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**Testimony for November 15, 2005
Landmarks Preservation Commission Hearing
For Congregation Shearith Israel (8 West 70th Street)**

A harbinger of importance to the Upper West Side – Central Park West Historic District is before the Landmarks Preservation Commission. It is the latest request by the Central Park West Shearith Israel Congregation to permit within the Historic District a midblock 12 story structure containing 10 residential condominium floors, with 4 community facility floors (2 below grade). It seeks to shift its development potential away from the historic Central Park West “wall” into the vulnerable underbelly of the District, its characteristic brownstone/limestone midblocks.

It is a harbinger because there are at least a half dozen non-profit, charitable or religious institutions waiting to apply the precedent: The Ethical Culture Society, The Holy Lutheran Church, The Second Church of Christ Scientist, The Universalist Church, The New York Historical Society, The Museum of Natural History, and the First Church of Christ Scientist. In all of these cases we have significant, underbuilt structures which puncture the historic Central Park West wall – which helps define the shape of the District.

Because these structures are individually landmarked or significant contributors to the Historic District, they are protected unless hardship claims can be substantiated. To the extent these are charitable or religious properties, the ability to fulfill their charitable or

religious purpose defines their reasonable investment-backed expectations as property owners. Commercial exploitation of their unused zoning potential is neither a “right” of these institutions, nor does it promote the character of its surrounding Historic District. The Congregation in this case proposes to demolish its low rise school and open space used at a midblock scale to replace it with a structure three times its height. The midblock on the north side of 70th Street – where the resulting shadow will fall – stands entirely at lower scale.

The historic district report of the Landmarks Preservation Commission traces the evolution of the district and remarks on the survival of so many 19th Century brownstone blocks. The two anomalous 9-story multiple dwellings which replaced isolated brownstones in this midblock did not become the “new” midblock look as they did in much of the Bronx. The proposed 12-story structure will lord it over the brownstones. (It’s as if a slightly frustrated Central Park West building, denied its usual location, migrated around the corner to the midblock.) Once there were three midblock brownstones on the site of the current 12-story proposal prior to synagogue acquisition. Two were replaced by the present community house at midblock scale. The third was simply demolished and not replaced before Historic District protections were in place.

A Certificate of Appropriateness application to the Landmarks Preservation Commission (“LPC”) in a Historic District must be judged against enumerated standards. Measured against the built form of the 70th Street midblock, or the midblocks within the entire

historic district, the proposed 12-story tower is a visitor from another planet; it has no place on this midblock. It is a strange new form unprecedented in this historic district. Because its sponsor is a nearby designated landmark does not change the criteria LPC must apply to the proposal. Historic “appropriateness” of a new neighbor is not measured by a significant financial contribution to the sponsoring landmark.

This proposal is modest only in comparison with the synagogue’s earlier 42-story and 15-story incarnations. It still destroys the protected style of 70th Street. It fills in one of the characteristic dips in the CPW historic skyline. It gratuitously bottles up the inner courtyard of 18 West 70th Street above the zoning and historic height limit of the area. Can one rationalize these impacts against the economic advantage to the CPW property owner, the respected historic Spanish-Portuguese synagogue?

Are present and future vacant lots within this protected district to be threatened with “transition” buildings like this - - - lacking in those characteristics previously enumerated by this Commission? I hope not, because if so, it signals the end of the Upper West Side CPW Historic District as we know it.

What gets built here, should be as predictable for example as applications governed by LPC’s standards and rules for rooftop additions. Unpredictable new forms and heights for “transition” buildings will destabilize the foundations of our preservation heritage.

One hopes the Synagogue will keep faith with its neighbors in constructing four community facility floors (two below grade) and four residential floors above. The condos should provide a substantial endowment for the Synagogue's future. In so doing, it will demonstrate its ability to live within Landmark Preservation Commission rules as so many property owners have since 1965.

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