

Susan Nial  
Statement to Community Board 7  
October 17, 2007

Good Evening. My name is Susan Nial. By training I am a lawyer. By experience I am a litigator and process and procedure are very important to me. As a result, I never want to go into a hearing without knowing the complete story. Unfortunately, that is where both this committee and the community find themselves today.

All of us recognize the importance of the Community Board and its desire to ensure that it has a place at the table when changes are made in the community and to have an effective role in making sure that those changes are consistent with the needs of the community. We all support the active participation by the Community Board in this process; however, what the Board is faced with tonight is an insistence by an applicant that the Board and this Committee take a position on an application that is simply not complete and will most definitely change. Such a request is premature and fails to appreciate your important role in this process.

I recognize your frustration with the time you have already spent on this matter and the continued delays that have resulted from the filing of faulty applications but I would argue that the way to both deal with that understandable frustration and to assert your very important role is to insist that **any applicant** who wants your support provide you with a complete and final application. The CSI application before you is both incomplete and deficient. As a result, I would suggest that the applicants' insistence on this hearing is premature and places an undue burden on both the Committee and the community.

In its October 12<sup>th</sup> letter to CSI the BSA made it clear that the application is deficient—22 deficiencies were outlined therein-- and that the applicant has 60 days to remedy the deficiencies and to file its application with the BSA. Once that application is filed the applicant is required to notify this body among others of that filing.

The BSA has refused **to even calendar a hearing** on the application until the application is revised and the deficiencies are remedied. I urge you to follow the BSA's procedural lead in this matter and tell this applicant to return to your Board when it has finalized its application so that you may assess its request with all of the pertinent information and hear comments from the community at a duly scheduled and noticed public hearing. I understand that you are in a difficult position but any decision you make on less than complete information simply does damage to your legitimacy and your credibility not only in this instance but going forward. As for me I agree with the BSA's procedural stance and reserve my right, as I am sure all of the members of the community do, to make further comments on the substance of the application when and if it is completed and the 22 deficiencies outlined in the BSA's letter are remedied.

In view of your assurances regarding your extended review of this matter, I thank you for your willingness to give this matter close consideration. Your insistence on a complete record and application will certainly reinforce the credibility of your decision in this matter and going forward.