.

171. The Congregation denies the allegations in paragraph 171 of the Petition.

172. The Congregation denies the allegations in paragraph 172 of the Petition.

173. With respect to the allegations in paragraph 173 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 173 as an incomplete recitation of the record.

174. The Congregation denies the allegations in paragraph 174 of the Petition.

175. With respect to the allegations in paragraph 175 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 175 as an incomplete recitation of the record.

176. With respect to the allegations in paragraph 176 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 176 as an incomplete recitation of the record.

177. With respect to the allegations in paragraph 177 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the

contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 177 as an incomplete recitation of the record.

178. The Congregation denies the allegations in paragraph 178 of the Petition.

179. The Congregation denies the allegations paragraph 179 of the Petition.

180. The Congregation denies the allegation in paragraph 180 of the Petition.

181. With respect to the allegations in paragraph 181 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 181 as an incomplete recitation of the record.

182. The Congregation denies the allegations in paragraph 182 of the Petition.

183. The Congregation states that it is not required to respond to those allegations in paragraph 183 of the Petition that purport to state conclusions of law or characterize the record (and refers the Court thereto) and denies the allegations therein as to which a response is required.

184. The Congregation denies the allegations in paragraph 184 of the Petition.

185. The Congregation denies the allegations in paragraph 185 of the Petition.

186. The Congregation denies the allegations in paragraph 186 of the Petition.

187. The Congregation states that it is not required to respond to those allegations in paragraph 187 of the Petition that purport to state conclusions of law or characterize the record (and refers the Court thereto) and denies the allegations therein as to which a response is required.

188. With respect to the allegations in paragraph 188 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 188 as an incomplete recitation of the record.

189. With respect to the allegations in paragraph 189 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 189 as an incomplete recitation of the record.

190. The Congregation denies the allegations in paragraph 190 of the Petition.

191. With respect to the allegations in paragraph 191 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 191 as an incomplete recitation of the record.

192. With respect to the allegations in paragraph 192 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 192 as an incomplete recitation of the record.

193. The Congregation states that no response is required to paragraph 193 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 193.

194. The Congregation denies the allegation in paragraph 194 of the Petition.

195. The Congregation denies the allegations in paragraph 195 of the Petition.

196. With respect to the allegations in paragraph 196 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 196 as an incomplete recitation of the record.

197. With respect to the allegations in paragraph 197 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 197 as an incomplete recitation of the record.

198. The Congregation denies the allegations in paragraph 198 of the Petition.

199. With respect to the allegations in paragraph 199 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 199 as an incomplete recitation of the record.

200. With respect to the allegations in paragraph 200 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the

contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 200 as an incomplete recitation of the record.

201. With respect to the allegations in paragraph 201 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 201 as an incomplete recitation of the record.

202. With respect to the allegations in paragraph 202 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 202 as an incomplete recitation of the record.

203. With respect to the allegations in paragraph 203 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 203 as an incomplete recitation of the record.

204. The Congregation denies the allegations in paragraph 204 of the Petition.

205. The Congregation denies the allegations in paragraph 205 of the Petition.

206. The Congregation denies the allegations in paragraph 206 of the Petition.

207. With respect to the allegations in paragraph 207 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the

contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 207 as an incomplete recitation of the record.

208. The Congregation denies the allegations in paragraph 208 of the Petition.

209. The Congregation states that no response is required to paragraph 209 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 209.

210. The Congregation states that it is not required to respond to those allegations in paragraph 210 of the Petition that purport to state conclusions of law or characterize the record (and refers the Court thereto) and denies the allegations therein as to which a response is required.

211. With respect to the allegations in paragraph 211 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 211 as an incomplete recitation of the record.

212. The Congregation denies the allegations in paragraph 212 of the Petition.

213. With respect to the allegations in paragraph 213 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 213 as an incomplete recitation of the record.

214. With respect to the allegations in paragraph 214 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 214 as an incomplete recitation of the record.

215. With respect to the allegations in paragraph 215 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 215 as an incomplete recitation of the record.

216. The Congregation denies the allegation in paragraph 216 of the Petition.

217. The Congregation denies the allegation in paragraph 217 of the Petition.

218. With respect to the allegations in paragraph 218 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 218 as an incomplete recitation of the record.

219. With respect to the allegations in paragraph 219 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 219 as an incomplete recitation of the record.

220. The Congregation denies the allegations in paragraph 220 of the Petition.

221. The Congregation denies the allegations in paragraph 221 of the Petition.

222. With respect to the allegations in paragraph 222 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 222 as an incomplete recitation of the record.

223. With respect to the allegations in paragraph 223 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 223 as an incomplete recitation of the record.

224. With respect to the allegations in paragraph 224 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 224 as an incomplete recitation of the record.

225. With respect to the allegations in paragraph 225 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 225 as an incomplete recitation of the record.

226. The Congregation denies the allegations in paragraph 226 of the Petition.

227. The Congregation denies the allegations in paragraph 227 of the Petition.

228. The Congregation states that no response is required to the first two sentences of paragraph 228 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 228. The Congregation specifically denies the allegations in the last sentence of paragraph 228 of the Petition.

229. The Congregation states that no response is required to paragraph 229 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 229.

230. The Congregation states that no response is required to paragraph 230 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 230.

231. The Congregation states that no response is required to paragraph 231 of the Petition, which purports to characterize certain “Detailed Instructions,” which speaks for itself, and that, to the extent a response is required, denies the allegations in paragraph 231.

232. The Congregation denies the allegations in paragraph 232 of the Petition.

233. The Congregation states that no response is required to paragraph 233 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 233.

234. The Congregation states that it is not required to respond to those allegations in paragraph 234 of the Petition that purport to state conclusions of law or characterize the record (and refers the Court thereto) and denies the allegations therein as to which a response is required.

235. The Congregation denies the allegations in paragraph 235 of the Petition.

236. With respect to the allegations in paragraph 236 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 236 as an incomplete recitation of the record.

237. With respect to the allegations in paragraph 237 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 237 as an incomplete recitation of the record.

238. With respect to the allegations in paragraph 238 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 238 as an incomplete recitation of the record.

239. With respect to the allegations in paragraph 239 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 239 as an incomplete recitation of the record.

240. With respect to the allegations in paragraph 240 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent

a response is deemed required, denies the allegations in paragraph 240 as an incomplete recitation of the record.

241. With respect to the allegations in paragraph 241 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 241 as an incomplete recitation of the record.

242. The Congregation denies the allegations in paragraph 242 of the Petition.

243. The Congregation denies the allegations in paragraph 243 of the Petition to the extent inconsistent with the record, and specifically denies that resolving the issue required an as-of-right building.

244. The Congregation denies the allegations in paragraph 244 of the Petition.

245. The Congregation states that no response is required to paragraph 245 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 245.

246. The Congregation states that no response is required to the first sentence of paragraph 246 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 246. The Congregation specifically denies the allegations in the second sentence of paragraph 246 of the Petition.

247. With respect to the allegations in paragraph 247 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent

a response is deemed required, denies the allegations in paragraph 247 as an incomplete recitation of the record.

248. With respect to the allegations in paragraph 248 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 248 as an incomplete recitation of the record.

249. The Congregation is without knowledge or information sufficient to form a belief as to the allegations in the first sentence of paragraph 249 of the Petition. The Congregation denies the allegations in the remainder of paragraph 249 of the Petition.

250. With respect to the allegations in paragraph 250 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 250 as an incomplete recitation of the record.

251. With respect to the allegations in paragraph 251 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 251 as an incomplete recitation of the record.

252. With respect to the allegations in paragraph 252 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent

a response is deemed required, denies the allegations in paragraph 252 as an incomplete recitation of the record.

253. With respect to the allegations in paragraph 253 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 253 as an incomplete recitation of the record.

254. With respect to the allegations in paragraph 254 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 254 as an incomplete recitation of the record.

255. The Congregation denies the allegations in paragraph 255 of the Petition.

256. With respect to the allegations in paragraph 256 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 256 as an incomplete recitation of the record.

257. The Congregation denies the allegations in paragraph 257 of the Petition.

258. With respect to the allegations in paragraph 258 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent

a response is deemed required, denies the allegations in paragraph 258 as an incomplete recitation of the record.

259. The Congregation states that it is not required to respond to those allegations in paragraph 259 of the Petition that purport to state conclusions of law or characterize the record (and refers the Court thereto) and denies the allegations therein as to which a response is required.

260. The Congregation denies the allegations in paragraph 260 of the Petition.

261. The Congregation denies the allegations in paragraph 261 of the Petition.

262. The Congregation denies the allegations in paragraph 262 of the Petition.

263. The Congregation states that it is not required to respond to those allegations in paragraph 263 of the Petition that purport to state conclusions of law or characterize the record (and refers the Court thereto) and denies the allegations therein as to which a response is required.

264. The Congregation denies the allegations in paragraph 264 of the Petition.

265. With respect to the allegations in paragraph 265 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 265 as an incomplete recitation of the record.

266. With respect to the allegations in paragraph 266 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent

a response is deemed required, denies the allegations in paragraph 266 as an incomplete recitation of the record.

267. With respect to the allegations in paragraph 267 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 267 as an incomplete recitation of the record.

268. With respect to the allegations in paragraph 268 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 268 as an incomplete recitation of the record.

269. The Congregation states that no response is required to paragraph 269 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 269.

270. The Congregation states that no response is required to paragraph 270 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 270.

271. The Congregation states that no response is required to paragraph 271 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 271.

272. The Congregation denies the allegation in paragraph 272 of the Petition.

273. With respect to the allegations in paragraph 273 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 273 as an incomplete recitation of the record.

274. With respect to the allegations in paragraph 274 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 274 as an incomplete recitation of the record.

275. With respect to the allegations in paragraph 274 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 274 as an incomplete recitation of the record.

276. The Congregation denies the allegations in paragraph 276 of the Petition.

277. The Congregation denies the allegations in paragraph 277 of the Petition.

278. The Congregation denies the allegations in paragraph 278 of the Petition.

279. The Congregation denies the allegations in paragraph 279 of the Petition.

280. The Congregation denies the allegations in paragraph 280 of the Petition.

281. The Congregation denies the allegations in paragraph 281 of the Petition.

282. The Congregation denies the allegations in paragraph 282 of the Petition.

283. The Congregation denies the allegations in paragraph 283 of the Petition.

284. The Congregation denies the allegations in paragraph 284 of the Petition.

285. The Congregation is without knowledge or information sufficient to form a belief as to the allegations in paragraph 285 of the Petition.

286. The Congregation denies the allegations in paragraph 286 of the Petition.

287. The Congregation denies the allegations in paragraph 287 of the Petition.

288. The Congregation denies the allegations in paragraph 288 of the Petition.

289. The Congregation denies the allegations in paragraph 289 of the Petition.

290. With respect to the allegations in paragraph 290 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 290 as an incomplete recitation of the record.

291. With respect to the allegations in paragraph 291 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 291 as an incomplete recitation of the record.

292. With respect to the allegations in paragraph 292 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 292 as an incomplete recitation of the record.

293. The Congregation states that no response is required to paragraph 293 of the Petition, which purports to characterize a certain “BSA Meeting Record,” which speaks for itself, and that, to the extent a response is required, denies the allegations in paragraph 293.

294. The Congregation states that no response is required to paragraph 294 of the Petition, which purports to characterize a certain “October 13, 2006 . . . letter,” which speaks for itself, and that, to the extent a response is required, denies the allegations in paragraph 294

295. With respect to the allegations in paragraph 295 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 295 as an incomplete recitation of the record.

296. With respect to the allegations in paragraph 296 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 296 as an incomplete recitation of the record.

297. The Congregation is without knowledge or information sufficient to form a belief as to the allegations in paragraph 297 of the Petition.

298. The Congregation is without knowledge or information sufficient to form a belief as to the allegations in paragraph 298 of the Petition.

299. The Congregation is without knowledge or information sufficient to form a belief as to the allegations in paragraph 299 of the Petition.

300. The Congregation is without knowledge or information sufficient to form a belief as to the allegations in paragraph 300 of the Petition.

301. The Congregation is without knowledge or information sufficient to form a belief as to the allegations in the first two sentences of paragraph 301 of the Petition. The Congregation denies the allegations in the last sentence of paragraph 301 of the Petition.

302. The Congregation is without knowledge or information sufficient to form a belief as to the allegations in paragraph 302 of the Petition.

303. The Congregation is without knowledge or information sufficient to form a belief as to the allegations in paragraph 303 of the Petition.

304. With respect to the allegations in paragraph 304 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 304 as an incomplete recitation of the record.

305. With respect to the allegations in paragraph 305 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 305 as an incomplete recitation of the record.

306. The Congregation states that no response is required to paragraph 306 of the Petition, which purports to characterize certain “BSA Guidelines for Hearing Attendees,” which speaks for itself, and that, to the extent a response is required, denies the allegations in paragraph 306.

307. The Congregation denies the allegations in paragraph 307 of the Petition.

308. The Congregation denies the allegations in paragraph 308 of the Petition.

309. The Congregation denies the allegations in paragraph 309 of the Petition.

310. The Congregation denies the allegations in paragraph 310 of the Petition.

311. The Congregation denies the allegations in paragraph 311 of the Petition.

312. The Congregation states that no response is required to paragraph 312 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 312.

313. The Congregation denies the allegations in paragraph 313 of the Petition.

314. The Congregation denies the allegations in paragraph 314 of the Petition.

315. The Congregation denies the allegations in paragraph 315 of the Petition.

316. The Congregation denies the allegations in paragraph 316 of the Petition.

317. The Congregation denies the allegations in paragraph 317 of the Petition.

318. The Congregation denies the allegations in paragraph 318 of the Petition.

319. The Congregation states that it is not required to respond to those allegations in paragraph 319 of the Petition that purport to state conclusions of law or characterize the record (and refers the Court thereto) and denies the allegations therein as to which a response is required.

320. The Congregation denies the allegations in paragraph 320 of the Petition.

321. The Congregation denies the allegations in paragraph 321 of the Petition.

322. The Congregation denies the allegations in paragraph 322 of the Petition.

323. The Congregation denies the allegations in paragraph 323 of the Petition.

324. The Congregation denies the allegations in paragraph 324 of the Petition.

325. The Congregation denies the allegations in paragraph 325 of the Petition.

326. The Congregation denies the allegations in paragraph 326 of the Petition.

327. The Congregation denies the allegations in paragraph 327 of the Petition.

328. With respect to the allegations in paragraph 328 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 328 as an incomplete recitation of the record.

329. The Congregation denies the allegations in paragraph 329 of the Petition.

330. The Congregation denies the allegations in paragraph 330 of the Petition.

331. The Congregation denies the allegations in paragraph 331 of the Petition.

332. The Congregation denies the allegations in paragraph 332 of the Petition.

333. The Congregation denies the allegation in paragraph 333 of the Petition.

334. The Congregation denies the allegations in paragraph 334 of the Petition.

335. The Congregation denies the allegations in paragraph 335 of the Petition.

336. The Congregation denies the allegation in paragraph 336 of the Petition.

337. The Congregation denies the allegation in paragraph 337 of the Petition.

338. The Congregation denies the allegations in paragraph 338 of the Petition.

339. The Congregation states that no response is required to paragraph 339 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 339.

340. The Congregation denies the allegations in paragraph 340 of the Petition.

341. The Congregation denies the allegations in paragraph 341 of the Petition.

342. The Congregation denies the allegations in paragraph 342 of the Petition.

343. With respect to the allegations in paragraph 343 of the Petition, the Congregation directs the Court to the record, which speaks for itself, for a full and complete recitation of the contents thereof, and states that no response is required to those allegations and that, to the extent a response is deemed required, denies the allegations in paragraph 343 as an incomplete recitation of the record.

344. The Congregation denies the allegations in paragraph 344 of the Petition.

345. The Congregation denies the allegations in paragraph 345 of the Petition.

346. The Congregation denies the allegations in paragraph 346 of the Petition.

347. The Congregation denies the allegations in paragraph 347 of the Petition.

348. The Congregation denies the allegations in paragraph 348 of the Petition.

349. The Congregation states that no response is required to paragraph 349 of the Petition, which purports to set forth legal conclusions, and that, to the extent a response is required, denies the allegations in paragraph 349.

350. The Congregation denies the allegations in paragraph 350 of the Petition.

351. The Congregation denies the allegations in paragraph 351 of the Petition.

352. The Congregation denies the allegations in paragraph 352 of the Petition.

353. The Congregation denies the allegations in paragraph 353 of the Petition.

354. The Congregation denies the allegations in paragraph 354 of the Petition.

355. The Congregation denies the allegations in paragraph 355 of the Petition.

356. The Congregation denies the allegations in paragraph 356 of the Petition.

357. The Congregation denies the allegations in paragraph 357 of the Petition.

358. The Congregation denies the allegations in paragraph 358 of the Petition.

359. The Congregation denies the allegations in paragraph 359 of the Petition.
360. The Congregation denies the allegations in paragraph 360 of the Petition.
361. The Congregation denies the allegations in paragraph 361 of the Petition.
362. The Congregation denies the allegations in paragraph 362 of the Petition.
363. The Congregation denies the allegations in paragraph 363 of the Petition.
364. The Congregation denies the allegations in paragraph 364 of the Petition.
365. The Congregation denies the allegation in paragraph 365 of the Petition.

DEFENSES AND AFFIRMATIVE DEFENSES

Each of the following Defenses and Affirmative Defenses is directed to all allegations of the Amended Petition. Respondent Congregation sets forth the following matters to inform Petitioners of certain potentially applicable defenses. By listing any matter as an affirmative defense, Respondent Congregation does not assume the burden of proving matters upon which Petitioners bear the burden of proof under law.

AS AND FOR A STATEMENT OF MATERIAL AND PERTINENT FACTS

366. The Board of Standards and Appeals held public hearings on Respondent Congregation's variance application for the proposed construction of a nine story and cellar mixed use community facility/residential building on November 27, 2007, February 12, 2008, April 15, 2008, and June 24, 2008.

367. At the hearings, various people spoke in favor of, and in opposition to, the Respondent Congregation's proposed plans.

368. On August 26, 2008, the Board of Standards and Appeals unanimously voted in favor of granting the variance, and articulated the rationale for its determination in an 18 page Resolution.

369. The Board of Standards and Appeals' determination had a rational basis, was not arbitrary and capricious, and therefore cannot be set aside.

AS AND FOR A FIRST DEFENSE

370. The Petition, in whole or in part, fails to state a claim upon which relief can be granted.

AS AND FOR A SECOND DEFENSE

371. Judicial review under Article 78 is very limited. The Court may not substitute its judgment for that of the New York City Board of Standards and Appeals except to the extent that the determination was made in violation of lawful procedure, was affected by an error of law, or was arbitrary and capricious. The New York City Board of Standards and Appeals' determination was fully supported by the record and was not arbitrary, capricious or an abuse of discretion.

AS AND FOR A THIRD DEFENSE

372. Petitioners' claims are barred, in whole or in part, by the applicable statutes of limitation and/or filing periods and/or laches.

AS AND FOR A FOURTH DEFENSE

373. Petitioners' claims are barred, in whole or in part, by the doctrines of waiver and/or estoppel.

AS AND FOR A FIFTH DEFENSE

374. Petitioners have not suffered damages or any ascertainable loss; nor, had Petitioners suffered damages, have they made any efforts to mitigate them.

AS AND FOR A SIXTH DEFENSE

375. Petitioners have no standing to bring this action.

AS AND FOR A SEVENTH DEFENSE

376. Petitioners' claims are not currently ripe for adjudication.

AS AND FOR AN EIGHTH DEFENSE

377. Petitioners have failed to exhaust all administrative remedies.

AS AND FOR A NINTH DEFENSE

378. Respondent Congregation reserves the right to assert any and all additional legal and/or equitable defenses based on discovery or further factual investigation in this case.

WHEREFORE, Respondent Congregation respectfully requests that the Court issue an award dismissing the Petition in its entirety, with prejudice, for attorney's fees and costs; and for such other further relief as the Court may deem just and proper.

Dated: New York, New York
February 9, 2009

PROSKAUER ROSE LLP

By: 

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Attorneys for Respondent Congregation Shearith Israel

VERIFICATION

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

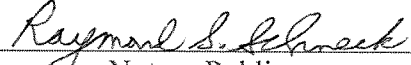
MICHAEL I. KATZ, being duly sworn, deposes and says:

I am an officer of the Trustees of Congregation Shearith Israel, a respondent in the above-entitled proceeding. I have read the foregoing Verified Answer and know the contents thereof; the same is true to my knowledge, based on my review of Congregation Shearith Israel's records, information provided to me by other members of the Board of Trustees, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters I believe them to be true.



MICHAEL I. KATZ

Sworn to me this 9th
day of February, 2009



Notary Public
RAYMOND S. SCHNECK
Notary Public, State of New York
No. 41-4872835
Qualified in Queens County
Commission Expires October 6, 2010