

# Coalition for a Livable West Side Newsletter

Nineteen years of keeping you, the community, informed about development and issues that affect the environment and the quality of life on the West Side. Join the Coalition. We need and value your support.

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Oct.--Nov. 2005

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## Give Back This Westside Pork!

\$6 million of pure NY Westside pork was inserted into the SAFETEALU (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users), NY. Item # 370 -II, "Relocating Miller Highway W. 59th-72 St. Manhattan under future expansion of Riverside Park NY". It is part of the 2005 Federal Highway bill.

### How did this happen?

From the AP, 3/14/05: "...The House highway spending includes a provision for \$2.5 million in road construction that would boost Trump's long-held goal of burying part of the West Side Highway near W. 61st St. It would help complete construction of a steel frame underneath Riverside Boulevard around W. 61st St. to later accommodate the lowering part of the West Side Highway. Moving the highway below ground would cost hundreds of millions of dollars. ..The money was put in the bill by Rep. Sue Kelly, (Katonah, R-NY). It is unusual for a member of Congress to push for a spending provision outside their own district." [The amount was reduced to \$2 million in the final bill.]

Then, incredibly, Senators Hillary Clinton and Charles Schumer sweetened the pot by adding \$4 million to the SAFETEALU bill - although urged by constituents not to include such a blatant example of "pork" for Donald Trump in the Senate Highway bill. Total Pork is \$6 million!

### What Is the \$6 million Really For?

In August 2005, Coalition asked the NYS Dept. of Transportation (NYSDOT), for specific information on how the \$6 million in SAFETEALU funds ["Relocating Miller Highway W. 59th-72 St. Manhattan under future expansion of Riverside Park"] was going to be used.

We quote from the unbelievably convoluted Aug. 23rd reply from a NYSDOT Staff Director. We defy anyone to explain what it actually means. (Coalition's comments are footnoted after the quote.)

"The project consists of design of a concrete tunnel from W. 63rd Street to W. 65th Street in the northbound and southbound direction.<sup>1</sup> The project is being progressed and designed in the northbound direction by the Donald Trump Organization.<sup>2</sup> Plans submitted by the Trump Organization for review by the New York State Department of Transportation in 2004 for concrete tunnels between West 64th to West 65th Street in the northbound direction, near Trump's buildings,<sup>3</sup> - another developer will design the tunnel from West 63rd Street to West 64th Street in the northbound direction.<sup>4</sup> The tunnels in the southbound direction will either be constructed by the city or state.<sup>5</sup> Donald Trump will progress his portion of the project in the near future; the city and the state have not made a commitment for a construction date for the southbound tunnel."<sup>6</sup>

Coalition's comments:

1. The 'tunnel' would be built beneath a portion of Riverside Boulevard but that Boulevard portion has not yet been built.

What can YOU do about this transparent and blatant Pork for a private developer? **Call Senator Charles Schumer [202-224-6542] and Senator Hillary Clinton [202-224-4451].** Call please because we have discovered that faxes and e-mails do not produce responses. Tell them to give the \$4 million in PORK back - refer to New York State. Item # 370:. Also **Call Rep. Sue Kelly [202-225-5441]** and ask her to give back her \$2 million in PORK [Item # 370:]. Sen. McCain and others have urged the giving back of Pork items in the Highway Bill to help pay for Hurricane Relief efforts in Louisiana and Mississippi. What a marvelous use for this obscene piece of pork!!



2. What in the world does "progressed" mean? According to a spokesman for Hudson Waterfront Associates, Trump has "never made a decision of consequence" for the Riverside South project in the last 11 years. (see page 3)

3. Does this mean only half a tunnel would be built? Extell, the new owner, has begun construction on the W. 64th-W. 65th St. building and must build Riverside Blvd. on a structure - why should taxpayers pay for it?

4. Why plan to build half a tunnel? And has the new developer, Extell, agreed **to build any portion** of a tunnel?

5. Really? Who in the City and State have agreed to that? Show us where the hundreds of millions of dollars necessary to move the highway will come from!!

6. No money, and no commitment from City or State for Southbound tunnel. Trump will "progress" what?

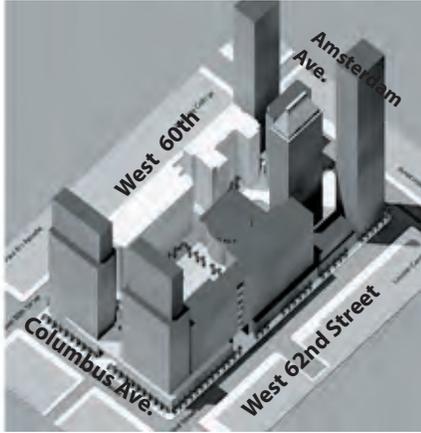
Finally, the "concrete tunnel" is actually the base for an extension of Riverside Boulevard - an obligation of the developer.

And how do you build a tunnel piecemeal and in two sections - one northbound and the other southbound?

**Our 9th Challenge Grant Will Match Your Contribution. Join the Coalition**

## Fordham Sells Two Sites for \$300 Million - Part of Its Enormous 25 Year Expansion Plan

Fordham University (a private entity) received a very generous Public gift in 1959, when it purchased a site from the City in the Lincoln Center Urban Renewal Area (W. 60th – W. 62nd Street, from Amsterdam to Columbus Avenue) for \$3 million. The City displaced the hundreds of families who lived on the site.



Cooper, Robertson & Partners. NYT 2/22/05  
Renderings of Fordham's Lincoln Center campus as it might appear in 20 years, with several proposed buildings. The view is from the northeast.

In January 2006, when the Urban Renewal Agreement expires, Fordham plans to more than double the size of the existing campus, increasing it by 2.378 million square feet. The expiring agreement limited building heights to 20 stories and buildings to just 35% of the entire site.

It has now been reported that Fordham entered into an agreement to sell two parcels (701,000 sq. ft.) for \$300 million to the Fisch family of Continental Properties (NJ) for luxury residential towers. The Fordham plan shows a 50-story tower on W. 60th St. (Amsterdam Ave.) and a 60-story tower on W. 62nd St. (Amsterdam Ave.). The 60-story tower will be at least 22 stories higher than the nearby Alfred condominium.

Fordham's arrogant plans, which will overwhelm the community, will cover 63% of the site. In addition, six of the buildings will be more than 20 stories - 1 @ 60 stories, 1 @ 50 stories, 2 @ 45 stories, 1 @ 22 stories and 1 @ 21 stories.

Included in Phase I of the Fordham Plan are a 22-story dormitory to be built with New York State Dormitory Fund Bonds; a new 16-story Law School, a new five-story campus center and the expansion of the library to eight stories.

Although it is an as-of-right project, Fordham is requesting waivers from the City Planning Commission which require a full Environmental Impact Statement (EIS) for the project\*. (See below)

Requested waivers are for: three garages (595 spaces vs 35 in Urban Renewal Agreement); modification of height and set-back requirements (Lincoln Square Special District) and some modification of requirements governing distance to the nearby building -NW corner, where the new residential building would share a lot line with the existing condo, the Alfred. These requests for waivers also must go to Community Board 7 for approval. CB7's recommendations are not binding.

The bottom line is very clear: Fordham could have expanded without selling land to developers. It could have, as it has done in the past, used NY State Dormitory Fund Bonds. Shame on Fordham for becoming a "developer in disguise"!

The Fordham plan is before the City Planning Commission. We can keep you informed in a timely manner via email or a fax. We do not share them with anyone. Please send us your fax number or send an email to: [livablenewyork@erols.com](mailto:livablenewyork@erols.com).

### Community's Opportunity To be Heard

\*An Environmental Impact Statement (EIS) requires a scoping session at which the public can make suggestions about what should be included in the Environmental Impact Statement.

After the scoping session, the firm of AKRF will prepare the Draft Environmental Impact Statement (DEIS).

The DEIS will be presented to the community at a Public Hearing.

Comments from the Public will be included in the Final Environmental Impact Statement (FEIS).

### As-of-right Zoning, Public Policy Disaster

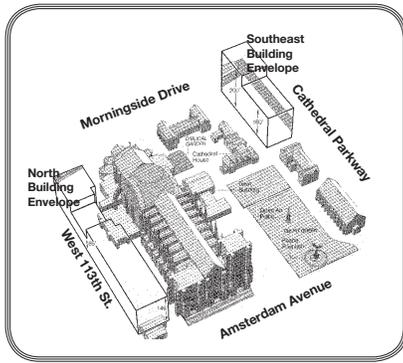
Tom Agnotti, Professor of Urban Affairs and Planning at Hunter College, City University of NY wrote, "New York City's massive Zoning Resolution - the major document governing land use in the city - is filled with lots of loopholes that allow developers to build their projects (some of them very large-scale projects) as-of-right, without any sort of public review... No public hearings are required. The developer just needs to get a building permit or go through another administrative process.

"Communities have no way of influencing the design of new projects in a way that makes them compatible with existing development and the community's visions for the future of the neighborhood...It leaves important decisions to be made by developers and bureaucrats behind closed doors.

"It is common practice in suburban planning that every new development must go through some kind of public review, including detailed design review...Why this free-for-all here in New York City? Does it have something to do with the political power of the real estate industry and the weakness of neighborhood governance?"

From: "As-of-Right" Development: An Invitation to Ethical Breaches? by Tom Agnotti. Gotham Gazette.com. 6/6/03.

## Latest Development Plans For St. John the Divine



• The Church has granted Columbia University a three-and-a-half-year option to lease and develop the strip of land directly to the north of the cathedral, on West 113th Street between Amsterdam Avenue and Morningside Drive. (See North Building Envelope on diagram). In 2003, Columbia had proposed a building of 146 feet but now has no immediate plans.

• The Church signed an agreement with Avalon Bay Communities, a national real estate investment trust, to build market-rate rental apartments on West 110th Street and Morningside Drive. (see Southeast Building Envelope on diagram.) Because the building would be on a hill, it would rise 235 feet above Morningside Drive. Work could start in 12 to 18 months.

The efforts of community activists, preservationists and elected officials to landmark the site failed last year.

"Some residents have urged the Episcopal bishop of New York to intervene. 'If the cathedral is parceled off,' said Jane Churchman, a former managing editor of the church's newsletter, 'it makes the cathedral mission hostage to other interests.'" From: NY Times. J. Bleyer. 9/25/05.

## \$1.76 Billion Riverside South Deal Sellers: Hudson Waterfront Associates Buyers: Extell Development Company and the Carlyle Group

• Extell bought three rental buildings - 180 Riverside Blvd. (W. 68th-W.69th St.), 160 Riverside Blvd. (W. 67th-W.68th St.) and 140 Riverside Blvd. (W. 66th-W.67th St.) which contain 1,325 apartments including subsidized units.

• Two weeks after the purchase, Extell sold the rental buildings to Equity Residential for \$816 million – that's approximately \$616,000 per apartment..

• Extell also bought the undeveloped sites - West 65th to W. 59th St. (exclusive of W. 61st-W.62nd St., Parcel O, site under construction)

• Extell is building a 34-story tower (271 condominiums) on Parcel H (W. 64th-W. 65th St., Riverside Boulevard) and plans to build condominiums on the vacant sites between W. 61st and W. 64th Street .

• Extell owns the undeveloped land - between 59th to 61st Street, West End Avenue and Riverside Drive South (Riverside Boulevard), referred to as Parcel N in the Riverside South 1992 approvals. The site was placed on hold and not rezoned.

There must be a new Environmental Impact Statement and the zoning of the site must go through a new 7-month Public Review Process called ULURP. And all of the obligations in the 1992 Restrictive Declaration transfer to the new owners.

The 1992 Restrictive Declaration mandated that 12% of the total number of units approved (5,680) units be subsidized.

Parcel O was sold for \$10 to new developers and they are building the balance of the required subsidized housing in Riverside South.

Trump filed lawsuits in July and August 2005 against Hudson Waterfront Associates consortium. The cases were dismissed.

George Arzt, a spokesman for the Hudson Waterfront Associates consortium, said Trump "is the person who is seeking to extort hundreds of millions of dollars more" than he is entitled to. **He said the deal Trump signed 11 years ago was "just for the use of his name," and he's "never made a decision of consequence" for the project.**

From: Trump, Partners Trade Charges over \$ale.  
By Dareh Gregorian. NY Post. 8/11/05

## Appeal Filed on 72nd Street Ramp Closing

The 72nd St. Ramp.  
NY Times Photo



Judge Ling-Cohan (NYS Supreme Court) ruling was a victory for the Community . She issued a Decision and Order on Oct. 27, 2004. It basically said that the Riverside South 1992 Final Environmental Impact Statement (FEIS) was inadequate to base the closing of the ramp on and that the City had to do a new EIS and devise and study alternatives to closing the ramp.

However, on July 14, 2005, the NYS Appellate Court reversed Judge Ling-Cohan's ruling. They determined that the 1992 FEIS was valid and also constituted the environmental impact statement for the closure of the 72nd Street Exit Ramp.

Richard Lippes, attorney for the Plaintiffs (Coalition, elected officials, Civic groups, Coop and Condo Boards) appealed the Appellate Court decision on August 11, 2005. Based on the Court's decision, he wrote, "...the Division's new rule, drawn to its logical conclusion, completely emasculates the protection afforded to the public, the environment, and the "alarm bell" function that environmental impact statements provide to lead agencies." The "new rule" would, in effect, determine that an EIS for a particular development would not only be valid for 10 or 20 years or more but it would not require a new EIS even if conditions had changed before construction of the development began.

No decision yet. We will keep you informed.

## The West Side - A Hot Bed of Development

### No Public School in Riverside South

Despite warnings in 1992 that the elementary schools would face severe overcrowding even if Riverside South were never built, the 1992 Riverside South Restrictive Declaration (agreement between the City and Trump) **guaranteed that there would never be a school built in Riverside South because it set forth the following virtually impossible conditions :**

The NYC Department of Education (DOE) has 180 days from the time Riverside South notifies it that 60% of the residential units have a Temporary or Permanent Certificate of Occupancy. The DOE must select a site in Riverside South either 64th-63rd St.; 63rd -62nd or 62nd -61st St. and it must pay Fair Market value for it. Plus the City must allow 80 more residential units to be built on the selected site.

If all these conditions are not met then the developer is absolved of all obligations to provide a site for a school.

### Under Construction 15 Central Park West Central Park Tower W. 61st to W. 62nd St. Broadway to CPW



- As-of-right
- Two condominium towers.
- 15 Central Park West – 210 feet.
- Mid-block tower, (W. 62nd St.)  
Called Central Park Tower – 550 feet.
- Two buildings to be connected by a courtyard
- 201-unit condo project
- Designed by award-winning architect, Robert A. M. Stern, in the neo-classical style.
- Residents' health club and pool.
- Five-story retail base on Broadway.
- Purchased Inclusionary Housing Bonuses from 33 WEA (34,000 sq. ft. equal to approximately 41 apts.)
- Requesting variance for parking.
- Expected completion in early 2007

### Destroying a Neighborhood Via Transfer of Air Rights

Extell purchased air rights (unused development rights) and there are two horrendously, out-of-scale, huge condominium towers under construction. Without the purchase of Air Rights, the heights of both buildings would have been limited to 20 stories.

#### Extell Tower I 245 W. 99th Street 2623 Broadway

- Wall collapsed during demolition.
- Allowed to resume work.
- W side of Broadway between W. 99th and W. 100th Street .
- As-of-Right building
- Two adjacent brownstones on W. 100th Street were demolished.
- Added the air-rights from the brownstones. (15,000 to 20,000 sq. ft.)
- 34-story condominium tower.
- 73 family condominiums
- Completion expected in 14-20 months..
- Bovis, the contractor, has a hotline number for problems -212-448-3970

#### Extell Tower II 2628 Broadway

- E. side of Broadway between West 99th and West 100th Street.
- As-of-Right building.
- Purchased air rights from St. Michael's church and the Metro movie theater.
- 31-story condominium is being built next to the Metro theater.
- 65 family units.
- Completion expected in 14-20 months..
- Same Bovis hotline -212-448-3970.

### Congregation Shearith Israel 18 W. 70th St.

- New application for building adjacent to synagogue.
- For a 10-story residential-community facilities building.
- Six residential floors – condominiums.
- As-of-right building. But needs variances.
- Preservationists state building breaks zoning for midblocks.
- In Upper West Side-Central Park Historic District.
- Needs approval of NYC Landmarks Commission.

### New Development Site 200-210 W. 72nd St. 2067-2079 Broadway



Can be as big or bigger than the Alexandria. No plans filed.

The Coalition for a Livable West Side's prime goal is protecting our community and environment!

Name \_\_\_\_\_ Address \_\_\_\_\_ Apt. \_\_\_\_\_  
City/State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_ Fax # \_\_\_\_\_

Please make checks payable to: CALW, Inc. - Write Challenge Grant in lower left-hand corner of check.  
Mail to: CALW, Inc., P.O. Box 230078, New York, N.Y. 10023. Contributions are tax deductible [section 501c3]

I wish to support the Coalition's lawsuit to overturn DOT's approvals of ramp closing and WIP. [  ]  
I wish to support the Coalition for a Livable West Side's efforts on behalf of the community . [  ]  
My is contribution ( ) \$500. ( ) \$250. ( ) \$200. ( ) \$100. ( ) \$75. ( ) \$50. ( ) \$25. ( ) other  
Annual dues \$25. [  ] New member [  ] Renew - Year 2005 Dues [  ] Pre-pay Year 2006 Dues

If your company has a Matching Gift program, please apply on behalf of the Coalition. We now can accept gifts of stock. We have no paid staff.  
If your membership has expired (see label), please renew. If you are not a member, please join.  
I can help with publicity. ( ) I can distribute the Coalition newsletters, important flyers, etc. in my building. I need ( ) copies. I can attend important meetings, hearings, etc. ( ) I can help with \_\_\_\_\_