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SENATOR THOMAS K. DUANE

29TH SENATORIAL DISTRICT • NEW YORK STATE SENATE

**TESTIMONY FROM STATE SENATOR THOMAS K. DUANE BEFORE THE
LANDMARKS PRESERVATION COMMISSION REGARDING THE
CONGREGATION SHEARITH ISRAEL'S SPECIAL ZONING PERMIT
REQUEST**

July 1, 2003

Good morning, my name is Senator Thomas K. Duane and I represent New York State's 29th Senatorial District, which includes much of the Upper West Side. I am testifying today in response to Congregation Shearith Israel's current building plans for 8 West 70th Street, Block 36, 37, lot 1122. This proposal calls for the demolition of the existing community house at 8 West 70th Street and construction on the property of a 14-story community house/residential tower. This residential building requires a special permit under the current Zoning Resolution.

Congregation Shearith Israel is one of New York's oldest and most valued congregations. It should be noted that when previous applications for constructing a residential building were met with opposition from both the community and landmarks preservation organizations, Congregation Shearith Israel withdrew the applications.

Congregation Shearith Israel, in restoring and preserving its own Synagogue, has shown a commitment to preserving New York City's landmarks. The Congregation also handles the upkeep of its three historic cemeteries throughout New York City in meticulous fashion.

The congregation has shouldered much of the synagogue's restoration and preservation expenses. This has come with a financial commitment on the part of the synagogue and its congregants. The lower portion of the planned residential building would serve as a new community house for the congregation. The upper portions would serve as an immediate source of income for the synagogue.

While I am sympathetic to this goal, I am unable to endorse their proposal. The proposed building violates R8B zoning and goes against the original reasons for selecting the Upper West Side for this special zoning. R8B zoning was enacted in 1984 to protect the mid-block sections of the Upper West and Upper East sides from the influx of high-rise buildings that was becoming commonplace in Midtown and parts of lower Manhattan. The West Side is a gem in our city that is worth protecting. Unfortunately, the proposed building extends past a 125-foot line created as a buffer between Avenue R10A and Mid-Block R8B zoning. The zoning code thus protects the mid-block buildings of the district from the looming buildings that both obstruct light and views and threaten to take away from the historic district's low-rise core.

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We cannot ever allow spot zoning that will permit a mid-block tower to be constructed and damage the special zoning that has preserved the wonderful mid-block character of the Upper West Side. This proposed building must not be allowed to establish a precedent for future proposals that would further encroach upon the district. The more buildings that are allowed to circumvent the zoning by extending past the 125-foot buffer into mid-block, the harder it will be to maintain The Upper West Side and Central Park West as historic districts.

Congregation Shearith Israel must prove to the Landmarks Preservation Commission that the proposed real estate development both "contributes to a preservation purpose" and "relates harmoniously" to the existing landmark synagogue before it is approved. On the contrary, I believe that it takes away from preservation goals and if approved would greatly disrupt the harmony that currently exists between the synagogue and the Upper West Side.

While I value Congregation Shcarith Israel as a valued member of New York City and the West Side, and while I sympathize with their economic goals, I cannot endorse this proposal.