

**APPENDIX K**

**PUBLIC COMMENTS ON THE DGEIS**

**APPENDIX K.1**

**TRANSCRIPT OF THE NEW YORK CITY  
PLANNING COMMISSION PUBLIC HEARING ON  
THE WILLETS POINT DGEIS, AUGUST 13, 2008**

1  
2 THE CITY OF NEW YORK  
3 CITY PLANNING COMMISSION  
4 -----X  
5 ULURP PUBLIC HEARING  
6 RE: WILLETS POINT DEVELOPMENT PLAN  
7 Nos. 10, 11, 12, 13, 14 & 15  
8  
9 -----X  
10 New York University  
11 School of Law  
12 Vanderbilt Hall  
13 Tishman Auditorium  
14 40 Washington Square  
15 South  
16 New York, New York  
17  
18 August 13, 2008  
19 3:36 p.m.  
20  
21 B e f o r e :  
22  
23 AMANDA M. BURDEN,  
24 The Chair  
25  
\_\_\_\_\_  
ROY ALLEN & ASSOCIATES, INC., 212-840-1167

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23 and Realty Association  
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1  
2 APPEARANCES:  
3 New York City Department of  
4 City Planning Commissioners in attendance:  
5 Amanda M. Burden, The Chair  
6 Kenneth J. Knuckles, Vice Chairman  
7 Angela M. Battaglia  
8 Irwin G. Cantor  
9 Angela R. Cavaluzzi  
10 Alfred C. Cerullo  
11 Betty Y. Chen  
12 Maria M. Del Toro  
13 Richard W. Eaddy  
14 Nathan Leventhal  
15 Shirley A. McRae  
16 Karen A. Phillips  
17 Yvette V. Gruel, Calendar Officer  
18 Other City Planning staff  
19 ALSO PRESENT:  
20 The Public  
21 The Press  
22 The Media  
23 Marc Russo  
24 Reporter  
25  
\_\_\_\_\_  
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11

00:01:14 2 pursuant to the State Environment Quality Review  
and the City Environment Quality Review.

00:01:16 4 THE CHAIR: I can't see the  
5 Secretary, but I think she's finished.

6 MS. YVETTE GRUEL: Yes.

7 THE CHAIR: The first speaker on  
8 this item is the Borough President of Queens, Helen  
00:01:45 9 Marshall.

00:01:45 10 QUEENS BOR. PRES. MARSHALL: It's  
00:01:48 11 a pleasure again, to once again be present to give  
00:01:49 12 you my comments on the Willets Point Development  
00:01:53 13 project.

00:01:54 14 As you know, for the record I am  
15 Borough President Helen Marshall, the Borough  
16 President of Queens.

17 Willets Point is at the heart of  
18 many of the best things in Queens:

19 The U.S. National Tennis Center;  
20 Home of the Mets and the fabulous  
21 Citi Field, which is rising out of the ground  
22 beautifully;

23 Flushing Meadows-Corona Park and  
24 its many recreational facilities and cultural  
25 institutions;

10

PROCEEDINGS

00:00:00 5	THE CHAIR: Madame Secretary, can you call the next item.
00:00:03 6	MS. YVETTE GRUEL: Borough of
00:00:07 7	Queens -- Borough of Queens, calendar nos. 10-15.
00:00:08 8	Calendar No. 10 CD 7 C 080221 MMQ.
9	Calendar No. 11 C 080381 ZMQ.
10	Calendar No. 12 N 080382 ZRQ;
11	Calendar No. 13 N 080383 HGQ;
12	Calendar No. 14 C 080384 HUQ;
13	Calendar No. 15 C 080385 HDQ;
14	A public hearing in the matter of
00:00:43 15	applications for amendments to the City Map, the
16	zoning map, amendment of the zoning resolution and
00:00:50 17	for the designation and the disposition of property
18	for the Willets Point Urban Renewal Plan for the
19	Willets Point Urban Renewal area.
20	Notice: A public hearing is also
21	being held by the Office of the Deputy Mayor for
22	Economic Development, in conjunction with the above
23	ULURP hearings, to receive comments related to a
24	Draft Environmental Impact Statement.
00:01:07 25	This hearing is being held

12

2 It is flanked by the vibrant  
3 communities of Corona, East Elmhurst and Downtown  
4 Flushing;

5 Easy access to both New York  
6 City's airports; and

7 As readily accessible for mass  
8 transit and also a transportation network serving  
9 the region.

10 Since 1957, when I came to Queens,  
11 I have seen Willets Point become increasingly  
12 blighted and unsightly. Even till today I can walk  
13 there. And everyday when I go home from work I pass  
14 by. Okay?

15 The numbers and types of jobs  
16 provided there are limited.

17 Due to the origins and historic  
18 uses of the area, there are serious physical and  
19 environmental limitations on the potential for  
20 higher and better uses that would be expected in an  
21 area so strategically well located.

22 There is no doubt that the  
23 existing businesses and people who work there  
24 provide valuable services and goods. However,  
25 these activities are no longer compatible or

2 appropriate to the progress of the community,  
3 cultural institutions and recreational facilities  
4 that have grown up around Willets Point since its  
5 day as an isolated "valley of ashes."

6 In fact, right across Roosevelt  
7 Avenue, Muss is building fantastic, both  
8 residential development and large stores. All  
9 around Willets Point development is going on.

10 The Willets Point Development Plan  
11 is a product of many years of planning. This  
12 proposal evolved from an extensive and inclusive  
13 multiyear process of numerous sessions and town  
14 hall meetings. The result was the Downtown  
15 Flushing Development framework which identified  
16 Willets Point as the crucial and strategic  
17 connector between Corona and Flushing and East  
18 Elmhurst, where I live.

19 The plan proposes comprehensive  
20 and environmental remediation of the area -- I  
21 think that the environment is one of our greatest  
22 concerns. And I have read the report. It's not  
23 good -- new regional economic activity with a  
24 greater number of quality employment opportunities,  
25 complementary retail and services. And, of course,

2 wall of science and world-class science center are  
3 all part of the many such resources surrounding  
4 Willets Point.

5 The redevelopment of Willets Point  
6 will become a active 24-hour, year-around  
7 neighborhood with new residents bringing long-term  
8 economic benefits to queens, New York City and the  
9 entire region.

10 These applications would change  
11 the zoning, create a Willets Point Special  
12 District, designate an urban renewal area, create  
13 an urban renewal plan.

14 These actions have a very specific  
15 vision and framework for an active and sustainable  
16 future, very different from what is there today if  
17 it were to be left alone.

18 The language of the zoning  
19 regulation, special district and urban renewal plan  
20 are very specific to the point --

21 (Bell rings.)

22 QUEENS BORO. PRES. MARSHALL: Do  
23 you mind if I finish?

00:06:05

24 THE CHAIR: Only you.

00:06:07

25 Definitely.

2 new opportunities to simply enjoy more leisure  
3 activities; new green and open spaces and an  
4 enhanced waterfront.

5 My predecessor was able to get a  
6 beautiful new promenade along Flushing Bay. And  
7 when you look -- when you're on the promenade, you  
8 look into Willets Point.

9 In two weeks the eyes of the world  
10 will be on the USTA Open at the nearby National  
11 Tennis Center.

12 Last year the U.S. Open drew  
13 700,000 fans. We make more money from the U.S. Open  
14 in those two weeks than we do between Shea and  
15 Yankee Stadium together.

16 In April of 2009 the gates of Citi  
17 Field and the Jackie Robinson Rotunda will open for  
18 the millions of Mets fan who faithfully support  
19 their team.

20 The recently opened swimming pool  
21 will become an even more popular spot when the  
22 adjoining skating rink is open.

23 Both of them are Olympic size.

24 The soon-to-be-expanded Queens  
25 Museum will draw new visitors to the area and a

00:06:08 2 QUEENS BOR. PRES. MARSHALL: Thank  
3 you.

00:06:10 4 I'm representing a lot of input.

00:06:11 5 THE CHAIR: I know you are so

00:06:13 6 I'll make a special exception.

00:06:13 7 QUEENS BOR. PRES. MARSHALL: Thank  
8 you very much.

00:06:14 8 A plan -- district plan, urban

00:06:17 9 renewal plan which are specific to the point.

00:06:18 10 And important features include:

11 Expanding the size and layouts of  
12 blocks and streets;

13 The uses of allowed -- to be

14 allowed;

00:06:28 15 Location of buildings on the

16 blocks;

17 Maximum building heights and

18 setback requirements;

19 Layout and qualities -- qualities

20 of the extensive required open spaces;

00:06:28 21 Location and design of the street;

22 And continued City agencies and

23 supervision are all identified.

24 As Chair of the Willets Point  
25

1 17  
2 Advisory Committee, I convened months of meetings  
3 and planning sessions with all the local  
4 stakeholders, elected officials, community board,  
5 property owners, civic and business organizations,  
6 the Mayor's Office, and several City agencies and  
7 have helped shaped the Willets Point Development  
8 Plan.

9 These meetings and planning  
10 sessions must continue, well after the review  
11 process, until the plan is fully implemented.

12 After reviewing the application,  
13 participation in numerous meetings, careful  
14 consideration of all written material submitted to  
15 me and listening to all the speakers at my public  
16 hearings, I recommend approval of this application  
17 with the following fifteen conditions to address  
18 the substantial issues that must be raised.

19 This is a complicated project.

20 The Willets Point Advisory  
21 Committee, comprised of the Queens Borough  
22 President, local officials, elected officials,  
23 representatives of Community Board #3, 4 and 7, and  
24 other community leaders, should be continued for  
25 the duration of this project, including during the

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1 19  
2 get out. And they do need help.  
3 The entire Willets Point  
4 Development Project must proceed comprehensively  
5 and not be phased in.

6 For the first five years of the  
7 development process, beginning with the selection  
8 of a developer, \$500,000 per year should be  
9 dedicated to capacity building that will allow  
10 local M/WBE's as minority and women-owned and local  
11 businesses to respond to Request for Proposals to  
12 provide any goods or services that would arise  
13 during and after construction is complete.

14 On the western side, Willets  
15 Point, the residential community is a Black and  
16 Latino community. On the eastern side it's an Asian  
17 community. And we have many very capable  
18 businesses and workers that could work here. And so  
19 they definitely need to be helped and to make sure  
20 they're represented.

00:06:49 21 THE CHAIR: So Madame Borough  
22 President, if you could kind of condense the  
23 closing because I know there's lots -- as you can  
24 see in the audience, there are lots of people who'd  
00:09:37 25 like to speak pro and con.

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1 18  
2 developer selection process and construction,  
3 implementation and all other phases of Willets  
4 Point development.

5 EDC must continue in its good  
6 faith efforts with the property owners to come to a  
7 fair and equitable agreement with the purchase of  
8 their land in the Willets Point project area and  
9 exhaust every means of negotiation before  
10 considering the use of eminent domain.

11 They deserve it.

12 EDC must make every effort to help  
13 tenant businesses relocate and reestablish  
14 themselves as ongoing entities.

15 EDC must make every effort to  
16 contact and help the current Willets Point workers  
17 with enhancement of their employment skills, find  
18 new employment and provide career counseling and  
19 other supportive services to assure that they are  
20 not adversely impacted by a new development at  
21 Willets Point.

22 La Guardia Community College has  
23 been selected to work with all those tenant workers  
24 and they're right actually on site. And they will  
25 do that so that the workers don't have to travel to

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1 20  
00:09:37 2 QUEENS BOR. PRES. MARSHALL: A  
3 convention center with an adjoining hotel. It's  
4 actually really -- a convention center with an  
00:09:46 5 adjoining hotel must be included to help any RFP  
00:09:46 6 proposals that -- that this is a request by our  
7 Chamber of Commerce to advance economic development  
8 to allow them to have trade shows so that they can  
9 bring in new business for the Borough and for our  
10 City.

11 To increase affordability and  
12 development, there should be fifty percent market  
13 rate, thirty percent moderate income and twenty  
14 percent affordable.

15 And I believe that many of the  
16 groups that are really, you know, fighting for  
17 affordable housing, I think that that would meet  
18 their requirement. But I do think that the housing  
19 and income level of people is something that has to  
20 be considered, very definitely.

00:10:30 21 EDC and the Parks Department must  
22 develop additional green space on the Flushing  
23 River and extend the Flushing Bay promenade to the  
24 Department of Transportation facility. This would  
25 enable a direct route from the promenade into

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1 21

2 Flushing.

3 A retail and commercial mix in the

4 Willets Point -- and recreation district should be

5 complementary to the neighboring commercial centers

6 in both Downtown Flushing and Corona and East

7 Elmhurst.

8 An initial \$5 million Traffic

9 Infrastructure Mitigation plan should be

10 established and increased if necessary. The City

11 should monitor potential impacts of area traffic

12 and Infrastructure related to development and

13 implement appropriate mitigation measures in a

14 timely manner.

15 I'm just going to skip over.

00:11:12 16 In closing, --

00:11:12 17 THE CHAIR: If you could just

00:11:16 18 give your concluding remarks, that would be great.

00:11:16 19 QUEENS BOR. PRES. MARSHALL: Okay.

00:11:17 20 In closing -- in closing, the

00:11:20 21 Willets Point project is about the future, a future

22 that will employ nearly 18,000 people during

23 construction, and more than 5,300 people when

24 complete. A future that includes new residences,

25 fans, the U.S. Open so on and so forth.

---

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1 23

2 audience that traditionally we have a half an hour

3 of speakers in favor and then we switch to speakers

4 in opposition. And we are at the speakers in favor

5 part of the testimony right now.

00:12:33 6 MS. MADELYN WILS: Hello again.

7 Willets Point is an important

8 location at the crossroads of Queens. It has great

9 public transit and highway access, is minutes from

10 our two airports and is located between two vibrant

11 communities.

12 Willets Point is also surrounded

13 by great recreational cultural and entertainment

14 venues. However, the entire 62-acre site suffers

15 from historic and ongoing environmental

16 contamination.

17 The site was a coal ash dump, or

18 as the Great Gatsby called it, "the Valley of

19 Ashes." On top of that is the problem of ongoing

20 petroleum and contaminants continually being

21 spilled or dumped on a regular basis.

22 The site is regularly flooded and

23 suffers from inadequate infrastructure. There is

24 no sanitary sewer at all. The site has a poorly

25 functioning storm sewer, high water table and is

---

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1 22

2 I'll skip over that.

3 Willets Point is a major

4 development project in Queens and for all of New

5 York City. If allowed to become the sustainable,

6 beautiful place to visit, shop, live and work at,

7 that we have planned, then everyone wins, the

8 workers, the residents, the visitors and also all

9 the local businesses will have great new places to

10 carry on their business.

00:11:55 11 Thank you very much.

00:11:56 12 THE CHAIR: Madame Borough

13 President, thank you so much.

00:11:57 14 Let me just see if there are any

00:11:59 15 questions for you from the Planning Commission.

00:12:01 16 (No response.)

00:12:01 17 THE CHAIR: There are not. But

00:12:03 18 we are pleased to see you testify on two projects

19 today.

00:12:05 20 Thank you so much.

00:12:12 21 The next speaker is Madelyn Wils;

22 Who will be followed by Kevin

23 McCarthy; and

24 Then Jonathan Gouveia.

25 And I just want to tell the

---

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1 24

2 within the hundred-year floodplain.

3 These constraints make

4 parcel-by-parcel development virtually impossible.

5 Willets Point needs a large-scale environmental

6 cleanup. The entire site must be raised two to six

7 feet.

8 And you will hear testimony from

9 our consultant why it is not feasible to install

10 storm water infrastructure without raising the site

11 by at least a few feet.

12 Major investment and on and

13 off-site Infrastructure is needed. Yet even with

14 these constraints it is clear that the

15 redevelopment of Willets Point would be a great

16 benefit to the City as a whole and especially to

17 Queens.

18 The City's plan was born out of a

19 community board -- a community-based planning

20 effort, started in 2002, when the former Deputy

21 Mayor created the Downtown Flushing Task Force to

22 create a series of recommendations for the Flushing

23 area.

24 During that process it became very

25 clear from the electeds, business people and

---

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1 25  
2 residents, that in order for the area to grow the  
3 City had to do something about Willets Point.  
4 Since this task force issued its recommendations in  
5 2004, the City has done an enormous amount of work  
6 to create a viable plan based on the community  
7 vision.

8 The development plan includes  
9 mixed income housing, community space, K through 8  
10 public school, eight acres of open space, a  
11 mid-sized convention center, hotel, office and  
12 retail space.

13 The development plan also includes  
14 twenty percent of units for affordable housing.  
15 We've been listening carefully to the community  
16 board, Queens Borough President Marshall, and  
17 Council Member Monserrate, as well as other groups,  
18 about increasing that number.

19 We will do everything we can to  
20 address the affordability issue. But we ask  
21 everyone to be aware of the importance of balancing  
22 all of the priorities of this plan so that it  
23 remains viable and buildable.

24 You will be hearing from many  
25 speakers today, including those who will address

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1 27  
00:16:13 2 jobs, 5,300 permanent jobs.  
3 We recognize this is a complicated  
00:16:20 4 project. We believe strongly that in this  
00:16:21 5 redevelopment that the rewards are worth the risks.  
00:16:24 6 Thank you very much.  
00:16:25 7 THE CHAIR: Thank you very much.  
00:16:26 8 Let me see if there are any  
00:16:27 9 questions for you before you leave the podium.  
00:16:30 10 Angela Battaglia.  
00:16:30 11 COMM. BATTAGLIA: With regard to  
00:16:35 12 the existing businesses, you mentioned already that  
00:16:38 13 there are four owners that you've already arranged  
14 relocation.

15 MS. MADELYN WILS: Yes.  
16 COMM. BATTAGLIA: I'm not too  
17 sure how many workers that represents. But I know  
00:16:50 18 in total there are 260 business, many of which are  
19 renters.

20 I also understand from the  
21 discussion the other day, that the City can only  
22 negotiate with the property owner, the owner of the  
23 business. So I just wanted to ask you, if this is  
24 within your purview, to discuss how you can help  
25 all of the workers or all of the businesses that

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1 26  
2 our approach to the needs of the business, property  
3 owners, tenants and workers who are at Willets  
4 Point today. We take this issue very seriously and  
5 are prepared to go to great lengths to address  
6 their needs understanding this is a critical  
7 component to any redevelopment.

8 As we've stated publicly many  
9 times over, we are fully committed to negotiating  
10 private acquisition and relocation deals with any  
11 and all property owners willing to work with us,  
12 willing being the operative word.

13 To this end, we are pleased to  
14 have our first four deals in hand.

15 Having said that, the City has an  
16 obligation to its taxpayers to not make gifts of  
17 public funds. We've encouraged businesses to get  
18 their own appraisals and we are prepared to make  
19 fair and sensible deals based on fair market value  
20 of the property.

00:16:07 21 THE CHAIR: Madelyn, you are not  
22 the Borough President so you have three minutes.

11 23 (Laughter.)

00:16:11 24 MS. MADELYN WILLS: Okay.

00:16:12 25 Eighteen thousand construction

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1 28  
2 are renting, to relocate and establish other venues  
3 to retain their workers.  
4 You talked about all the jobs it  
00:17:22 5 will create but let's talk about all the jobs that  
00:17:26 6 are there and how we protect them.  
00:17:26 7 MS. MADELYN WILLS: Yes.  
8 Well, we've had extensive  
9 outreach. And we will get into this. Jonathan  
10 Gpuveia, my colleague, will get into this  
11 extensively.

12 But I will say that we also have  
13 just selected a company that will help these  
14 businesses relocate and he will get into the  
15 details much more finer.

00:17:45 16 COMM. BATTAGLIA: Thank you.

00:17:45 17 THE CHAIR: Any other questions  
00:17:47 18 from the Commission for Madelyn Wils?  
00:17:49 19 (No response.)

00:17:49 20 THE CHAIR: Okay. Madelyn,  
00:17:50 21 thank you very much.

00:17:51 22 MS. MADELYN WILLS: Thank you.

00:17:52 23 THE CHAIR: As is our custom,  
00:17:55 24 any elected officials are given the courtesy of  
25 speaking first. And I've been just notified that

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1 29  
00:18:05 2 New York State Senator Toby Ann Stavisky is here to  
00:18:06 3 testify.  
00:18:19 4 SENATOR STAVISKY: Thank you and  
70 5 thank you for your patience.  
23 6 There's been a reference to the  
00:18:26 7 Valley of Ashes. Willets Point is cited in one of  
00:18:36 8 all time classics of American literature, the Great  
9 Gatsby.  
00:18:41 10 And F. Scott Fitzgerald - let me  
00:18:42 11 read this - calls Willets Point a valley of  
00:18:49 12 ashes...bounded on one side by a small foul  
00:18:50 13 river...a fantastic farm where ashes grow like  
14 wheat into ridges and hills and grotesque gardens.  
00:18:00 15 And I'm here today to say let's  
00:19:03 16 change it.  
00:19:05 17 I'm going to leave my testimony.  
00:19:06 18 I'm going to be very brief.  
00:19:07 19 But towards the end of session we  
00:19:14 20 passed Brownfields legislation. And I was very  
00:19:14 21 proud to speak on the floor in favor of the  
22 brownfield legislation because it's as though it  
23 were tailor-made for Willets Point.  
24 Willets Point is an environmental  
25 nightmare, as you know.

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1 31  
2 Wall Street. And we've got to have the  
3 public/private partnership to develop Willets  
4 Point, to take care of the existing businesses and  
5 yet at the same time benefit the community.  
6 So I thank you for your patience.  
7 And I just want to add one other  
8 -- I don't if you saw the story in Sunday's New  
9 York Times. A very interesting story where two  
10 young people left Shea Stadium and wandered into  
11 the Willets Point.  
12 And they're quoted as saying, we  
13 were looking at each other and hoping we'd get out  
14 alive. It certainly wasn't something I want to  
15 experience again.  
16 These are two Mets fans who have  
17 taken it upon themselves to be almost a citizen  
18 voice for the improvement of Willets Point.  
19 We want to make sure that the  
20 businesses are taken care of and at the same time  
21 that the community at large can benefit for the  
22 opportunity that Willets Point offers.  
00:21:51 23 So I thank you all very much.  
00:21:51 24 THE CHAIR: Thank you, Senator.  
25 Thank you for coming.

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1 30  
2 I'm going to skip over much of  
3 this. But let me just say that whether you're  
4 watching the U.S. Open Tennis matches, and it's a  
5 major, major revenue producer for New York City and  
6 New York State, or whether you enjoy walking in  
7 Flushing Meadows Park or eating in restaurants in  
8 Flushing, in my district, or in Corona, Queens has  
9 so much to offer.  
10 And there's no reason why Willets  
11 Point shouldn't become one more reason to be proud  
12 of our home. Hopefully in the future when they  
13 talk about the valley of ashes, instead they talk  
14 about the Phoenix bird as it rises from the ashes.  
15 Because that's what Willets Point has the potential  
16 to be. It is a -- to me, the economy is the major  
17 issue today and everything else sort of pales  
18 compared to the economy.  
19 And Willets Point has the -- is  
20 going to be the opportunity to be almost an  
21 economic engine for New York City and indeed the  
22 State.  
23 We need to diversify our base. We  
24 can't rely so heavily on Wall Street. You know, one  
25 dollar in five in New York State revenue comes from

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1 32  
2 The next speaker is Kevin  
3 McCarthy;  
4 Who will be followed by Jonathan  
5 Gouveia; and  
00:22:10 6 Then Lisa Bova Hiatt.  
00:22:10 7 MR. KEVIN MCCARTHY: Good  
8 afternoon.  
9 I'm Kevin McCarthy from HDR  
10 Engineering.  
11 I want to present an overview of  
12 the hazardous materials and infrastructure segments  
13 of this project.  
14 The following is a brief list of  
15 existing conditions, the studies performed and the  
16 findings of those.  
17 The entire district is located on  
18 a former ash landfill. As a result, the majority  
19 of the site has settled below the 100 year FEMA  
20 floodplain and established levels below grade.  
21 The current storm sewer elevation  
22 does not allow proper drainage resulting in runoff  
23 from automotive and manufacturing businesses that  
24 contain petroleum and chemicals documented by New  
25 York State DEC swimmers.

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1 33  
2 The current storm system has no  
3 ability to pretreat this contaminated water prior  
4 to discharge into the Bay and no sanitary or  
5 industrial sewer connection exists. The result is  
6 the discharge from all over the 200 businesses to  
7 leach fields, pits, brown surfaces, with no real  
8 treatment.  
9 The following assessments and  
10 investigations have been performed on the project  
11 so far.  
12 A district-wide, phase 1  
13 assessment was performed to identify known and  
14 potential environmental conditions that would need  
15 to be addressed during any future work.  
16 A phase 2 investigation was  
17 completed to confirm the general conditions of the  
18 shallow fill and brown water. And an elevation  
19 survey was completed of the roadways.  
20 This was done to determine the  
21 amount of fill that would be necessary to raise the  
22 site to the one hundred year floodplain. It was  
23 also used to establish difference between the  
24 current site elevation and the legal grades  
25 established forty years ago.

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1 35  
2 development, including filling all the roadways to  
3 the 100-year flood elevation will allow each site  
4 to be brought to that elevation at one time.  
5 Environmental remediation can be  
6 performed all at once rather than one site at a  
7 time and can be coordinated with the development  
8 and managed and reviewed by the City.  
9 The detention of sustainable storm  
10 sewer options can be incorporated into the overall  
11 development to meet the most stringent DEC outfall  
12 criteria. And a new sanitary pump station can be  
13 designed, properly sized and located, to match the  
14 large-scale development preventing the future  
00:25:12 15 upgrade required as a result of individual site  
00:25:12 16 development.  
00:25:13 17 Thank you.  
00:25:14 18 THE CHAIR: Let me see if there  
00:25:15 19 are any questions for you.  
00:25:17 20 Irwin Cantor.  
00:25:17 21 COMM. CANTOR: Mr. McCarthy, if  
00:25:23 22 I understood you correctly, you were saying in  
00:25:25 23 order to put in the system, the street sewer  
00:25:28 24 system, you would have to bring a new street up to  
00:25:32 25 the new grade which is above the hundred-year flood

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1 34  
2 After the survey was completed,  
3 elevations and routes for a new storm sewer and  
4 sanitary sewer were evaluated including a video  
5 inspection of existing outfalls.  
6 Finally, a geotechnical  
7 investigation has been performed to evaluate the  
8 feasibility of possible foundations and determine  
9 the sediment weights of the fill.  
10 The following issues exist  
11 replacing infrastructure without the full district  
12 development.  
13 In order to place fill and raise  
14 streets high enough for a storm sewer to function,  
15 a wall will be made essentially around numerous  
16 properties limiting access and causing flooding of  
17 all those parcels. Storm water pretreatment systems  
18 cannot be installed in the roadways so any new  
19 storm sewer will direct all of the pollutants from  
20 the site directly to Flushing Bay.  
21 Remediation can take many years  
22 and even decades, as no requirements for completion  
23 can be imposed by the City and the State even under  
24 the Brownfields Cleanup program.  
25 Advantages of a full district

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1 36  
2 level.  
00:25:36 3 And if you did that with the  
00:25:38 4 existing businesses remaining, you'd have a  
00:25:44 5 Tik-Tak-Toe situation of high streets and low  
00:25:48 6 existing buildings?  
00:25:48 7 MR. KEVIN MCCARTHY: Correct.  
00:25:49 8 In fact, what we evaluated was the  
9 legal grade, first which is lower than the 100-year  
10 floodplain. And in many areas in Willets Point  
11 right now it's below basically legal grades. And  
12 you would have add two and half, about two and a  
13 half to three feet of fill in the southern end of  
14 Willets Point, which would essentially raise the  
15 roads up two and a half feet above the -- above the  
00:26:16 16 entrances of those facilities.  
00:26:16 17 COMM. CANTOR: So all of those  
00:26:19 18 facilities are all legal grade currently, or a  
00:26:20 19 great number of them are?  
00:26:21 20 MR. KEVIN MCCARTHY: Correct.  
00:26:22 21 Most of the sites are at, I'll  
22 call it street grade, the curb and street grade.  
23 Then you've got -- that's just a few inches above  
00:26:30 24 the existing roadway. But you'd then be two and a  
25 half feet -- those sites would be about two and

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1 37  
2 half feet below the road. And you'd have no way to  
3 get storm sewer or storm water, when it rained, out  
4 of their proprieties into the elevated storm drain  
5 just because -- just basically because of the  
6 hydraulic --  
00:26:46 7 COMM. CANTOR: So if and when  
8 you put in a sewer system, as certain arguments  
9 existed, leave us alone, put in the sewer system,  
10 you're saying if you were to put in the sewer, by  
11 its very nature, even if you went up to legal  
12 grade, not storm grade, not 100-year storm, even if  
13 you only went up to legal grade, you're saying the  
00:27:11 14 street would still be higher than the business  
00:27:12 15 enterprises adjacent to it?  
00:27:13 16 MR. KEVIN MCCARTHY: Correct.  
00:27:14 17 And, in fact, --  
00:27:15 18 COMM. CANTOR: So they would be  
00:27:16 19 in their own individual valleys?  
00:27:17 20 MR. KEVIN MCCARTHY: There would  
21 be a valley.  
22 And we looked at the existing  
00:27:21 23 grades of the streets now just to see if you could  
00:27:24 24 do it without bringing it to existing grade, and  
00:27:26 25 that southern end of Willets Point does not

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1 39  
2 clarification, Gail DeNello (phonetic) of La  
3 Guardia Community College will discuss our strategy  
4 of assisting approximately 1,700 workers at Willets  
5 Point.  
6 In regard to the relocation  
7 effort, EDC's primary goal is to work one-on-one  
8 with any interested Willets Point business or land  
9 owner, to negotiate the relocation or acquisition  
10 deals that meet their specific needs and allow them  
11 to grow and continue making contributions to our  
12 economy.  
13 EDC knows that the businesses at  
14 Willets Point are important contributor to our  
15 economy and provide valuable goods and services to  
16 the City and the surrounding region. And we want  
17 to protect that.  
18 EDC began meeting with businesses  
19 and land owners just over a year ago. In that time,  
20 EDC and its representatives have worked -- have  
21 worked hard to make contact with each of the  
22 approximate twenty owner occupants, 225 tenant  
23 businesses and 55 landlords. All tolled, we have  
24 held over 500 meetings, phone calls and e-mails.  
25 We have written letters to

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1 38  
00:27:29 2 hydraulically work. You can't -- you can't drain.  
00:27:31 3 You can't get the water from the edge out to the  
4 Bay without raising that legal grade which is about  
00:27:36 5 two and half feet. So that's exactly we're saying.  
00:27:37 6 COMM. CANTOR: Thank you.  
00:27:38 7 THE CHAIR: Are there any other  
00:27:40 8 questions for Mr. McCarthy?  
00:27:42 9 (No response.)  
00:27:43 10 THE CHAIR: Thank you very much  
00:27:46 11 for your testimony.  
00:27:46 12 The next speaker, as I said, is  
13 Jonathan Gouveia;  
14 Then Lisa Bova Hiatt;  
00:27:57 15 Then Dr. Gail Mellon.  
00:27:57 16 MR. JONATHAN GOUVEIA: Thank you.  
00:27:58 17 Good afternoon.  
18 My name Jonathan Gouveia.  
19 As Madelyn Wils stated earlier,  
20 I'm here to talk briefly about EDC's efforts around  
21 business relocation and tenant assistance.  
22 You should have all received, in  
23 your packets, detailed information on our outreach  
24 strategy.  
25 And just one point of

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1 40  
2 businesses and land owners encouraging them to  
3 contact us about entering into negotiations with  
4 us.  
5 The most recent letter was sent  
6 last week.  
7 Our outreach consultants from  
8 Howard Stein-Hudson have met with every business  
9 that was willing to talk. We're pleased to say  
10 that approximately 95 percent of businesses took  
11 advantage of this opportunity. And we hope that  
12 those who have not will soon be willing to contact  
13 us.  
14 As a result of a comprehensive  
15 outreach strategy, we have made numerous offers and  
16 are currently engaged in active negotiations to  
17 several business owners and land lowers.  
18 We've been discussing, and as  
19 Madelyn pointed out earlier, that in all of our  
20 relocation and acquisition deals, the City intends  
21 to pay fair market value for land, building and  
22 fixtures, the value of which will be determined by  
23 appraisal.  
24 In the case of relocation, we will  
25 provide relocation benefits that includes, but are

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2 not limited to, moving expenses, storage cost and  
3 other limited expenses.

4 We've announced four completed  
5 deals within the last two months. These deals, and  
6 those we are currently working on, provide clear  
7 evidence that EDC is committed to reaching as many  
8 negotiated settlements as possible.

9 We expect to make several more  
10 announcements within the coming weeks and months.

11 While we're pleased with our  
12 progress to date, we fully acknowledge that in a  
13 handful of cases, reaching a completed deal has  
14 been more challenging. Some businesses need large  
15 parcels of land. Others need site-specific or  
16 use-specific permits. And in some cases there have  
17 been some businesses that have simply refused to  
18 look at our potential relocation sites.

19 Regardless of the challenges  
20 presented by a small handful of businesses, we are  
21 committed to finding appropriately sized and zoned  
22 properties, working with relevant public agencies,  
23 to secure appropriate permits and we will continue  
24 to show all business owners potential relocation  
25 sites.

2 engaging us in negotiations.

3 THE CHAIR: Thanks very much.  
4 Let me see if there are any  
5 questions.

6 Yes, Karen Phillips.

00:31:53 7 COMM. PHILLIPS: You mentioned  
00:31:55 8 the work that you're doing on the 225 tenant  
00:31:57 9 businesses. Are the majority of those tenant  
00:32:00 10 businesses in auto-related uses?

11 And my other question is, if there  
00:32:07 12 was any effort to identify sites and perhaps --  
00:32:12 13 because I know we do have the industrial parks that  
00:32:17 14 were set in the industrial strategy that the Mayor  
15 put together a couple of years ago. But in a way  
00:32:24 16 of creating a kind of auto-related kind of center  
00:32:30 17 where they could relocate. Because some of them  
00:32:33 18 are -- benefit from co-location.

19 MR. JONATHAN GOUVEIA: Right.

20 COMM. PHILLIPS: Is that something  
00:32:39 21 that's been looked at all in terms of the areas  
00:32:42 22 that have been set aside for industrial areas?

00:32:44 23 MR. JONATHAN GOUVEIA: As I  
24 mentioned, we haven't gotten into in-depth  
25 discussion with the tenants. We've hired or we're

2 In short, we are open and willing  
3 to talk to any interested business or land owner  
4 about reaching a settlement at any time.

5 In addition to the owner occupant  
6 businesses and land owners, Willets Point is  
7 compromised of roughly 225 tenant businesses.

8 Our efforts to talk to tenant  
9 businesses began in February 2008 when we set up a  
10 mobile outreach office in Willets Point to have  
11 one-on-one sessions with the tenant businesses and  
12 gather information about their operations.

13 And we recently, as Madelyn noted,  
14 selected a relocation expert that will begin  
15 outreach later this summer and kickoff negotiation  
16 and site investigations with tenants later  
17 following ULURP approval, should we get it.

18 In closing, I would reiterate that  
19 EDC is happy with its progress, but knows that  
20 there is more work to be done. We fully expect  
21 momentum to continue to build --

00:31:41 22 THE CHAIR: You have to  
13 23 conclude.

00:31:43 24 MR. JONATHAN GOUVEIA: Okay. --  
25 with more and more businesses and land owners

2 in the process of hiring a tenant relocation  
3 specialist. So this sort of ongoing conversation  
4 about what their business -- where they want to be  
5 located, whether they want to co-locate, will come  
6 -- will come -- will become apparent through that  
7 process, which we'll begin later or towards the end  
8 of the summer or early fall.

9 In preliminary conversations that  
10 we've had, not all businesses want that. So what we  
11 really try to do is place business where they think  
12 it makes the most sense for them. We're certainly  
00:33:23 13 open to looking at what works for the businesses.

00:33:23 14 COMM. PHILLIPS: Okay.

00:33:25 15 THE CHAIR: Yes. Irwin Cantor.

00:33:27 16 COMM. CANTOR: But to further  
00:33:30 17 the other question, which I think was a great  
00:33:34 18 question, we created new areas for the fish market.  
00:33:40 19 We created a new area for the grocery market. So  
00:33:44 20 conceptually, would it not be an easier, if I may,  
00:33:48 21 to find an area where these auto-related  
00:33:54 22 organizations can go to?

00:33:55 23 You know and we know businesses  
00:33:59 24 tend congregate. They feed off each other, --

00:34:01 25 MR. JONATHAN GOUVEIA: Right.

1 45

00:34:01 2 COMM. CANTOR: -- whether it be

3 the fish, whether it be the wholesale grocery,

4 whether it be the Diamond District.

7 5 And your answer did not seem to be

10 6 positive. It was kind of, we'll see what develops.

00:34:13 7 And I would follow Commissioner

00:34:17 8 Phillips and encourage you guys to try and find an

00:34:21 9 area that can accommodate a large number of these

00:34:27 10 businesses who may wish to continue to feed off

00:34:30 11 each other.

00:34:30 12 MR. JONATHAN GOUVEIA: I didn't

13 mean to suggest that we'll see what develops. What

14 we want to do is really understand what the

15 businesses want and need. But, again, your points

16 are duly noted.

00:34:39 17 Thank you.

00:34:40 18 THE CHAIR: Yes. Angela.

00:34:43 19 COMM. CAVALUZZI: I do want to

00:34:45 20 chime in that I think the idea of moving all the

00:34:48 21 businesses to one location or finding a suitable

22 location for many of them would be probably the way

00:34:52 23 to go.

24 What type of assistance would they

00:34:58 25 be given? Would they be given relocation

---

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1 47

00:35:43 2 Hiatt.

00:35:43 3 MS. LISA BOVA HIATT: Good

00:35:48 4 afternoon.

5 My name is Lisa Bova Hiatt. And

6 I'm the Deputy Chief in the Office of the

7 Corporation Counsel.

8 My primary responsibility is

9 overseeing the acquisition of property by eminent

10 domain for the City of New York.

11 I'm here to briefly to discuss the

12 eminent domain process.

13 I'd like to start by saying that

14 despite what some people may think, the use of

15 eminent domain is rarely a government's first

16 choice. And it's used judiciously and thoughtfully

17 by the City of New York to further its public

18 projects and always in accordance with the rules

19 and procedures set forth in the Eminent Domain

20 Procedure Law.

21 As in virtually every public

22 project undertaken by the City of New York, we're

23 committed to negotiating with the property owners

24 or the property owners of Willets Point before

25 moving ahead with the acquisition of property by

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1 46

00:34:56 2 assistance? Would they be given startup money to

00:35:01 3 configure their new space?

00:35:01 4 MR. JONATHAN GOUVEIA: The

00:35:03 5 specific benefits packages was laid out in the City

6 Rules and there's an exhaustive list. But it would

7 be some moving expenses, storage expenses, other

00:35:16 8 sort of setup costs, pretty reasonable costs that

00:35:18 9 would be covered.

00:35:19 10 COMM. CAVALUZZI: Thank you.

00:35:20 11 THE CHAIR: If you could send

12 that to the commission, I think we would be

13 interested in it.

14 Are there any other questions from

15 the Commissioners?

00:35:24 16 (No response.)

00:35:25 17 MR. JONATHAN GOUVEIA: I think

18 some of the details actually are in the package.

00:35:29 19 But we can provide you with more.

00:35:29 20 THE CHAIR: I think you could

21 probably just send it to us.

00:35:32 22 MR. JONATHAN GOUVEIA: Okay. All

23 right.

00:35:32 24 THE CHAIR: Thanks very much.

25 The next speaker is Lisa Bova

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1 48

2 eminent domain.

3 With respect to the eminent domain

4 process, as you're painfully aware, unfortunately

5 the acquisition of property by the City of New

6 York, whether by negotiated purchase or by eminent

7 domain, must first meet the ULURP. And assuming

8 that the City receives the requisite approvals

9 after ULURP is complete, the City plans to hold a

10 hearing under the Eminent domain Procedure Law.

11 The purpose of the Eminent Domain

12 Procedure Law hearing is to inform the public and

13 review the public use to be served by the proposed

14 public project and the impact on the environment

15 and the residents of the locality where such

16 project is going to be constructed.

17 At the EDPL, evidence is presented

18 that: Explains and demonstrates the public use;

19 Benefit and purpose presented or

20 to be served by the public project;

21 The impact of the project on the

22 environment; and

23 The residents of the locality

24 where the project will be constructed;

25 The proposed location or alternate

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2 location of the project; and

3 The reason for the selection of  
4 the proposed location that has been designated for  
5 the project.

6 Within ninety days after the  
7 conclusion of the hearing, the City will make its  
8 determinations and findings concerning the proposed  
9 project.

10 After the determinations and  
11 findings are issued, the City will continue to use  
12 its best efforts to negotiate with private property  
13 owners to acquire their property by negotiated  
14 acquisition in lieu of eminent domain.

15 If negotiated acquisitions cannot  
16 be reached, the City will commence an action to  
17 acquire the property for the Willets Point Project  
18 by eminent domain and follow the procedures set  
19 forth in the Eminent Domain Procedure Law.

20 After the City has acquired title  
21 to the property, it plans to assist the owners and  
22 businesses in relocation, as Jonathan, my  
23 colleague, has explained.

24 After -- moving onto probably the  
25 most important component for both the businesses

00:39:33 2 it will be adjudicated in the courts.

00:39:34 3 THE CHAIR: Okay. There may be  
00:39:36 4 questions for you.

00:39:37 5 Any questions from the  
00:39:38 6 Commissioners?

00:39:41 7 Yes, Karen Phillips.

00:39:41 8 COMM. PHILLIPS: I believe Ms.  
00:39:45 9 Wils commented that they're asking the owners to do  
00:39:50 10 their own appraisal. Is that the normal process or  
00:39:53 11 is it more after you negotiate that the City does  
00:39:59 12 the appraisal or orders the appraisal, but  
00:40:03 13 generally an owner comes to you with the appraisal  
00:40:06 14 that they've gotten --

00:40:08 15 MS. LISA BOVA HIATT: Exactly. I  
00:40:11 16 think it's hard for an owner to get a clear  
00:40:11 17 understanding of what their property is worth  
18 without having an appraisal done.

00:40:16 19 And in a situation where a  
20 property is acquired by eminent domain, in order  
21 -- when an owner files a claim for additional  
22 compensation, the next step is the exchange of  
23 appraisals.

24 And once they see the City's  
25 position the way the property is valued and the

2 and the property owners is the idea of  
3 compensation.

4 An owner of property acquired by  
5 eminent domain is entitled to just compensation and  
6 the sale of just compensation by an appraisal  
7 prepared by an independent appraiser. And the City  
8 authorizes 100 percent of the advanced payment or  
9 100 percent of the appraised value:

10 Any property owner who feels that  
11 --

00:39:12 12 THE CHAIR: You are going to  
00:39:13 13 have to conclude.

00:39:13 14 I want to remind everybody that  
15 the three-minute limit is it. And you have to pace  
16 yourself accordingly because you're going to find  
17 yourself, as Lisa has, right in the middle of her  
00:39:25 18 explanation.

00:39:25 19 MS. LISA BOVA HIATT: On my last  
20 sentence.

21 THE CHAIR: One sentence.

00:39:26 22 MS. LISA BOVA HIATT: An owner  
27 23 who believes that the City's payment for their  
24 property does not constitute just compensation may  
25 file a claim for additional compensation and then

2 City sees their position the way the property is  
3 valued, either a settlement can be reached or we  
4 need to look to the court for intervention.

00:40:46 5 THE CHAIR: Yes. Irwin.

00:40:46 6 COMM. CANTOR: I would ask this  
00:40:48 7 question: We haven't been told clearly yet whether  
8 this is a phased acquisition. I'm under the  
00:40:57 9 impression that it's going to be one site. It's  
10 not going to be -- it's not going to be  
11 rehabilitated in the sequence.

00:41:06 12 So if it's a one-site taking, how  
00:41:07 13 the Department goes into condemnation or let's --  
14 goes into condemnation assuming, of course, that  
00:41:10 15 you haven't been able to close with these  
16 individual groups, would you be taking it over a  
17 period of time or would the intent be the taking,  
18 if you will, to be a quick as possible?

00:41:30 19 MS. LISA BOVA HIATT: I don't  
00:41:31 20 think a determination has been made whether or not  
00:41:33 21 the acquisitions will be phased. I can tell you  
00:41:40 22 from my experience with large-scale projects like  
00:41:40 23 Hudson Yards or the 42nd Street redevelopment, that  
24 they've always been phased acquisitions just  
25 because it's easier in terms of vetting appraisals.

1 53

00:41:49 2 And that doesn't necessarily mean that the

00:41:49 3 development is not going to move forward as one

00:42:00 4 project, but the takings might be phased.

00:42:00 5 COMM. CANTOR: But while these

00:42:00 6 -- while these owners are not being taken, they

00:42:07 7 have certain constraints on themselves with regard

00:42:09 8 to the disposition of the site of another party

00:42:14 9 could be impossible; getting loans from a bank

00:42:16 10 would be problematic; improving their property, if

00:42:16 11 they so desire, is difficult.

00:42:24 12 Aren't they sort of in limbo?

00:42:24 13 MS. LISA BOVA HIATT: Well,

00:42:25 14 actually, if you look at the 42nd Street project as

00:42:25 15 an example, the takings on 42nd Street occurred

00:42:25 16 over a ten-year period. And during that period, the

00:42:25 17 properties within the project, that had not been

00:42:25 18 acquired by eminent domain, were freely bought and

00:42:25 19 sold, leased, mortgaged. And there was nothing to

00:42:25 20 stop private property owners from exercising their

00:42:25 21 rights as owners until the City, or in that case,

00:42:59 22 the State, moved into take their property.

00:42:59 23 THE CHAIR: Okay. Nat Leventhal.

00:43:01 24 COMM. LEVENTHAL: Thank you.

00:43:01 25 Just to clarify. If negotiations

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1 55

2 Okay. Thank you.

00:44:08 3 MS. LISA BOVA HIATT: Exactly.

00:44:10 4 THE CHAIR: Are there any other

00:44:10 5 questions for Lisa Bova Hiatt?

00:44:12 6 (No response.)

00:44:12 7 THE CHAIR: Lisa, thank you very

00:44:14 8 much.

00:44:14 9 MS. LISA BOVA HIATT: Thank you.

00:44:17 10 THE CHAIR: It's now time

00:44:17 11 actually to switch to speakers in opposition and

00:44:17 12 half an hour, half hour.

00:44:17 13 And the first speaker in

00:44:17 14 opposition will be Richard Lee.

00:44:17 15 And let me read a few names so you

00:44:17 16 can get ready:

00:44:17 17 After Richard Lee will be Michael

00:44:17 18 Gerrard;

00:44:17 19 Then Bernard Adler;

00:44:17 20 And then Michael O'Rourke; and

00:44:17 21 Then Kevin Loyst.

00:44:17 22 Richard Lee.

00:44:17 23 MR. RICHARD LEE: Hi.

00:44:17 24 Good afternoon.

00:44:17 25 My name is Richard Lee. I am the

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1 54

00:43:04 2 fail and we go to eminent domain and they get just

00:43:07 3 compensation for property, that compensation is

00:43:10 4 based on the fair value of the property as it is in

00:43:15 5 the conditions that it exists in. And how does the

00:43:20 6 kind of environmental problems that exist in this

00:43:23 7 area, how would that effect what would be awarded

00:43:26 8 under eminent domain?

00:43:26 9 MS. LISA BOVA HIATT: Well, just

00:43:27 10 compensation is generally determined at the highest

00:43:27 11 and best use of the property under the current

00:43:27 12 zoning as of the date of the taking.

00:43:27 13 In New York State, within a

00:43:27 14 condemnation proceeding at the moment, the state of

00:43:27 15 the law is that we can't look at environmental

00:43:27 16 conditions, although a separate action can be

00:43:27 17 commenced against the property owner to offset or

00:43:27 18 to recover remediation costs.

00:43:57 19 COMM. LEVENTHAL: So while you

00:44:00 20 can't take environmental conditions into account in

00:44:00 21 determining compensation, you know, in a sense you

00:44:07 22 are by the process you just described.

00:44:07 23 MS. LISA BOVA HIATT: Well, you

00:44:07 24 could.

00:44:07 25 COMM. LEVENTHAL: You could.

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1 56

2 Advocacy Associate for Asian Americans for

3 Equality.

4 And we are a founding member of

5 the Queens for Affordable Housing Coalition.

6 First I'd like to thank the City

7 Planning Commission for giving us the opportunity

8 to express our concern with the Willets Point

9 Development Plan.

10 Queens is really amidst an

11 affordable housing crisis. Currently, Flushing is

12 the most populated community in the entire City

13 with 250,000 households.

14 The No. 1 most overcrowded

15 community right now is the town right next to it,

16 Corona/Elmhurst.

17 And No. 2 most overcrowded

18 community right now is Jackson Heights which is

19 kind of right next to it.

20 And the third most overcrowded is

21 Sunnyside/Woodside which includes the Hunters Point

22 south development.

23 And so we have two huge

24 developments being built on both sides, Hunters

25 Point south and Willets Point, which is going to

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1 57  
2 combine for about 10,500 units of housing. But the  
3 problem is a lot of these households can't afford  
4 them because nearly forty percent of the households  
5 earn less than \$35,000 which excludes them from  
6 even the affordable allocations of these two  
7 development.  
8 So what we're really asking is  
9 that the City Planning Commission really take into  
00:46:05 10 consideration the Borough President and the  
00:46:05 11 community board's recommendations and build upon  
12 that so that the -- so that you can recommend an  
13 affordable housing plan that really includes more  
14 affordable housing on both of these sites and one  
15 that really reflects the public and includes the  
16 income rates of these -- the demographics of these  
17 communities are included.  
00:46:20 18 Thank you.  
00:46:22 19 THE CHAIR: Just to be clear,  
20 you're not opposed to the plan, you're just looking  
00:46:26 21 for deeper affordability?  
00:46:26 22 MR. RICHARD LEE: Well, I have to  
23 say that we're opposed to this current plan simply  
24 because it doesn't include the affordable housing  
00:46:33 25 components that we really feel need to be included.

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1 59  
2 interchanges only if they will not have a  
3 significant adverse impact on the safety and  
4 operation of the freeway. But the project will have  
5 a catastrophic effect on the Van Wyck.  
6 The EIS admits a staggering number  
7 of unmitigated traffic conditions. The left exits  
8 and short sightlines are safety hazards.  
9 Our traffic experts, Bernard Adler  
10 and Michael O'Rourke will expand on these issues.  
11 Thus, the City is heading towards  
12 a lengthy process under the National Environmental  
13 Policy Act and it may well culminate in a denial of  
14 the interchange. If that happens, that would in  
15 turn invalidate the entire traffic analysis.  
16 The second fatal flaw is that the  
17 EIS shows that the interchanges requires the  
18 demolition of a state and federal-eligible historic  
19 property.  
20 That triggers the lengthy process  
21 under Section 106 of the National Historic  
22 Preservation Act, which hasn't begun, and it  
00:48:35 23 violates the Section 4 (f) requirements of the  
00:48:37 24 Department of Transportation Act.  
00:48:39 25 Third, the City says that parts of

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1 58  
00:46:35 2 THE CHAIR: Okay. But that's  
00:46:37 3 your main objection?  
00:46:37 4 MR. RICHARD LEE: Yes.  
00:46:38 5 THE CHAIR: Let me see if there  
6 are any questions for you.  
00:46:40 7 (No response.)  
00:46:41 8 THE CHAIR: There are not.  
00:46:41 9 Thank you for being here.  
00:46:41 10 MR. RICHARD LEE: Thank you.  
00:46:43 11 THE CHAIR: Michael Gerrard;  
00:46:44 12 Then Bernard Adler.  
00:47:01 13 MR. MICHAEL GERRARD: Madame  
14 Chair, and members of the Commission, my name is  
15 Michael Gerrard.  
00:47:05 16 I am environmental counsel to the  
00:47:08 17 Willets Point Industry and Realty Association.  
18 This project has at least four  
19 fatal flaws under the environmental laws.  
00:47:15 20 First, the project assumes a new  
21 interchange with the Van Wyck Expressway. Since  
00:47:23 22 that's part of I-678, it requires the approval of  
23 the Federal and State highway agencies and the  
00:47:30 24 completion of the Federal EIS process.  
00:47:31 25 State DOT's guidelines allow new

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1 60  
2 the site are heavily contaminated. As our  
3 hydrogeologic expert, Kevin Phillips will explain,  
4 these areas are linked to an aquifer that is pumped  
5 as part of the New York City water system.  
6 The fill that will be brought in  
7 to bring the site up to the desired grade will  
8 press down and squeeze the pollutants into the  
9 aquifer. The EIS ignores this effect which violates  
10 the Federal Safe Drinking Water Act.  
11 Fourth, the EIS admits that the  
12 existing storm water outfalls are too small, but it  
13 omits the State DEC permitting process to build new  
14 outfalls.  
15 We will have a lot more to say in  
16 our written comments.  
17 Our work here has been impeded by  
18 the City's stonewalling on our Freedom of  
19 Information Law requests. The City has failed for  
20 many months to provide much of the requested  
21 information.  
22 We reserve all rights on this and  
23 all of the other issues, including eminent domain,  
24 which others will address.  
25 In closing, the 9.4 million square

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1 61

2 feet involved here really requires a multi-billion

3 dollar reworking of the roadway system. Otherwise,

4 the area will become a potential honking nightmare

5 for people trying to get a hospital, to a flight,

6 to a game, for the hundreds of thousands of through

7 drivers.

8 All of this will come out in the

9 federal and state application process for the Van

10 Wyck ramps.

11 I'm almost done.

12 And the result is likely to be

13 denied. It would be both unlawful and irresponsible

14 for the City to start condemnation without the

15 interchange approvals.

16 We hope that the City will reject

17 the project. But even if approved, everything

18 should be contingent on the ramp approvals and on

00:50:24 19 solving the other fatal flaws.

00:50:24 20 THE CHAIR: Thank you, Michael.

00:50:25 21 Let me see if there are questions

22 for you from the Commission.

00:50:28 23 (No response.)

00:50:28 24 THE CHAIR: There are not. But

00:50:30 25 if you would leave your testimony, I think we'd

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1 63

00:51:31 2 This an unprecedented overload of

00:51:35 3 the local roadway system.

00:51:36 4 Of the 29 intersections studied,

00:51:40 5 there are significant impacts at between 19 and 23

00:51:45 6 intersections and that does not include a gameday

00:51:50 7 at Shea Stadium or future Citi Field.

00:51:53 8 As other examples, in the morning

9 peak hour there is severe congestion, with delays

00:52:02 10 in excess of two minutes, more than three times the

00:52:03 11 delay without the project at eight intersections

00:52:07 12 within the area.

00:52:09 13 In the evening commute there are

00:52:12 14 the same delays at eleven intersections.

00:52:17 15 In addition, there are nine

00:52:19 16 intersections where there is no mitigation during

00:52:24 17 either of the peak hours.

00:52:25 18 With respect to the emergency

00:52:27 19 response, information from the Office of Management

00:52:30 20 Analysis and Planning of the New York City Fire

00:52:34 21 Department, indicates that it takes one minute

00:52:36 22 longer to get a response in Willets Point than in

00:52:40 23 the Borough of Queens and anywhere else in the City

00:52:43 24 of New York.

00:52:45 25 There is nine million square feet

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1 62

00:50:33 2 very much like to read it.

00:50:33 3 MR. MICHAEL GERRARD: I'll leave

4 multiple copies.

5 Thank you.

6 THE CHAIR: Thanks very much.

7 Bernard Adler; and

00:50:46 8 Then Michael O'Rourke.

00:50:46 9 MR. BERNARD ADLER: Good

10 afternoon, Chair Burden, honorable members of the

11 Commission.

12 My name is Bernard Alder. I am a

13 registered professional engineer in the State of

14 New York having practiced traffic engineering and

15 transportation planning for over forty years.

16 I'm the former Commissioner of

17 Traffic for the City of White Plains, New York.

18 I'd like to focus today on two

19 issues, and that is the inoperability of the

20 proposed roadway surface system and the poor

21 emergency response time within Willets Point.

22 All the information has been taken

23 from the DGEIS. And based on that information, I

00:51:23 24 have never seen this level of unmitigated impact in

00:51:28 25 over -- in the forty years I have been practicing.

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1 64

00:52:47 2 that's being developed and the EIS does not even

00:52:52 3 address this. In fact, the National Fire

00:52:56 4 Protection Association recommends a maximum

00:53:00 5 response time of four minutes for a nonstructural

00:53:03 6 fire. In Willets Point it's over two-and-a-half

7 minutes longer and over one-and-a-half minutes

8 longer than anyplace else in Queens.

9 For a structural fire its two

10 minutes longer and one minute longer than anyplace

00:53:18 11 else in Queens.

00:53:19 12 And, again, for emergency medical

00:53:22 13 services it's over two minutes longer. And, again,

00:53:28 14 one minute longer than anyplace else in Queens.

00:53:29 15 In summary, the DGEIS clearly

00:53:36 16 shows that the residents will not be comfortably

00:53:36 17 able to get to and from work;

00:53:39 18 Businesses will not be able to

19 timely receive shipments or customers;

20 Travelers will not be able to

21 reach the airports in a timely manner; and

22 Emergency vehicles will not be

00:53:52 23 able to respond in a timely manner.

00:53:52 24 This degradation creates an

00:53:55 25 unprecedented daily transportation overload.

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1 65  
00:54:00 2 Thank you.  
00:54:00 3 THE CHAIR: Thank you very much  
4 for your testimony.  
5 Let me see if there are questions  
6 for you.  
00:54:03 7 (No response.)  
00:54:04 8 THE CHAIR: There are not.  
9 Thank you so much.  
10 The next speaker is Michael  
11 O'Rourke;  
12 Who will be followed by Kevin, I  
13 think, Loyst;  
00:54:14 14 Then Dan Scully; and  
00:54:15 15 Then Ned Feinstein.  
00:54:19 16 Michael O'Rourke.  
00:54:19 17 MR. MICHAEL O'ROURKE: Thank you.  
00:54:20 18 Good afternoon, Ms. Burden, and  
00:54:22 19 members of the City Planning Commission.  
20 My name is Michael O'Rourke. I am  
21 a Senior Associate with Adler Consulting.  
22 I'm a licensed professional  
23 engineer in the State of New York with over thirty  
24 years of experience in both public and private  
25 practice.

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1 66  
2 Like Mr. Adler, I am a past  
3 President of the Metropolitan section of the  
4 Institute of Transportation Engineers.  
5 I am also a member of the  
6 Transportation Research Board that served on the  
7 Unsignalized Intersection Subcommittee of the  
8 Highway Capacity Committee.  
9 And I will be discussing the  
10 impacts on the highway network and ramps.  
11 The DGEIS indicates that there  
12 would be significant impacts on the highway network  
13 resulting in much slower speed and bumper-to-bumper  
14 congestion.  
15 On the Van Wyck Expressway, when  
16 people are going to work in the morning, northbound  
17 traffic speeds will be cut from -- in half from  
18 forty miles an hour to twenty-one miles.  
19 During the midday, the speeds  
20 would be cut even more from 36 miles an hour to  
21 eleven miles an hour.  
22 People coming home from work in  
23 the evening, the speeds would be cut from 39 miles  
24 an hour to 18 miles an hour.  
25 On Saturdays, the traffic speeds

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1 67  
2 on the northbound direction would be cut from 41  
3 miles an hour to thirteen miles an hour.  
4 The impacts to the northbound Van  
5 Wyck are not unique. Extremely slow speeds and  
6 heavy congestion are also expected along the  
7 southbound Van Wyck, the southbound Whitestone and  
8 both directions of the Grand Central Parkway.  
9 The traffic on the ramps will  
10 become intolerable as well. Speeds of less than two  
11 miles an hour are predicted for the ramps from  
12 westbound Northern Boulevard to the southbound Van  
13 Wyck Expressway for most of the day.  
14 By comparison, without the  
15 project, predicted speeds of approximately 29 miles  
16 an hour.  
17 Single-digit ramp speeds are also  
18 projected for other highway ramps in the vicinity.  
19 The congestion caused by these  
20 extremely low speeds will kill the spillback both  
21 onto the highway network and the local streets  
22 which we have already heard will be a great deal of  
23 the load.  
24 These impacts would occur despite  
25 the improvements that the City has proposed. And as

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1 68  
2 mentioned earlier, the Federal Highway  
3 Administration and the New York State Department of  
4 Transportation has a role in improving these  
5 proposed improvements. It's worth nothing what  
6 they have to say about them.  
7 On the Federal side the answer is  
8 simple, nothing, simply because they have not been  
9 involved in this project even though it must  
10 approve any changes done to the Federal Highway  
11 system.  
12 NYSDOT, on the other hand, appears  
13 to already have considerable concerns about the  
14 geometry and the capacity of the proposed ramps  
15 because these ramps have to be squeezed into the  
16 existing Van Wyck-Whitestone-Northern Boulevard  
17 interchange area.  
18 NYSDOT is also worried about some  
19 significant queue spillback that the cars on the  
20 ramps would back up onto the Van Wyck Expressway  
21 mainline itself. They're also worried about  
22 inadequate sight distance for the proposed ramp.  
23 Finally, there is a potential  
24 safety issue since the ramp at the exit ramp that  
25 it proposed would be a left-hand exit. And as

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1 69

2 everyone knows, left-hand exits are generally a bad

3 idea.

4 The American Association of State

5 Highway and Transportation officials has stated

6 quote, left-hand entrances and exits are contrary

7 to the concept of driver expectancy when intermixed

8 with right-hand entrances and exists. Therefore,

9 extreme care should be exercised to avoid left-hand

10 entrances and exits in the design of the

11 interchange.

12 In sum, would we expect traffic

13 speeds cut in half. Unsafe ramps would be created

14 and there's a potential for backups and increased

15 accidents.

00:57:39 16 Thank you very much.

00:57:39 17 THE CHAIR: Thank you.

18 Wait one second and let me see if

19 there are questions for you.

20 (No response.)

21 THE CHAIR: There are not.

22 Thanks so much.

23 MR. MICHAEL O'ROURKE: Thank you.

24 THE CHAIR: Kevin Loyst. Kevin

25 Loyst, I think, if I'm reading it right.

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1 71

2 MR. KEVIN PHILLIPS: At a later

3 time?

4 THE CHAIR: I'm sorry. Just sign

5 up on a new card. You have to sign up for yourself.

00:58:42 6 You can't substitute for somebody else. Okay?

00:58:42 7 MR. KEVIN PHILLIPS: Okay.

8 THE CHAIR: And so Kevin Loyst had

9 to leave. So we will definitely call you later.

00:58:54 10 Dan Scully; and

00:58:54 11 Then Dan Feinstein.

00:58:59 12 MR. DANIEL SCULLY: My name is Dan

13 Scully. I'm Vice President of Tully Environmental,

14 Inc.

15 Tully has had its main office and

16 ancillary facilities up in Willets Point for over

17 sixty years.

18 We employ a union workforce of

19 over 1200.

20 I'm here today to oppose EDC's

21 plan to redevelop Willets Point. Not only does

22 this project have a severe impact on the businesses

23 that are currently thriving in Willets Point, the

24 plan itself is riddled with shortcomings that to

25 date have not been addressed by the EDC and is

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1 70

2 And then Dan Scully; and

00:57:46 3 Then Dan Feinstein.

00:57:46 4 MR. KEVIN PHILLIPS: Thank you,

5 Madame Chairperson and Commissioners.

6 My name is Kevin Phillips. I'm

7 here to speak on behalf of Kevin Loyst, who's a

8 colleague.

9 I'm a --

10 THE CHAIR: I'm sorry. The name

11 I had here is Kevin Loyst.

12 MR. KEVIN PHILLIPS: Loyst.

13 THE CHAIR: Did you just say

14 Kevin Phillips?

15 MR. KEVIN PHILLIPS: Yes. I'm

16 Kevin Phillips. I'm here to speak -- Kevin Loyst

17 had to leave.

18 THE CHAIR: Oh! Then you have

19 to sign up on your own. It's just a rule. So

20 you'll have to sign up. You can't substitute for

21 somebody else. So if you just sign on your own, we

00:58:35 22 will definitely be calling you.

23 MR. KEVIN PHILLIPS: At a later

00:58:36 24 time?

25 THE CHAIR: Excuse me?

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1 72

2 based on pure speculation from the administration.

3 To add insult to injury, the City

4 is justifying its use of eminent domain by claiming

5 Willets Point is blighted and continually parading

6 around the worst pictures it could possibly find of

7 the area. But Willets Point is not blighted, it's

8 neglected. It's neglected by New York City and it

9 has been for over thirty years.

10 There's been no street repair.

11 There's a dilapidated storm sewer system and there

12 are no sanitary sewers provided to us.

13 The City doesn't even provide snow

14 removal in the winter.

15 Yet but in its own studies, the

16 City determined that Willets Point would be a

17 thriving industrial park were it only to get these

18 services that we've been looking for for so long.

19 Now the City has decided to fix

20 the problem it has created. They will remove all

21 of the existing businesses and install the

22 infrastructure that we've been denied in favor of a

23 new developer. However, the plan that is before the

24 Planning commission today is little more than a

25 concept, and a poor concept at that.

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1  
2 They have no answers for the many  
3 problems that plague this proposal but give the  
4 Commission assurances that they will work them out  
5 after the approval. That is why the EDC has  
6 attempted to short-circuit the ULURP process.  
7 The ULURP process is designed to  
8 give the community and the City Council input over  
9 land use in the City. It's a means to get  
10 commitments from a developer and to set guidelines  
11 for the project.  
12 To do this, a final plan, not  
13 concept, should be presented to the Commission. But  
14 the EDC has decided that it will negotiate with a  
15 developer and it will have final approval of what  
16 will be built in Willets Point.  
17 Unfortunately the EDC's record  
18 speaks for itself. It has a long list of failed  
19 projects, including several in Flushing.  
20 The community board and the  
21 Borough President have, in fact, given their  
22 approvals to this proposal. However, those  
23 proposals come with heavy conditions that must be  
24 met by the EDC. And so far they've not been able  
25 to do so with any kind of conviction.

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1  
2 put in infrastructure, the street grades would be  
3 higher than the adjacent properties.  
4 Taking that at face value, what  
5 would your response be in terms of, or what would  
6 you be doing with these properties if you're down  
7 in a valley and immediately adjacent to a  
8 Tik-Tac-Toe road system?  
9 MR. DANIEL SCULLY: I'm glad you  
10 asked that question because it's something I wanted  
11 to address but ran out of time.  
12 Tully Construction does a lot of  
13 sewer work throughout the City. And, you know, the  
14 EDC has two very self-serving facts that it's  
15 paraded around.  
16 The No. 1 thing is this idea that  
17 it's a contaminated area that cannot be remediated  
18 unless all those businesses are removed.  
19 And the second is that it's in the  
20 100-year floodplain.  
21 Now, La Guardia Airport, most of  
22 Downtown College Point, and in fact, the World  
23 Financial Center are also located in that same  
24 100-year floodplain.  
25 And what I heard Mr. McCarthy say

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1  
2 Our greatest fear is that the EDC  
3 will be successful in destroying the thriving  
4 industrial area only to fall short of its goals.  
5 There are many facts that support this fear,  
6 including a slowing economy and an Environmental  
7 Impact Statement that clearly shows the devastating  
8 impacts this development will have on Flushing for  
9 years to come.  
10 The EDC should not be allowed to  
11 proceed with this development until it has chosen a  
12 developer and can prove to the City Council and the  
13 community that this is a viable project and it will  
14 be accountable for it. Until that time, the City  
15 should be helping the business of Willets Point by  
16 providing the services we have lacked for decades.  
17 We have been growing and vibrant in spite of the  
18 City. Imagine what we could do if the City would  
19 give us a little bit of help.  
20 Thank you.  
21 THE CHAIR: Thank you.  
22 Irwin Cantor has a question for  
23 you, as does Nat Leventhal.  
24 COMM. CANTOR: Mr. Scully, you  
25 heard Kevin McCarthy earlier say that if he were to

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1  
2 was, only the south end of the property are where  
3 those conditions existed and that most of those --  
4 most of the buildings are actually at the proper  
5 grade. The idea that you have to bring up the  
6 entire site by two feet is really just not -- is  
7 not good science.  
8 COMM. CANTOR: Well, to begin  
9 with, the World Trade Center is below the  
10 floodplain. And so my understanding, having worked  
11 down there, provisions are taken at the entrances  
12 to various buildings to assure that the buildings  
13 are not flooded, if indeed the floodplain -- the  
14 water level reaches flood level.  
15 So I won't argue with you about  
16 what the level is. But certainly if it's below the  
17 floodplain, it would have to be accommodated. New  
18 construction would have to accommodate the  
19 floodplain level. I think that's a federal law.  
20 It's not a local law.  
21 MR. DANIEL SCULLY: Well, what I  
22 heard Mr. McCarthy say was that the sewers, the  
23 storm sewers, you need to build some kind of a  
24 retention tank. And the fact that they don't own  
25 enough property at Willets Point, they couldn't

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1 77  
2 build that retention tank. And, you know, I would  
3 suggest that that property could be found within  
4 Willets Point and that certain properties could be  
5 purchased at fair value. And there are provisions  
6 that could be made.  
01:04:47 7 COMM. CANTOR: Do you have any  
01:04:48 8 idea, because I do not, as to the size of the  
01:04:50 9 retention tank and how many acres it would require?  
01:04:53 10 MR. DANIEL SCULLY: I do not. And  
01:04:55 11 I don't think that the EDC does either.  
01:04:57 12 COMM. CANTOR: Okay.  
13 THE CHAIR: Nat Leventhal has a  
01:05:00 14 question for you.  
01:05:00 15 COMM. LEVENTHAL: Thank you,  
01:05:02 16 Madame Chair.  
01:05:03 17 Thank you for your testimony. I  
01:05:04 18 certainly got the message.  
01:05:06 19 (Applause.)  
01:05:07 20 COMM. LEVENTHAL: I've been  
01:05:08 21 wondering, have you been contacted by the EDC in  
01:05:11 22 terms of negotiations?  
01:05:11 23 MR. DANIEL SCULLY: Yes, we have.  
01:05:12 24 COMM. LEVENTHAL: And have those  
01:05:14 25 discussions been ongoing or how would you

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1 79  
2 Point. And I know that councilman Tony Avella came  
3 out very vocally against it, as did the community  
01:06:30 4 -- members of the community board, Community Board  
01:06:30 5 #7 when we were having hearings at that point.  
01:06:32 6 COMM. LEVENTHAL: Thank you.  
01:06:33 7 THE CHAIR: Yes. Karen.  
01:06:35 8 COMM. PHILLIPS: Mr. Scully, you  
01:06:37 9 mentioned -- could you just tell us how many -- we  
01:06:42 10 had a map that showed parcels that I think your  
01:06:44 11 company controls.  
01:06:47 12 And in so doing, if there was a  
01:06:49 13 negotiation for you to relocate your industry, do  
01:06:53 14 you have areas that could accommodate -- and, of  
15 course, particularly that you mentioned the permits  
01:06:58 16 -- that would allow the kind of business that you  
01:07:03 17 would have to locate in those areas? I know there  
18 are other areas that are waster transfer areas,  
19 maybe not in that borough.  
20 But for the number of acres or the  
21 areas that it seems, is there a feasible place that  
22 you know that could accommodate your current  
23 activities?  
01:07:22 24 MR. DANIEL SCULLY: Well, we've  
01:07:25 25 suggested some areas. I mean it's very important

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1 78  
01:05:17 2 characterize them? I'm just curious.  
01:05:17 3 MR. DANIEL SCULLY: Well, they've  
4 been ongoing but not fruitful.  
5 One of the problems with our  
6 particular business is that we do have two  
7 facilities that have New York State and New York  
8 City permits associated with them. And, you know, I  
9 think not only are our facilities at transfer  
10 stations -- we have the largest fill material  
11 transfer station in the City. And we also handled  
12 nine hundred tons of curbside solid waste for the  
13 City of New York in our solid waste transfer  
14 station.  
01:05:47 15 But, you know, the fact that  
01:05:48 16 you're going to try to relocate the automotive  
17 industry, which already has a black eye on itself.  
18 And, you know, people -- the NIMBYism that's going  
19 to occur when you try to relocate those types of  
20 facilities to another area, which presumably a lot  
21 of those other areas already have their own  
22 facilities to handle this type of thing.  
23 But I think there's a big public  
24 outcry because one of the current facilities that  
25 was relocated was going to be put up in College

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1 80  
01:07:25 2 for our business, and I know it's very important  
3 for a lot of the other businesses in our group that  
4 we remain in Northern Queens. You know, our  
5 particular facility being a solid waste transfer  
6 facility, I know the Borough of Brooklyn does not  
7 want another solid waste transfer facility down  
8 there. And they're fighting tooth and nail to get  
9 rid of those that are already there. They feel that  
10 they've been overburdened.  
01:07:52 11 But, you know, our transfer  
01:07:53 12 station is one of the few in Northern Queens. And,  
13 you know, it services -- it provides a valuable  
14 service up there. And it's in the perfect location  
15 exactly where it is. Because we don't have to pass  
16 any neighborhoods to get to the highways. We go  
17 straight out to the Whitestone Expressway and  
18 that's why it was sited in this particular area.  
19 So we have looked at other areas.  
20 We've been in contact with EDC. We've been in  
21 discussion with them. But, you know, the fact is  
22 this is a huge lift for the EDC, any way you want  
23 to look at it, whether we want to cooperate with  
24 them or we're not. I mean it's been intimated that  
25 we don't cooperate. But that's really not the case.

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1 81  
 2 We've not been dealt on an open and honest basis  
 3 with the EDC. And that's a general statement from  
 4 our group.  
 5 You know, Tully, for its part,  
 6 has, I believe been very -- has engaged many good  
 7 negotiations with the EDC and honestly tried to  
 8 work with them. The problem is there's just no  
 9 place for us to go.  
 10 COMM. PHILLIPS: Just for  
 11 clarification. Your customer base is based in  
 12 Queens or is accessible to the Whitestone; is that  
 13 right? Or is it Manhattan based and you use the  
 14 highways?  
 15 MR. DANIEL SCULLY: Well, we have  
 16 two facilities there.  
 17 Our transfer station is dedicated  
 18 solely to DOS. We provide the disposal of 900 tons  
 19 of curbside collection. We're solely the DOS  
 20 everyday.  
 21 Our other operation is a fill  
 22 material transfer station. We bring in clean fill  
 23 from excavations. We handle over a million yards of  
 24 clean fill there every year.  
 25 And if they take this facility and

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1 83  
 2 MR. DANIEL SCULLY: We're really  
 3 stockpiling --  
 4 COMM. CANTOR: Which conceivably  
 5 -- that's clean fill.  
 6 MR. DANIEL SCULLY: Clean fill,  
 7 right.  
 8 COMM. CANTOR: So conceivably  
 9 that aspect of it could be relocated.  
 10 MR. DANIEL SCULLY: If we can find  
 11 a suitable location, we're willing to discuss that  
 12 with the City.  
 13 COMM. CANTOR: Yeah, because I'm  
 14 kind of confused.  
 15 Earlier you said you've been in  
 16 not fruitful conversations. Have you as yet done  
 17 an appraisal on your own side to determine the  
 18 value of your parcels?  
 19 MR. DANIEL SCULLY: Yes, we have.  
 20 COMM. CANTOR: You have.  
 21 MR. DANIEL SCULLY: We put a  
 22 proposal into the City.  
 23 COMM. CANTOR: So therefore, if  
 24 the numbers were right, you could relocate.  
 25 MR. DANIEL SCULLY: Well,

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1 82  
 2 basically make it vanish, because we haven't found  
 3 a suitable location to replace it, where is all  
 4 that fill going to do? That's a major impact on  
 5 the construction industry in New York City.  
 6 We have -- for that facility,  
 7 that's strictly a commercial facility. We service  
 8 Queens but we also service Manhattan, a lot of  
 9 heavy construction jobs throughout the City and  
 10 Brooklyn.  
 11 COMM. PHILLIPS: Thank you.  
 12 THE CHAIR: Any other  
 13 questions?  
 14 Irwin.  
 15 COMM. CANTOR: Yes.  
 16 Where do you dispose of the fill?  
 17 MR. DANIEL SCULLY: Well, we  
 18 actually recycle it and it's made into a useful  
 19 road base. And a lot of that --  
 20 COMM. CANTOR: So you're not  
 21 stockpiling a million yards a year. You're turning  
 22 it over.  
 23 MR. DANIEL SCULLY: That's  
 24 correct.  
 25 COMM. CANTOR: Which would --

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1 84  
 2 actually were told by Deputy Mayor Lieber, who was  
 3 the head of EDC at that time, that he felt he could  
 4 not relocate our transfer stations and that he  
 5 would rather buy them. And at that point --  
 6 COMM. CANTOR: If he bought  
 7 them, is he going to use them?  
 8 MR. DANIEL SCULLY: I don't know  
 9 what he's going to do, if he's going to redevelop  
 10 them.  
 11 COMM. CANTOR: Okay. I'll pass.  
 12 (Laughter.)  
 13 THE CHAIR: Okay. Any other  
 14 questions from the Commission?  
 15 (No response.)  
 16 THE CHAIR: Thanks very much.  
 17 The next -- oops, you know what, I  
 18 think it's time to switch to speakers in favor to  
 19 be fair here. It is. It is. Time for speakers in  
 20 favor.  
 21 The first is Susan Beck;  
 22 Dr. Gale Mellon, Mellon, I can't  
 23 read it exactly;  
 24 And then Neil Kittredge; and  
 25 Then Asema Yasveld.

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1 85

2 Okay.

3 So Dr. Mellon.

01:11:18 4 (No response.)

5 THE CHAIR: So the next speaker

6 is --

01:12:03 7 A VOICE: Inaudible.

01:12:16 8 THE CHAIR: What's that?

9 A VOICE: Someone else is speaking

01:12:21 10 for her.

01:12:21 11 THE CHAIR: Fine.

12 Is Neil Kittredge here? Neil

13 Kittredge.

14 Asima.

01:12:24 15 Oh, there goes Neil.

01:12:24 16 MR. NEIL KITTREDGE: Seth

17 Borenstein will be here later to speak about the

18 workforcé issues.

19 So thank you very much for your

20 time.

01:12:33 21 I'm here to talk about the urban

01:12:35 22 design vision and special zoning district

23 guidelines for the site.

24 I am a partner of urban design and

25 planning with Beyer Blinder Belle Architects. We

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1 87

2 And you can see that there are

3 there major access points at the three points of

4 the Iron Triangle. And we want the layout to

5 encourage transit orientation for this development

6 to really allow pedestrians to walk to and from the

7 LIRR and No. 7 subway as much as possible and

8 reduce the car dependency of this project which is

9 the most sustainable solution.

10 The large retail component that

11 this site has has great regional highway access. A

12 big risk of this site is that this could become

13 kind of a suburban shopping mall that is not -- car

14 related activities. It's not sort of a walkable,

15 mixed use community. And that could dominate the

16 design.

17 So it's very important with this

18 project as to integrate the retail component, which

19 is very large, and the entertainment component,

20 the destination, with an urban neighborhood that

21 also has open space, residential and community

22 facilities and a mix of uses and feels like a real

23 neighborhood.

24 And then the last element that

25 really needs to be integrated with this design is

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1 86

01:12:43 2 have been working for approximately a year and a

3 half very closely with EDC and the Department of

4 City Planning on the vision for the future

5 redevelopment of Willets Point.

6 One of the main planning

7 principles of this is to reconnect long divided

01:13:00 8 areas of Queens to join Flushing-Corona, Flushing

9 Meadows-Corona Park with the Flushing Bay

10 waterfront through the means of this development

11 and the way it's designed. And also the way in

12 which the master plan anticipates future further

13 abilities to connect these areas through bicycle

14 and pedestrian paths and greenways and through

15 anticipating the possible development of some of

16 the adjacent sites to the 62 acres with the way the

01:13:27 17 plan is laid out as seen here.

01:13:30 18 The second major thing that we

19 need to do here and achieve is to create a walkable

01:13:36 20 urban street-oriented neighborhood, a real New York

21 City neighborhood. And in this isolated location

22 surrounded by elevated highways and rail lines,

23 that could be difficult. There isn't a

24 neighborhood context to really relate to and draw

25 upon. We need to kind of create this site.

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1 88

2 Citi Field. Citi Field is a building with a very

3 strong urban presence right across the street on

4 126th and the project really needs to engage that.

5 Willets Point redevelopment needs

6 to be self-sustaining. It needs to be a great

7 neighborhood in and of itself and a great

8 destination that attracts people on non-gamedays.

9 But on gamedays these major investments really need

10 to work together even more than the sum of the

11 parts. And so this design is oriented around

12 achieving that goal.

13 And to do that, the retail

14 component of the project is oriented north to

15 south, in a north-south direction along 126th

16 Street, hugging the stadium as much as possible and

17 connecting, putting a public connection up to the

18 waterfront from the transit hub to Flushing Meadows

19 Park, leaving room for a residential neighborhood

20 adjacent -- that will feel like a real community.

01:15:39 21 THE CHAIR: Can you conclude,

01:15:40 22 please.

01:15:41 23 MR. NEIL KITTREDGE: Thank you.

01:15:42 24 THE CHAIR: Did you want to

01:15:44 25 conclude with that?

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1 89  
01:15:44 2 MR. NEIL KITTREDGE: No. I mean  
01:15:51 3 that's --  
01:15:51 4 THE CHAIR: That's it. Three  
5 minutes is three minutes.  
01:15:54 6 Why don't I see if there are  
01:15:54 7 questions for you. And there is one.  
01:15:54 8 Nat Leventhal.  
01:15:56 9 COMM. LEVENTHAL: Thank you,  
01:15:59 10 Madame Chair.  
11 I'm not sure if this question is  
12 properly addressed to you, but if not, I hope  
13 somebody else can address it. And that would be the  
01:16:08 14 purpose and the location of the convention center.  
01:16:08 15 MR. NEIL KITTREDGE: Yes.  
01:16:09 16 The convention center and  
17 basically the retail, as I said, is along 126th.  
18 The residential is to the east. The convention  
19 center is to the north.  
20 One of the aspects of the site is  
21 there are very strict and unusual for New York, FAA  
22 height guidelines for planes landing at La Guardia,  
23 runways that are just to the north. That just  
24 reduces the height in this town to the lowest point  
25 in the northern edge. So the convention center

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1 91  
01:17:19 2 MR. NEIL KITTREDGE: Sure.  
01:17:19 3 THE CHAIR: Thanks.  
4 Other questions from the  
5 Commission for Neil?  
6 (No response.)  
01:17:24 7 THE CHAIR: Thank you for being  
01:17:25 8 here.  
01:17:25 9 MR. NEIL KITTREDGE: Thank you.  
01:17:27 10 THE CHAIR: The next speaker is  
11 Asima Jansveld;  
12 Who will be followed by -- let me  
13 read a few names:  
14 Asima;  
15 Radhika Patel; and  
16 Holly Leicht; and  
17 Claire Schulman.  
01:17:45 18 Asima.  
01:17:45 19 MS. ASIMA JANSVELD: Good  
20 afternoon.  
21 My name is Asima Jansveld. I'm  
22 from the EDC.  
23 And I'd like to present an  
24 overview of the traffic analysis that was done for  
25 the proposed plan, as well as some of the

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1 90  
01:16:39 2 works very well within that framework allowing more  
3 height and more air space for taller residential  
01:16:39 4 and mixed use buildings to the south.  
5 COMM. LEVENTHAL: Okay. I  
6 understand that and that's why you're locating it  
7 on the northern part of the site.  
8 On the other hand, you heard our  
9 review session on Monday that it's close to a  
10 half-mile away from the No. 7 subway stop; is that  
01:16:49 11 correct?  
01:16:49 12 MR. NEIL KITTREDGE: It is. Which  
13 is a ten-minute walk and which could be difficult  
14 for some people. And a convention center with an  
15 associated hotel, we think, could very easily run a  
16 jitney back and forth to the subway and drop people  
17 through the retail complex.  
18 And what that does is that also  
19 allows the mixed use and residential to be closer  
20 to the subway, which has more frequency of  
21 pedestrians using transit and might be overall more  
22 beneficial.  
01:17:17 23 COMM. LEVENTHAL: Okay. We can  
01:17:19 24 engage on that. I understand. I appreciate that.  
25 Thanks.

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1 92  
2 non-vehicular connections that we have been working  
3 on.  
4 Through the environmental review  
5 process, we have performed an extensive trip  
6 generation analysis for the proposed redevelopment.  
7 The Build analysis looks at the  
8 year 2017 - the projected completion date for the  
9 proposed project.  
10 The results show that Saturday  
11 from 1 to 2 p.m. on a non-gameday is the peak hour  
12 as it generates the highest vehicular volumes.  
01:18:18 13 Conditions in 2017 do include  
14 impacted intersections, as mentioned previously,  
15 over what you see today in part due to the Willets  
16 Point Project and in part due to the other  
17 background projects that are scheduled to be  
18 developed by that time in the area.  
19 We worked very closely with the  
01:18:35 20 City DOT to generate mitigation measures where  
21 feasible.  
22 While we were able to mitigate  
23 several impacted intersections, there are some that  
24 will remain unmitigated.  
01:18:44 25 It is important to note that since

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1 93

2 we are conducting a very conservative traffic

3 analysis in a maximum development scenario, we are

4 really looking at a true Worst Case Scenario. We

5 have therefore, established a Future Conditions

6 Monitoring Program once the project has been built

7 out.

8 The developer would be responsible

9 for hiring a professional traffic consultant to do

10 real time monitoring of all impacted intersections.

11 The monitoring will help identify

12 any potential new mitigation measures that may then

13 be feasible based on real life conditions.

14 All results of the monitoring

15 program must be reviewed with DOT and the developer

16 would be responsible for executing any newly

17 proposed mitigation.

18 In order to ensure funds for any

19 future proposed mitigation, as per the community

20 board's request, the EDC has agreed to require the

21 developer to establish an Infrastructure and

22 Traffic Mitigation Fund, with an initial escrow

23 deposit of \$5 million. This would be for any

24 unforeseen traffic or Infrastructure mitigation

25 impacts.

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1 95

2 weekends or for short trips.

3 In addition, we feel strongly that

4 non-vehicular modes of transportation can be

5 encouraged in the area.

6 We also see this as a critical

7 part of reconnecting Willets Point to the

8 surrounding communities.

9 As you can see on this diagram to

10 the right, we have been working on a comprehensive

11 scheme of new pedestrian bicycle connections.

12 I am happy to take any questions.

13 THE CHAIR: Did you want to

14 conclude at all or you're okay?

15 MS. ASIMA JANSVELD: I'm okay.

16 THE CHAIR: Thanks.

17 There is a question. Nat

18 Leventhal.

19 COMM. LEVENTHAL: Thank you.

20 Very quickly. Were you in the

21 room when we heard testimony --

22 MS. ASIMA JANSVELD: Yes.

23 COMM. LEVENTHAL: -- from the

24 other side that because of the location of this

25 project, vis-a-vis the Federal Interstate Highway,

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1 94

2 The project also includes new on

3 and off ramps to the Van Wyck Expressway on the

4 northeast corner, as noted on this diagram here, to

5 help keep as much traffic on the highway network.

6 I also want you to know that these

7 ramps are fully funded in next year's City capital

8 budget.

9 We recognize that this is an

10 ambitious project and it will have an effect on

11 vehicular traffic in the area. However, we are

12 committed to continuing to work with the developer,

13 future developer and DOT, as the project moves

14 forward, to ensure that we do all that we can to

15 mitigate the effects on the existing community and

16 road network.

17 We've also been working closely

18 with City Planning to look at innovative parking

19 strategies. For instance, we're very excited about

20 the idea of car sharing. In New York City this is

21 through a Zip Car program.

22 It's been showed that a shared

23 care that is available can replace seven to ten

24 private cars especially in a place like New York

25 City where many people only drive their cars on

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1 96

2 that certain environmental studies should have been

3 made but were not done or can you respond to that

4 or clarify that for us?

5 MS. ASIMA JANSVELD: Sure, sure.

6 Uh-huh.

7 Over the last year we have been

8 working with the State DOT on putting together an

9 Access Modification Report which is the State and

10 Federal requirement for any new modifications to a

11 highway system which are the ramps.

12 I would like to note that the

13 preliminary designs have all been vetted with State

14 DOT, that with the ones that we were analyzing

15 through the approval process, it is a longer

16 approval process than CEQR. So it will take

17 another year or so to compete. But it is an

18 integral part of our project.

19 COMM. LEVENTHAL: Thank you.

20 COMM. CANTOR: Madame Chair.

21 THE CHAIR: Yes. Irwin Cantor.

22 COMM. CANTOR: Did I understand

23 you to say that the peak was on a Saturday?

24 MS. ASIMA JANSVELD: Yes, because

25 of the retail component of the project.

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1 97  
01:22:03 2 COMM. CANTOR: Because of the  
01:22:04 3 retail component.  
01:22:05 4 MS. ASIMA JANSVELD: Yes.  
75 5 COMM. CANTOR: And the  
.07 6 residential component is not going to load up the  
7 Van Wyck or the Whitestone Expressway during the  
01:22:13 8 week during --  
01:22:13 9 MS. ASIMA JANSVELD: No. It's  
01:22:14 10 actually the retail component that would have the  
01:22:17 11 most significant --  
01:22:17 12 COMM. CANTOR: Okay. Following  
01:22:20 13 that along, you've indicated that you've asked that  
14 money be put aside for remediation in the event  
01:22:26 15 it's necessary.  
01:22:26 16 MS. ASIMA JANSVELD: Yes.  
01:22:27 17 COMM. CANTOR: And that studies  
01:22:27 18 would be done after occupancy.  
01:22:30 19 MS. ASIMA JANSVELD: Not  
01:22:35 20 remediation for a traffic --  
01:22:35 21 COMM. CANTOR: Mitigation. I'm  
22 sorry. Mitigation, excuse me. Wrong word.  
01:22:41 23 Does this mitigation require  
01:22:45 24 taking of the land or making more land available?  
01:22:47 25 MS. ASIMA JANSVELD: No. This is

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1 99  
2 kind of mitigation we might come through with in  
3 the future. But you're right. They would be more  
4 in the tune of lane widenings, you know, what you  
5 could do with --  
01:23:56 6 COMM. CANTOR: And with those  
01:23:58 7 lane widenings, does right-of-way exist to do that?  
01:24:00 8 MS. ASIMA JANSVELD: I wouldn't be  
01:24:01 9 able to answer that at this time because I don't --  
01:24:03 10 it depends on where the proposals would be made.  
01:24:13 11 COMM. CANTOR: So I'm hearing  
01:24:13 12 that at the end of the day, you're taking your  
01:24:13 13 traffic studies today, doing the best job you can  
14 in terms of projection, in terms of population  
15 flow, vehicle flow, the additional ramps you're  
16 speaking to on the Van Wyck, and expecting that by  
17 and large you'd solve the problem.  
01:24:24 18 However, you will do studies after  
01:24:26 19 the development is built out and as if and where  
01:24:32 20 events occur, you'll respond to them, assuming that  
01:24:34 21 your basic approach was pretty good, because if it  
01:24:39 22 were not pretty good, there could be an issue?  
01:24:41 23 MS. ASIMA JANSVELD: That's -- we  
24 just want to make sure we cover our bases  
25 basically. I mean we've done as much as we can at

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1 98  
2 purely anything that is unforeseen. We've disclosed  
3 a certain amount of mitigation through the  
01:22:53 4 environmental review process. This would all be  
01:22:55 5 required as part of the development as it goes  
01:22:58 6 forward.  
01:22:58 7 The community board had a concern  
8 that there may be unforeseen impacts of traffic  
9 once the project is up and running. And also, as  
01:23:08 10 we work with DOT, since we did look at a very  
11 conservative traffic analysis, in real life there  
12 be might lesser impacts than we're actually able to  
13 mitigate to a better extent than we could disclose  
01:23:19 14 here.  
01:23:19 15 COMM. CANTOR: But implicit in  
16 what your answer to me is, is that the mitigation  
17 that you're anticipating is quote, nominal relative  
18 to the overall picture. Because if it were major  
19 mitigation, how would that be constructed, how  
01:23:35 20 would that be responded to?  
01:23:35 21 MS. ASIMA JANSVELD: Well, as I  
22 mentioned, the ramps, which I think is a major  
23 traffic improvement, are fully funded already as  
24 part of the project.  
25 The other -- I can't predict what

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1 100  
01:24:48 2 this point. We want to make sure that we do a  
01:24:48 3 check of that in the future once the project is up  
01:24:53 4 and running and we see if there are other  
01:24:53 5 opportunities based on what the situation is --  
01:24:55 6 COMM. CANTOR: I guess my  
7 concern is, if you didn't estimate it reasonably  
8 correctly, you'd have to need some land and I'm  
01:25:05 9 wondering where that land would come from.  
01:25:08 10 MS. ASIMA JANSVELD: I don't think  
01:25:08 11 we anticipate needing land for that.  
12 And one thing I should also note  
01:25:14 13 that in our traffic analysis, besides Willets Point  
01:25:14 14 2017, we accounted for ninety other build projects  
01:25:17 15 in the area as well as a one percent background  
01:25:22 16 growth. For every year there is an eleven percent  
01:25:22 17 background growth.  
01:25:23 18 So it is extremely conservative in  
01:25:25 19 the amount of traffic, vehicular traffic that we'll  
01:25:30 20 be looking at in the future. So we do think that  
01:25:30 21 we've taken a very careful look at it.  
01:25:33 22 COMM. CANTOR: Thank you.  
01:25:33 23 THE CHAIR: Yes. Richard Eaddy.  
01:25:35 24 COMM. EADDY: Just two quick  
01:25:36 25 questions.

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1 101  
01:25:37 2 One, I thought I understood you  
3 say that peak traffic you expect to be on a  
4 Saturday on a non-gameday; is that correct? What  
17 5 about gameday, would there not be more traffic?  
47 6 MS. ASIMA JANSVELD: This is a  
01:25:48 7 question we've discussed many times.  
8 We're looking at the traffic  
9 generated by the Willets Point project itself. So  
10 that -- the retail -- the peak of Willets Point  
11 traffic generated is on a Saturday non-gameday. Of  
12 course, we did an analysis on gamedays as well,  
13 pregame and post-game.  
14 COMM. EADDY: Right.  
15 MS. ASIMA JANSVELD: And part of  
16 it has to do with people who might be going to the  
17 retail, might be changing their driving patterns if  
18 they know it's a gameday. But it's because it's  
19 looking at the traffic generated by the Willets  
01:26:19 20 Point project.  
01:26:19 21 COMM. EADDY: By this project.  
01:26:21 22 The second question I had, had to  
23 do with the Van Wyck. And I thought I heard  
01:26:28 24 earlier that there's a federal process to the ramps  
01:26:29 25 and so forth.

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1 103  
2 My name is Radhika Patel. I'm from  
3 EDC and I'm going to speak about sustainability for  
4 the proposed Willets Point Development Plan.  
5 The proposed -- sorry. The  
6 proposed redevelopment in Willets Point is an  
01:27:31 7 unique opportunity to transform an area of New York  
8 that has suffered from environmental degradation  
9 and a lack of necessary infrastructure, into a  
10 vibrant, mixed use development that will result in  
11 a greener, more sustainable area.  
12 The redevelopment of Willets Point  
13 would further the stated goals of the City's  
14 long-range sustainability program, PlaNYC 2030, by  
15 cleaning up contaminated land, creating new  
16 affordable housing, and providing new open space  
17 and recreational opportunities.  
18 EDC is committed to sustainable  
19 development at Willets Point.  
20 In an effort to meet this goal,  
21 the U.S. Green Building Council has selected  
22 Willets Point to become the lead for neighborhood  
23 development pilot project. LEED-ND, which stands  
24 for Leadership and Energy and Environmental Design,  
25 is a national standard for neighborhood design that

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1 102  
01:26:32 2 And is the State -- how does that  
01:26:36 3 -- how does your work with the State then get to  
01:26:37 4 the federal approvals that are required?  
01:26:37 5 MS. ASIMA JANSVELD: Sure.  
01:26:42 6 We actually have our Van Wyck  
01:26:43 7 consultants who will be speaking later for any  
01:26:44 8 specific questions.  
01:26:46 9 But basically the State DOT serves  
01:26:51 10 as our conduit for federal approvals as well. Also  
01:26:51 11 our SEQRA analysis serves as the basis for any  
01:26:52 12 future analysis that is needed for those ramps. And  
13 that's how it works. The state DOT helps us with  
01:27:00 14 the coordination with the Feds.  
01:27:00 15 COMM. EADDY: Okay. Thank you.  
01:27:02 16 THE CHAIR: Any other questions  
01:27:04 17 for Asema?  
01:27:05 18 (No response.)  
01:27:05 19 THE CHAIR: Thanks very much.  
20 The next speaker is Radhika Patel;  
21 and  
22 Then Holly Leicht; and  
23 Then Claire Shulman.  
01:27:08 24 MS. RADHIKA PATEL: Good  
25 afternoon. Good afternoon.

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1 104  
2 uses a rating system to certify new developments  
3 that integrate principles of smart growth, new  
4 urbanism and green building.  
5 LEED-ND offers certification to a  
6 development based on four areas:  
7 Smart location and linkage;  
8 Neighborhood pattern and design;  
9 Green construction and technology;  
10 And innovation and the design  
11 process.  
12 There are four levels of  
13 certification, certification: Silver, gold and  
14 platinum.  
15 EDC is committed to -- has  
16 committed to LEED certification and will encourage  
17 the developer to exceed that minimum.  
18 In addition, EDC has retained the  
19 services of consultants to undertake comprehensive  
20 sustainability planning for the proposed Willets  
21 Point Development site.  
22 Our sustainability consultants  
23 focused on:  
24 Suitable site planning;  
25 Energy efficiency, and carbon

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1 105  
2 reduction;  
3 Power generation strategies;  
4 Renewable energy alternatives;  
5 Sustainable strategies for storm  
6 water; and  
7 Waste water treatment and  
8 innovative parking strategies.  
9 From their recommendations, we  
10 commenced the process of determining initiatives  
11 that would be a part of a comprehensive sustainable  
12 strategy for the proposed Willets Point  
13 redevelopment.  
14 The first piece of this strategy  
15 includes those initiatives that may be mandated by  
16 zoning through the dunning (sic) special district  
17 test such as solar orientation of buildings and  
18 indoor bicycle parking.  
19 The second part of the strategy is  
20 the creation of a sustainable guidelines package  
21 that would be included as part of a developer RFP.  
22 Some of the sustainable program  
23 initiatives that we are investigating and would  
24 like to encourage in the RFP are:  
25 The LEED for new construction;

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1 107  
2 that the proposed development at Willets Point  
3 meets and hopefully exceeds the national standards  
4 for sustainability.  
01:30:43 5 THE CHAIR: Thanks very much.  
01:30:43 6 Are there questions from the  
7 Commission?  
01:30:46 8 (No response.)  
01:30:46 9 THE CHAIR: The next speaker is  
01:30:47 10 Holly Leicht. Holly.  
11 MS. HOLLY LEICHT: Good afternoon.  
12 My name is Holly Leicht. I'm  
13 Deputy Commissioner for Development at the  
14 Department of Housing Preservation and Development.  
15 I just briefly want to talk about  
16 the housing component of the Willets Point plan.  
17 As we said earlier, the plan will  
18 include 5,500 housing units of which a minimum of  
19 twenty percent we're committed to do affordable.  
20 The affordable will be a mix,  
21 mixed income, some low-income up, to moderate  
22 income. And for a total of 1,100 affordable units.  
23 The definition of low and  
24 moderate, we're assuming this will start at about  
25 fifty percent of HUD income limits and go up to

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1 106  
2 Certification for buildings in  
3 Willets Point, for all buildings in Willets Point;  
4 Energy and water conservation  
5 efficiencies above and beyond current standards;  
6 On-site storm water bio-detention;  
7 Innovative waste water treatment  
8 strategies, including treating and reusing grey  
9 water on site;  
10 Alternative parking strategies  
11 such as automated parking;  
12 The use of recycled nontoxic and  
13 local construction materials;  
14 Salvaging and recycling  
15 construction material from the site;  
16 The use of native plants  
17 throughout the site;  
18 Planting building roofs; and  
19 Car share programs.  
20 These are just a few of the myriad  
21 of sustainable initiative we are considering and  
22 are coordinating with City agencies to include as  
23 part of the developer RFP.  
24 Thee guidelines will provide  
25 instructions to the developer and help to ensure

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1 108  
2 about 130 percent. So in terms of dollars and  
3 cents, that's for an income for a family of four  
4 making about \$38,400 going up to a family of four  
5 making \$99,000.  
6 We know and we've heard quite a  
7 bit from the community that there's an interest in  
8 family housing here. And our programs, our funding  
9 programs, require at least fifty percent of the  
10 units be two and three-bedroom. So we do believe  
11 that there will be definitely that need for a  
12 family housing.  
13 We've also heard and are  
14 continuing to explore an interest in senior  
15 housing. We hope that can figure out a way to put a  
16 senior component in as well, although we haven't  
17 committed yet to that. But we are looking at it.  
18 We've had ongoing discussions with  
19 the Queens for Affordable Housing advocates as well  
20 as ACORN. And as part of that, as I said, we've  
21 heard about senior housing.  
22 We've also heard from the  
23 community that there's an interest in home  
24 ownership. So we are also looking at that, to have  
25 a component of that.

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2 And there's also an interest in  
3 looking at more than twenty percent. And that's an  
4 interest that we absolutely share.

5 So what we are looking at now is  
6 what's the financial feasibility, something, of  
7 course, you've heard all day, looking at the  
8 financial feasibility of being able to do more than  
9 twenty percent.

10 There's a lot of challenges that  
11 you've heard about the competing priorities of  
12 doing a sustainable project, traffic improvements  
13 and other issues, a convention center. And there's  
14 obviously also significant costs here to make it  
15 buildable for residential, including the  
16 infrastructure and possible remediation.

17 So as those costs are being  
18 figured out, that's going to help us get a better,  
19 a firmer grasp on how much above twenty percent we  
20 can go, if at all. But we are optimistic.

21 The other thing that obviously  
22 needs to be considered is the availability of  
23 subsidies and bond cap. Everyone is, I'm sure  
24 familiar with the fact that there is legislation  
25 that passed that's going to allow New York State to

01:34:24 2 MS. HOLLY LEICHT: Yes.  
01:34:25 3 THE CHAIR: And when will that  
4 be as to what the affordability levels will be,  
5 which affordability will be included in the RFP and  
01:34:39 6 what will be the City's commitment to that?

01:34:39 7 MS. HOLLY LEICHT: We are looking  
8 at finishing the analysis in the next couple of  
9 months. And so certainly before the ULURP approval  
10 is complete, there will be -- that analysis will be  
01:34:51 11 completed and we'll be ready to --

01:34:51 12 THE CHAIR: It's got to be  
01:34:52 13 before we vote. We have to have some indication of  
01:34:56 14 what the affordability will be before the  
01:34:57 15 Commission votes.

01:34:59 16 MS. HOLLY LEICHT: Okay.  
01:35:01 17 THE CHAIR: I think I speak for  
01:35:02 18 all who are here.

01:35:04 19 Angela Battaglia.  
01:35:06 20 COMM. BATTAGLIA: Thank you,  
01:35:08 21 Madame Chair.

22 You certainly do speak for all of  
23 us here when it comes to the affordable housing  
24 component.

25 I just want to say, Holly, that

2 get some more bond cap. But it is still -- there is  
3 still much, much more demand for bond cap than  
4 there is availability. And this is obviously a huge  
5 project that would command a lot of subsidy.

6 And so we have to make sure before  
7 we make a definite commitment to more than twenty  
8 percent, that the cap or subsidy and bond cap is  
9 there.

10 So that analysis is all ongoing  
11 right now.

12 We will obviously balance all of  
13 these and try to do as much affordable housing as  
14 possible. There are preferences that are built  
15 into our affordable housing programs. And this is  
16 something we've discussed quite a bit with  
17 community leaders, a fifty percent community  
18 preference through other programs. And that can be  
01:34:15 19 split among community boards.

01:34:16 20 THE CHAIR: Holly, when will --  
21 obviously the affordability will be built into an  
22 RFP. That would be the mechanism for the  
23 affordability.

01:34:24 24 When will the decision be -- we  
25 have to come to a decision soon.

2 this certainly sounds a lot better to me than our  
3 discussion on Hunters Point in terms of the levels  
4 of affordability and the willingness to look at  
5 senior housing and home ownership.

6 And I just want to say to you that  
7 I urge you, at looking at the information that  
8 you're going to get to our Chair and the  
9 Commission, that you attempt to target as many  
10 lower income households in the 50 to 130 range as  
11 you do upper level households. Because that's  
01:35:42 12 really important to us as well.

01:35:42 13 MS. HOLLY LEICHT: Absolutely.

01:35:43 14 COMM. BATTAGLIA: Thank you.

01:35:44 15 THE CHAIR: Any other questions  
16 for Holly Light?

01:35:46 17 (No response.)

01:35:47 18 THE CHAIR: Holly, thank you.

01:35:48 19 Thank you for being here.

01:35:48 20 MS. HOLLY LEICHT: Thank you.

21 THE CHAIR: The next speaker is

22 Claire Shulman;

23 Who will be followed by Peter

01:36:08 24 Ward.

01:36:08 25 MS. CLAIRE SHULMAN: Good evening.

1 113  
01:36:09 2 It's good afternoon.  
01:36:14 3 I want to thank the City Planning  
4 Commission and the Chair, Amanda Burden, for this  
5 opportunity to share my views on Willets Point.  
6 I'm Claire Shulman. I am President  
01:36:24 7 of the Flushing/Willets Point/Corona Local  
01:36:24 8 Development Corporation.  
9 We were formed to work with the  
10 City to advance this project. And we've been in  
11 business for about a year.  
12 Urban renewal -- I have a longer  
13 statement. I have abbreviated it because of the  
14 three minutes. But there is --  
15 THE CHAIR: In your former life  
16 you might have had more time.  
17 (Laughter.)  
18 MS. CLAIRE SHULMAN: There's  
19 another statement that's been filed.  
20 Anyway, urban renewal, in this  
21 case, is about more than economic development, it's  
22 about cleaning up one of the most contaminated  
23 areas in the region and turning it into New York  
24 City's first green neighborhood.  
25 The environmental benefits of this

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1 115  
2 Redevelopment of this area will  
3 create close to 20,000 construction jobs and more  
4 than 6,000 permanent jobs.  
5 We will create a center of  
6 commerce that serves both communities of Flushing  
7 and Corona and added desperately needed convention  
8 center space as well as a large hotel. And now is  
9 the time to make Queens a destination for business  
10 and commerce.  
11 Many of our members are here today  
12 and they will speak to this issue.  
13 The last aspect of this project I  
14 want to discuss is housing. At a time when  
15 families face a dire shortage of housing, the  
16 redevelopment of Willets Point will create 5,500  
17 units of housing in area that currently has none.  
18 As it stands, subject to  
19 negotiation --  
20 Last paragraph.  
01:39:20 21 THE CHAIR: You need to just  
22 wind down.  
23 MS. CLAIRE SHULMAN: Having had  
24 the privilege of serving in a Borough-wide post for  
25 many years, I can tell you that rarely has one plan

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1 114  
01:36:55 2 project to our City and to the families in the  
01:36:55 3 surrounding neighborhoods is undeniable.  
4 We can all agree that we need to  
5 clean up Willets Point and the Flushing River and  
6 the Flushing Bay.  
7 This area has been polluted and  
8 contaminated since its use as a coal ash dump and  
9 made worse through years because of illegal dumping  
10 and improper housekeeping.  
11 If we don't clean the contaminated  
12 soil, any efforts to clean up the polluted  
13 waterways surrounding this area will be for naught.  
14 The redevelopment of Willets Point  
15 comes at a critical time for our City's economy.  
16 The creation of New York City's new great  
17 neighborhood will keep our economy moving, and we  
18 have to act now.  
19 The economic benefits of this  
20 project are clear.  
21 Situated at the heart of so many  
22 cultural institutions and recreational facilities,  
23 in close proximity to mass transit and to our  
24 airports, Willets Point right now is the epitome of  
25 an unrealized potential.

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1 116  
2 encompassed so much hope for the future for our  
3 economy, for our environment and for those seeking  
4 an affordable place to live.  
5 This plan must go forward.  
6 For those reasons and many more, I  
7 hope you will strongly consider adding your voices  
8 to the people supporting this project.  
01:39:59 9 Thank you.  
01:39:59 10 THE CHAIR: Thank you.  
01:40:01 11 It's really nice to see you,  
12 Claire.  
01:40:02 13 Let me just see if there are any  
01:40:03 14 questions for you.  
01:40:04 15 (No response.)  
01:40:04 16 THE CHAIR: There are not. But  
01:40:06 17 it's a pleasure. Thanks.  
01:40:06 18 MS. CLAIRE SHULMAN: Thank you.  
01:40:17 19 THE CHAIR: Thanks.  
20 Peter Ward; and  
21 Then will switch to speakers in  
22 opposition, again, beginning with Dan Feinstein;  
23 and  
24 Then Jean Mizoni.  
01:40:21 25 Is Peter Ward here? Yes.

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01:40:33 1 117  
2 MR. PETER WARD: Good afternoon,  
3 Madame Chair, Commissioners.  
4 Thank you for having me here this  
5 afternoon.  
6 My name is Peter Ward and I'm the  
7 President of the New York Hotel and Motel Trades  
8 Council.  
9 We're a union representing 30,000  
10 hotel workers in New York City.  
11 Our support for the Willets Point  
12 redevelopment stems not just from the City's  
13 commitment to ensuring that the future hospitality  
14 jobs there are quality union jobs, but from the  
15 fact that over 1,000 of our members live in the  
16 Flushing and Corona neighborhoods that will be most  
17 affected by the redevelopment.  
18 Willets Point has become an  
19 historic opportunity to:  
20 Reinvent an important but  
21 neglected neighborhood;  
22 To create a model green community;  
23 and  
24 To establish a haven for working  
25 class people with good jobs in the neighborhoods

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1 119  
2 preserving quality jobs Citywide.  
3 Hotel workers have fought for  
4 generations to change low-wage, exploitative work  
5 into stable, middle class occupation.  
6 Nonunion hotel companies are  
7 threatening that.  
8 By guaranteeing to support  
9 workers' rights and redevelop Willets Point, Mayor  
10 Bloomberg is taking a stand to prevent a Citywide  
11 race to the bottom.  
12 The administration is working to  
13 make this project an opportunity to change the way  
14 development happens in New York:  
15 Cleaning up the environment and  
16 pioneering green building on a comprehensive  
17 neighborhood scale;  
18 Providing good jobs and  
19 opportunity in the neighborhoods working people  
20 live in; and  
21 Taking care of the people and  
22 businesses that are displaced in the process.  
23 The City's plan to clean up and  
24 revitalize Willets Point is just the kind of bold  
25 an innovative economic development project our City

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1 118  
2 where they live.  
3 I commend Mayor Bloomberg and  
4 affordable housing advocates for engaging in a  
5 constructive dialogue to create more low and middle  
6 income housing in one of the most -- which is one  
7 of the most pressing needs working class people  
8 face in New York City.  
9 I strongly believe that the City  
10 is committed to a significant proportion of  
11 affordable housing at Willets Point.  
12 I applaud the administration and  
13 EDC in making an unprecedented effort to handle  
14 property acquisitions and business relocations in a  
15 fair and responsible way.  
16 Property acquisition and the use  
17 of eminent domain are very complicated and in no  
18 case is everyone going to be satisfied with what  
19 happens.  
20 Given the extraordinary and  
21 holistic effort the City is making to accommodate  
22 the landowners, businesses and workers at Willets  
23 Point, this will be resolved in the best way  
24 possible for all stakeholders involved.  
25 Willets Point is important for

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1 120  
2 needs more of.  
3 And I respectfully request that  
4 the City Planning Commission approve the Willets  
5 Point redevelopment. And we look forward to  
6 working with the administration, City Council and  
7 all stakeholders to bring this critical and  
8 precedent-setting project to fruition.  
9 Thank you.  
10 THE CHAIR: Thanks very much.  
11 Any questions for Peter Ward?  
12 (No response.)  
13 THE CHAIR: Thanks very much.  
14 We have time for actually one more  
15 speaker in favor and then we'll switch to speakers  
16 in opposition.  
17 Ed Malloy; and  
18 Then Dan Feinstein  
19 MR. EDWARD MALLOY: Thank you,  
20 Madame Chair and members of the Commission.  
21 My name is Edward J. Malloy,  
22 President of the New York City Building  
23 Construction and Trades Council, representing  
24 125,000 members.  
25 I'd like to shift gears a little

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1 121  
2 bit and share with you job opportunities, including  
3 the junior apprenticeship programs, especially  
4 program initiatives, for construction skills and  
5 other trades to realize their goal, master a skill  
6 and achieve independence, have access to a career  
7 in the building construction trades union that  
8 solidifies New York's middle class as strengthening  
9 our City's economy and its diverse communities.  
10 Eighty-seven percent of the  
11 referrals placed by construction skills in junior  
12 apprenticeship programs are African-Americans,  
13 Hispanic, and Asians. And perhaps more important,  
14 83 percent of the referrals placed by construction  
15 skills in union apprenticeship programs remain  
16 actively employed in the trades with many now  
17 working as journeymen.  
18 This record meets our efforts and  
19 moves us beyond equal opportunity to achieve  
20 proven, successful career outcomes.  
21 We're proud to say that some of  
22 the participating projects in construction skills  
23 have been: Ground Zero, Yankee Stadium, Citi  
24 Field, Atlantic Yards, the Bronx Terminal Market,  
25 and the future Columbia University project.

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1 123  
2 that work for our company are entry-level or  
3 minimum wage. They're all benefited and highly  
4 trained employees.  
5 I was going to come up today and  
6 speak to you about the many things we've heard  
7 today. And I think the one thing I'd like to touch  
8 on first is the misrepresentation of what Willets  
9 Point really is.  
10 Willets Point is not a haven for  
11 the automotive industry. As a matter of fact, more  
12 than fifty percent of the land that's occupied by  
13 Willets Point is occupied by companies that are not  
14 related to the automotive industry.  
15 We have the largest manufacturer  
16 of Indian food products in New York, is in Willets  
17 Point. We have the largest structural steel  
18 fabricator in the City of New York.  
19 We fabricate over 13,000 tons a  
20 year and we're in Willets Point.  
21 You have one of the largest  
22 infrastructure contractors, in Tully Construction,  
23 is in Willets Point.  
24 The largest distributor of sewer  
25 pipes, sewer pipes. We don't have a sanitary sewer

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1 122  
2 And this October we will indenture  
3 our one-thousandth apprentice for construction  
4 skills. We hope that Willets Point will add the  
5 opportunities for our young New Yorkers and a great  
6 career in the buildings construction trades.  
7 Thank you very much.  
8 THE CHAIR: Thanks very much for  
9 testimony.  
10 Are there any questions?  
11 (No response.)  
12 (Applause.)  
13 THE CHAIR: Now we are indeed  
14 going to switch to speakers in opposition.  
15 The first is Dan Feinstein; then  
16 G. Lisoni;  
17 Then Dan Corace, Corais maybe;  
18 Then Blass Olivares.  
19 MR. DAN FEINSTEIN: Madame  
20 Speaker, thank you very much, Commissioners.  
21 My name is Dan Feinstein.  
22 I'm the President of Feinstein  
23 Ironworks. We are a 77-year-old structural steel  
24 fabricating company in New York City. We employ  
25 approximately 150 people. And none of the people

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1 124  
2 system, but the largest distributor of sewer pipes  
3 is in Willets Point.  
4 Now, I can go on and on and on,  
5 but these are not automotive-related businesses,  
6 although the City would have you believe that  
7 everyone down there is a chop shop. They have to,  
8 otherwise how can they convince you to steal the  
9 land.  
10 I'm not going to comment, because  
11 I'm not an environmental expert, on why the  
12 elevation of the property has to be raised two to  
13 six feet. But I'll tell you that the feeding roads,  
14 Northern Boulevard and Roosevelt Avenue and 126th  
15 Street, are not being raised at all. And yet our  
16 property and our streets and our elevation of our  
17 buildings are set to the same level or slightly  
18 higher than the street level.  
19 So I find it interesting that they  
20 have to raise it two to six feet in the interior  
21 streets - somebody used the word checkerboard - but  
22 all the feeding streets are not being changed.  
23 I can go on and on and on and talk  
24 about that. But what I'd really like to spend the  
25 last few minutes speaking about is, this plan makes

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1 125  
2 no sense.  
3 Twenty years ago, 1991 or greater  
4 than twenty years ago, almost twenty years ago, the  
5 then Borough President, Claire Shulman, sat with  
6 myself and my father and some other people at  
7 Willets Point. And we said, you need to fix the  
8 area. We go to work everyday and we don't like it.  
9 You need to put the streets in. You need to put the  
10 sanitary sewers in. You must do something.  
11 So in 1991 the then Borough  
12 President commissioned a study that the City did to  
13 determine what was the best use for Willets Point.  
14 Their study determined that it should be an  
15 industrial area.  
16 And their study said put the roads  
17 in, put the sanitary sewers in, put a working storm  
18 sewer in there and the area will clean up and  
19 flourish all on its own. It's an island. It's  
20 isolated.  
21 We have trucks coming into our  
22 facility 24 hours a day, as do many of the other  
23 businesses. We don't distribute to residential  
24 neighborhoods because we're near none.  
25 In the City of New York -- I mean

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1 127  
01:50:12 2 MR. DAN FEINSTEIN: A year and a  
01:50:14 3 half to two years ago we -- we contacted EDC  
4 through the Office of Constantople. And we said,  
5 we're hearing all of these things that's going on  
6 in Willets Point, but you haven't come and spoken  
7 to us. So we'd like to come and see you.  
8 So we went and spoke with the then  
9 President of EDC, now deputy Mayor, Bob Lieber. And  
10 we said, what's going to happen to us? And he said,  
11 you know what, we're going to send you a form. You  
12 fill out the form of your business, how many square  
13 feet, how employees, what do you need and where do  
14 you need to be.  
15 It took us four to five months to  
16 get the form. When we finally got the form, we  
17 filled it out. We sent it. Several months later  
18 we went to EDC and we had a meeting. And they  
19 prepared a book of properties. It looks like  
20 something prepared by a real estate company.  
21 And they showed us properties in  
22 the Bronx they don't own, privately-owned  
23 properties. And I said, well, we don't need you  
24 for this. We can go to a real estate broker and  
25 find privately-owned properties. But we said, we

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1 126  
2 someone said prior that we need to get independent  
3 from Wall Street. We're independent from Wall  
4 Street. We're manufacturing jobs, the very jobs  
5 that the City is trying -- it says they want to  
6 keep they're trying to get rid of them.  
7 And just to close, I wasn't going  
8 to come up and speak today because I said it really  
9 doesn't make a difference. The Mayor wants this  
10 piece of property in the worst way. And you know  
11 what, it's not his. It's ours. And if property  
12 rights is not enough for this Commission to say  
13 wait a minute, the plan makes no sense because you  
14 don't own any of the land. We own it all. It's not  
15 like the City owns 47 acres and they're trying to  
16 get three. They own none. We --  
01:49:54 17 Thank you very much.  
01:49:54 18 THE CHAIR: Thank you.  
19 There are questions for you.  
20 Yes, Angela Battaglia has a  
21 question.  
01:50:00 22 COMM. BATTAGLIA: Did you or were  
23 you willing to enter into negotiations with the  
01:50:06 24 City for the possible relocation of your business  
01:50:10 25 and the sale of your property?

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1 128  
2 need to be in Northern Queens. We're out of  
3 business if we're not in Northern Queens.  
4 That was a year and a half ago or  
5 two years.  
6 We, our company, has been asking  
7 for a relocation site-specific plan. We want to be  
8 in Northern Queens. We'll be losing our employees  
9 if were not. We'd lose most of our client base,  
10 our trucking economies will go and we'll be, of  
11 course, out of business. We don't have it yet. It's  
12 a year and a half later.  
13 We meet a week and half ago and  
14 said we're willing to talk but it has to be  
15 substantive. Just don't come and speak to us so you  
16 can fill out a checklist on a piece of paper and it  
17 says we spoke to you twelve times. If you don't  
18 offer us something, what are we talking about? So  
19 come and show us something. Show us where we can  
20 go. Don't show us a \$38 million, privately-owned  
21 piece of property in the Bronx. Show us something  
22 where we told you on the form that we need to be.  
23 And Deputy Mayor Lieber said it  
24 very well last week. And he was quoted in the  
25 newspapers. He said, you know, there's a good

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1 129  
2 chance a lot of businesses just won't survive. I  
3 don't understand why the City of New York, which is  
4 in deep financial trouble right now, and it doesn't  
5 seem like it's going to get better any time soon.  
6 Private owners cannot get funding for mega  
7 projects, mega projects. The tenants are all  
8 falling off from the wayside. How can they justify  
9 killing almost 2,000 jobs?  
10 We pay real estate taxes. We pay  
11 every kind of tax. We get no service. How in the  
12 world do you justify that? You put a \$400 million  
13 line item in the budget and they can't buy milk for  
14 after school kids and senior citizens. I don't  
15 understand. It makes no sense.  
16 So to answer the question, I'm  
17 sorry I went around in circles, you know, we told  
18 them all along we'd be willing to sit down and talk  
19 but it really has to be substantive. It just can't  
20 be well, we have five properties that are privately  
21 owned in the Bronx.  
22 THE CHAIR: Do you have a  
01:52:40 23 question?  
01:52:40 24 COMM. KNUCKLES: Yes.  
01:52:40 25 How many people do you employ?

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1 131  
01:53:25 2 So --  
01:53:25 3 MR. DAN FEINSTEIN: And doesn't  
01:53:32 4 that say everything.  
01:53:32 5 COMM. CANTOR: Yes.  
6 MR. DAN FEINSTEIN: So you have a  
7 company that --  
8 I'm sorry, Mr. Cantor.  
9 COMM. CANTOR: I don't want you  
10 to leave. I don't want you to leave. Okay?  
11 But putting it in perspective,  
12 where I'm going is, it would appear to me that if a  
13 parcel were available outside Northeastern Queens,  
01:53:48 14 it could be a viable parcel to you, yes? No?  
01:53:55 15 MR. DAN FEINSTEIN: Perhaps yes  
01:53:56 16 and perhaps not.  
01:53:57 17 COMM. CANTOR: Thank you. Fair  
01:53:58 18 enough.  
01:54:00 19 THE CHAIR: Any other questions  
20 from the commission?  
21 (No response.)  
01:54:02 22 THE CHAIR: Thanks very much.  
01:54:05 23 MR. DAN FEINSTEIN: Thank you very  
01:54:05 24 much.  
01:54:08 25 THE CHAIR: Thank you for

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1 130  
01:52:42 2 MR. DAN FEINSTEIN: Almost 150.  
01:52:47 3 COMM. KNUCKLES: Almost a hundred  
01:52:47 4 and?  
01:52:47 5 MR. DAN FEINSTEIN: Fifty. Almost  
01:52:50 6 150.  
01:52:50 7 THE CHAIR: Are there any other  
01:52:50 8 questions from the Commission?  
01:52:50 9 COMM. CANTOR: Yes, please.  
10 THE CHAIR: Yes. Irwin.  
11 COMM. CANTOR: Yes.  
01:52:50 12 Mr. Feinstein, you said that all  
01:52:56 13 of your people are well-trained people. And all  
01:52:59 14 the comments you made in terms of relocation, the  
15 one about potentially losing people, sounds  
16 somewhat persuasive.  
17 By the way, you're a very  
01:53:08 18 persuasive speaker.  
01:53:11 19 If you -- you don't have to be in  
01:53:12 20 Queens to service the construction industry with  
01:53:16 21 the facilities -- with the services that you  
01:53:18 22 provide. And while you may still be the largest  
21 23 iron shop in the City of New York, that's only  
01:53:25 24 because every other iron shop has left the City of  
25 New York.

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1 132  
2 coming.  
3 Gale Lisoni, G Lisoni. G. Lisoni.  
01:54:17 4 But otherwise that's just a G. Lisoni.  
01:54:17 5 (No response.)  
01:54:17 6 THE CHAIR: Okay. Dan Corace.  
01:54:22 7 Forgive me if I mispronounced it. Dan Corace.  
01:54:22 8 (No response.)  
01:54:22 9 THE CHAIR: Blass Olivares.  
10 A VOICE: I'm here.  
01:54:30 11 THE CHAIR: Okay. And he'll be  
12 followed by Arturo Olaya.  
01:54:56 13 Mr. Olivarez.  
01:54:56 14 MR. BLASS OLIVAREZ: Hello,  
01:54:56 15 everybody.  
16 My name is Blass Olivares. I  
17 working for sixteen year in the Willets Point. I  
01:55:02 18 working very hard. I working Sunday to Sunday,  
01:55:06 19 twelve hour a day. But my story is for everybody.  
01:55:11 20 They fix -- the City never fix the hole. The City  
01:55:18 21 every time give a hard time. Never give a chance.  
01:55:22 22 We want to keep our young because  
01:55:25 23 that's the future of my family. I have five kid.  
01:55:29 24 They study and never take one penny for the City.  
01:55:33 25 I working very hard.

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1 133  
01:55:34 2 I tell the City Planning  
01:55:38 3 Commission, put your hand on your heart. Don't  
4 destroy my family. Don't destroy the future of my  
5 son because we keep the job. We find other location  
6 in another place. But I say it's very hard here  
01:55:51 7 explain this situation because want to get the job.  
8 We want to working very hard.  
01:55:56 9 Please, give us chance. Give  
10 opportunity for the poor people. Don't destroy our  
11 young. Please, put your hand on your heart.  
01:56:04 12 Thank you so much.  
01:56:07 13 THE CHAIR: Thank you very much.  
01:56:11 14 Arturo Olaya.  
01:56:12 15 MR. ARTURO OLAYA: Yes, thanks.  
16 I'm Arturo Olaya.  
17 Thanks for giving me the  
18 opportunity to talk.  
19 I'm the President of the Willets  
20 Point Defense Committee of Small Businesses and  
21 Workers.  
22 We been in Willets Point suffering  
23 for many years. And you can see one of the  
24 tenants, Blass, that's been there without no heat  
25 and his place and he get very hard arthritis.

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1 135  
2 of the businesses.  
3 This mega project is a violation  
4 of human and labor rights. The City of New York is  
5 exercising their authority to commit wrongful  
6 seizure of land.  
7 This topic is one that has been  
8 around for centuries. And it is common that the  
9 United Nations has established a series of norms,  
10 recommendations and international laws to protect  
11 the victims of wrongful seizures.  
12 We would like to publicly denounce  
13 that over 1500 immigrants, predominately of Latino  
14 descent, will suffer due to the forceful  
15 displacement that will take place in Willets Point.  
16 Over 60 acres of the land in Willets Point will be  
17 used to benefit the private sector industries.  
18 This development plan is founded  
19 around the systematic violation of our basic human  
20 rights which will evict us from our sources and it  
21 will toss us into the streets empty handed.  
22 The founders of the development  
23 plan are argue us. And it has been determined that  
24 we do not have any legal rights, according to the  
01:57:34 25 City laws which do not recognize or assume

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1 134  
2 That's why he get sick.  
3 And I want to read something.  
4 We are the victims of this mega  
5 project. And we are come to this first public  
6 hearing to claim for justice.  
01:57:01 7 It is sad to know that the  
01:57:08 8 scarcity of precious land, which will made victims  
01:57:08 9 out of the workers in the small businesses in  
10 Willets Point, is the outcome big business lobbying  
01:57:16 11 to State and City officials. It is this lobbying  
12 that has not enabled us to have sewage, sidewalks,  
01:57:28 13 rain drainage, heat, paved streets, garbage  
01:57:28 14 collection or snow removal.  
01:57:32 15 The Mayor's Office in New York  
01:57:32 16 have the objective of illegally starving Willets  
17 Point of all the essential basic resources to ease  
18 the process of displacement with the goal of  
19 ultimately redeveloping the Iron Triangle and  
20 giving profit to the big corporation.  
21 This mega project will not only  
22 take possession of the land, but at the same time  
23 it will brutally do it at the lowest price  
24 possible. It is for this reason that this plan will  
25 not include any economic compensation or relocation

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1 136  
01:59:35 2 responsibility for the workers and the renters of  
3 small business.  
4 We beg you to do not approve this  
01:59:46 5 project until the City give us a contract and show  
01:59:47 6 us a serious contract for the relocation and  
01:59:51 7 compensation for the workers.  
01:59:53 8 Thank you.  
01:59:53 9 (Applause.)  
01:59:54 10 THE CHAIR: Thank you very  
01:59:57 11 much.  
01:59:57 12 Karen Phillips.  
01:59:59 13 COMM. PHILLIPS: You and your  
02:00:03 14 friend own a business that is located now in this  
02:00:07 15 area and is automotive use.  
02:00:09 16 MR. ARTURO OLAYA: Yes, we do.  
02:00:10 17 COMM. PHILLIPS: Okay. And you  
02:00:12 18 rent from someone else?  
02:00:14 19 MR. ARTURO OLAYA: Yes. We rent.  
02:00:14 20 The City is always saying that it's illegal for  
02:00:18 21 them to give us a relocation -- to talk to us about  
02:00:21 22 relocation or to give us now a plan or show us land  
02:00:25 23 for a new relocation. They consider it illegal,  
24 but they not consider illegal treating us like they  
25 treating us. They just have a protest outside that

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1 137  
2 say, cleanup Willets Point. They talk like we are  
3 garbage. But they know, they show the picture that  
4 what they produce in years and years of negligent.  
5 And we hope that you do not  
6 approve this project until they give us a  
02:00:52 7 relocation signed and compensation for the work.  
02:00:55 8 COMM. PHILLIPS: Thank you.  
02:00:55 9 THE CHAIR: What's the name of  
02:00:56 10 your company?  
02:00:57 11 MR. ARTURO OLAYA: Arturo Auto  
02:01:00 12 Trade Shop.  
02:01:00 13 THE CHAIR: Okay. Thank you very  
14 much for testifying.  
15 MR. ARTURO OLAYA: Thank you.  
16 I just wanted to leave this  
17 document for you that have more information.  
18 THE CHAIR: Yes. If you give it  
19 to our staff there, she will take care of it.  
20 Thank you so much.  
21 Now, again in opposition. I'll  
22 read a few names:  
23 Forgive my pronunciation. I think  
24 it's Yarin Rosenthal; if that could be right.  
25 Then Randy LaFargue; and

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1 139  
2 also be handed in.  
3 The DI -- the DGEIS states that  
4 the site has a history of contamination and shows a  
5 hydraulic connection to the Brooklyn Queens  
6 aquifers, and active or potentially active wells.  
7 In the opinion of Mr. Loyst, the  
8 proposed development will compress the soils  
9 underlying the site and squeeze the contamination  
10 into the aquifer.  
11 The amount of soils necessary to  
12 elevate the site of the footprint (sic) will cause  
13 significant infrastructure problems.  
14 He comments that the City has not  
15 undertaken any studies necessary to evaluate the  
16 impact of the squeezing of the soil.  
17 The DGEIS and the associated  
18 documents state that the site has a history of  
19 contamination. If so, this is significant because  
20 the site lies above a sole source aquifer which is  
21 used for water supply by New York City.  
22 Indeed, according to the  
23 documents, on which the DGEIS is based, there is a  
24 direct pathway from Willets Point to existing New  
25 York City DEP water supply wells in Queens, as well

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1 138  
2 Then Joseph Ardizzone;  
3 Okay. And then Elena Conte.  
4 So Mr. Rosenthal.  
02:01:49 5 MR. YARIN ROSENTHAL: Thank you.  
6 My name is Yarin Rosenthal. I am  
02:01:52 7 one of the property and business owners in the  
02:01:54 8 Willets Point area.  
9 With your permission, I would like  
10 to read a report from one of our engineers that had  
11 to leave. It's, I think important. And if you'll  
12 bear with me.  
13 The report was prepared by Kevin  
14 Loyst. He's a licensed professional engineer with  
15 degrees in environment engineering.  
16 He has sixteen years of  
17 environmental engineering experience. He was  
18 retained by the Willets Point Industry and Realty  
19 Association.  
20 Mr. Loyst prepared a -- performed  
21 a review of the Draft Generic Environmental Impact  
22 Statement. And he reviewed all the documents. And  
23 he was focusing on the hazardous material impact to  
24 surface and groundwater resources.  
25 A written summary of this will

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1 140  
2 as proposed wells in the Brooklyn Aquifer Study.  
3 This study is seeking ways to  
4 utilize the Brooklyn Queens aquifer during droughts  
5 and other water emergencies.  
6 The development will squeeze  
7 contamination out of the soil below the site.  
8 If the plan is to add up to six  
9 feet of fill to raise the grade above the hundred  
10 year floodplain, the City -- and if the City has  
11 underestimated the amount of fill necessary to do  
12 so, it will require much more fill.  
13 The soils beneath Willets Point  
14 are old, saturated marshlands that are compressed.  
15 When the fill is place on these old marshlands, it  
16 will squeeze water from them just like squeezing  
17 water from a sponge.  
18 If there is any contamination in  
19 the water, it will be injected into the aquifer  
20 when the marshlands are compressed instead of  
21 seeping out over many years.  
22 The contamination could then  
23 travel along the pathway shown in the DGEIS  
24 documents and contaminate the aquifer.  
25 I guess his point is that this

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1 141  
2 particular issue is not adequately addressed in the  
3 DGEIS.  
4 Thank you very much.  
7 5 THE CHAIR: Let me see if there  
6 is anybody who has a question for you on the  
7 Commission.  
02:05:10 8 Yes. Karen Phillips does.  
02:05:10 9 COMM. PHILLIPS: You said that  
10 you're an owner and do you operate a business now  
02:05:18 11 or --  
02:05:18 12 MR. YARIN ROSENTHAL: Yes, I do.  
02:05:19 13 COMM. PHILLIPS: -- or do you  
02:05:21 14 rent? You operate a business.  
02:05:21 15 MR. YARIN ROSENTHAL: I occupy and  
02:05:23 16 operate a business.  
02:05:24 17 COMM. PHILLIPS: And in the  
02:05:26 18 automotive industry and how many employees?  
02:05:26 19 MR. YARIN ROSENTHAL: The name of  
02:05:27 20 my company is Parts Authority. We're in the  
21 automotive parts business. We're in the new parts  
02:05:35 22 business. We supply -- one of the reasons this area  
23 is very important to us is we supply parts to the  
24 airport, La Guardia Airport and many City agencies,  
25 many State agencies.

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1 143  
2 Willets Point to remain as it is today with  
3 potholed streets resembling dirt trails, no sewers  
4 and frequent flooding.  
5 We all want what is best for both  
6 the surrounding community and for the City as a  
7 whole. We all want viable jobs, affordable housing  
8 and more schools and the opportunity for economic  
9 growth.  
10 All of this can be realized in  
11 Willets Point but only if everyone involved has a  
12 voice in the process.  
02:07:06 13 The Economic Development  
02:07:09 14 Corporation should open up the RFP process and  
15 share information with all affected parties.  
16 For the surrounding community to  
17 not know who will be responsible for the  
18 implementation of this project, despite their  
19 repeated attempts to work with the EDC in order to  
20 gain this information, is simply unacceptable.  
21 Given that Willets Point is a  
22 large area, ideal for both business and residential  
23 development due to the confluence of major roadways  
24 and the fact many of the existing businesses in the  
25 Iron Triangle has been in that same location for

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1 142  
2 And obviously the location there  
02:05:51 3 is quick access to Manhattan, the Bronx and many  
02:05:52 4 areas.  
02:05:52 5 COMM. PHILLIPS: How many  
02:05:54 6 employees?  
02:05:54 7 MR. YARIN ROSENTHAL: I'm sorry.  
02:05:55 8 85 employees in that location. Five hundred  
02:06:00 9 overall, altogether.  
02:06:00 10 THE CHAIR: Any other questions?  
11 (No response.)  
02:06:04 12 THE CHAIR: Thank you very much  
13 for being here to testify.  
14 The next speaker is Randy  
15 LaFargue; and  
02:06:04 16 After him Joseph Ardizzone.  
02:06:22 17 MR. RANDY LAFARGUE: Thank you  
18 very much.  
19 Good evening, ladies and  
20 gentlemen, Madame Chair, Commissioners.  
21 My name is Randy J. LaFargue. And  
22 I'm here on behalf of Public Advocate Betsy Gotbaum  
23 who asked me to come by and read a statement from  
24 here.  
25 Because obviously no one wants

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1 144  
2 decades, despite the lack of basic City services,  
3 the City's lack of an informed and all-encompassing  
4 plan should signal a return of sorts back to the  
5 drawing board for a sensible compromise, and not a  
6 headlong rush into the approval process.  
7 The current Willets Point  
8 Development plan is large in both vision and scope  
9 but this plan has flaws which must be addressed.  
10 Therefore, it makes sense to bring  
11 all the stakeholders together, give adequate time  
12 for all concerns to be voiced and then make an  
13 informed decision on how to best move forward.  
02:08:22 14 Thank you very much.  
02:08:23 15 THE CHAIR: Thank you for your  
16 statement on behalf of the Public Advocate. We  
02:08:24 17 appreciate it. Thanks.  
02:08:24 18 THE CHAIR: Joseph Ardizzone.  
19 And then I'll just read a couple  
20 of names:  
21 And then Elena Conte; and  
02:08:32 22 Susanna Schadler.  
02:08:32 23 MR. JOSEPH ARDIZONNE: Okay. My  
24 name is Joseph Ardizzone of 126-96 Willets Point  
25 Boulevard, Corona, New York.

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1 145  
2 I want to say something that's a  
3 little funny but it's okay.  
4 He conquered people by beating the  
5 drums of protecting them. While searching out his  
6 enemies he conquered many countries. Don't let him  
7 conquer you, the City, State or country.  
8 Many generations of children to  
9 come cannot pay the debt that is being added to  
10 their futures for the City, State and Federal  
11 Government.  
12 To take property from a person and  
13 sell it to a developer is an abuse of eminent  
14 domain.  
15 Willets Point is in Community  
02:09:25 16 Board #4. Was the decision made by the Community  
02:09:27 17 Board #7 Flushing -- in Flushing? If it's not a  
02:09:34 18 crime, it is wrong. There aren't any plans at  
02:09:39 19 Community Board #7. They never had a definite  
02:09:42 20 place for where any building was to be put.  
02:09:49 21 At one point it was described as  
02:09:51 22 an artist's rendering by a member of EDC.  
23 Where are you putting the Sky  
24 Train from Kennedy, was a question that was asked.  
25 What Sky Train? The one that was funded. There was

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1 147  
2 structured to fail. Many of the people down there  
3 are emotionally, physically and mentally  
4 handicapped. They have a lot of barriers such as  
5 language. Very artistic. Very good at their trade.  
6 When they go down for a job  
7 interview, how are they going to pass a job  
8 interview? They aren't. They need to do a lot  
02:12:01 9 different.  
02:12:01 10 THE CHAIR: Could you conclude  
02:12:02 11 your remarks, please.  
02:12:03 12 MR. JOSEPH ARDIZONNE: Excuse me?  
02:12:04 13 THE CHAIR: Could you just --  
02:12:06 14 MR. JOSEPH ARDIZONNE: I can speed  
15 it up.  
16 This presentation is designed to  
17 fail, bring more money to the City of New York. EDC  
18 is to develop City-owned property for the good of  
19 the people not the developers.  
20 EDC wants to set a legal  
21 terminology called precedence, the right to take  
22 private property and sell it to a developer at more  
23 profit.  
24 Let the owners sell their --  
25 THE CHAIR: You have to --

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1 146  
2 nothing shown.  
02:10:10 3 Where is the sewage treatment  
4 plant? How are you getting sewage there? No  
5 answer. Don't know.  
6 Where is the bulkhead going to be  
7 put when dredging out the human waste from Flushing  
8 Creek? The odor makes your eyes tear in the  
9 summer. No answer.  
10 What are you going to do about the  
11 exhaust from the planes as they take off over the  
12 new development?  
13 How are you going to protect the  
14 development? No answer.  
15 The roads are to capacity. Now  
16 adding more traffic by new development. It is  
17 impossible.  
18 New developers will be 25 years  
19 plus tax-free. Who's going to pay for their  
20 services? They're going to need services, the  
21 surrounding areas. We're overwhelmed now.  
22 A large number of businesses can  
23 only function in a M3-1 zone. There are none.  
24 The schooling that was set forth  
25 for the workers in the area, the design was

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2 MR. JOSEPH ARDIZONNE: Let the  
3 owners sell their own property.  
4 Free enterprise made this country  
5 a great nation.  
6 Vote against the project.  
02:12:35 7 Thank you.  
02:12:35 8 THE CHAIR: Thank you very  
9 much.  
10 Let me see if there are any  
11 questions for you.  
12 (No response.)  
13 THE CHAIR: There are not.  
02:12:49 14 Thank you for being here.  
02:12:49 15 THE CHAIR: Elena Conte. Elena  
02:12:51 16 Conte.  
02:12:51 17 (No response.)  
02:12:51 18 THE CHAIR: Susanna Schadler.  
02:12:56 19 (No response.)  
02:12:57 20 THE CHAIR: Susanna Schadler.  
02:13:04 21 (No response.)  
02:13:08 22 THE CHAIR: Reverend Monsignor  
02:13:08 23 Thomas Healy.  
02:13:23 24 (No response.)  
25 THE CHAIR: No. He did speak.

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1  
2 Now I have, Ms. Secretary, I think  
02:13:44 3 it's Ruben Ribas. Ruben Ribas.  
02:13:44 4 (No response.)  
45 5 THE CHAIR: Okay. Val Holder.  
51 6 (No response.)  
02:13:56 7 THE CHAIR: Jack Bono.  
02:14:02 8 (No response.)  
02:14:02 9 THE CHAIR: Charalambos Georgio.  
02:14:06 10 (No response.)  
02:14:07 11 THE CHAIR: Okay.  
02:14:08 12 Raul Rothblatt.  
02:14:12 13 (No response.)  
02:14:13 14 THE CHAIR: Marilyn Mays.  
02:14:18 15 (No response.)  
02:14:18 16 THE CHAIR: Okay. Now we're --  
02:14:21 17 I'm sorry. Ms. Mays.  
02:14:22 18 Your name is?  
02:14:22 19 MS. MARILYN MAYS: My name is  
02:14:31 20 Marilyn Maze.  
02:14:31 21 THE CHAIR: Okay.  
22 MS. MARILYN MAYS: I'm here on  
23 behalf of ACORN.  
24 THE CHAIR: Speak closer to the  
25 mike so he can hear you.

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1  
2 own City. We help build this City. We helped  
3 create it. My mother was a nurse here for 42  
4 years. Now I'm being basically told that we don't  
5 fit in to the City. I'm being told that we don't  
6 fit into Queens.  
7 I've been fighting for three and a  
8 half years to protect seniors to keep their  
9 affordable housing. So for people to tell me that  
10 there is affordable housings plans in progress or  
11 within place, it just doesn't make sense. Because  
12 I've lived in Queens all of my life and I don't see  
13 it.  
14 There's a seven to eight year  
15 waiting list for senior housing so let alone  
16 affordable housing for young adults or parents like  
17 myself. Where do we go? Who helps us?  
18 And I've come to you. You've been  
19 the Borough President. But you've done nothing for  
20 affordable housing in Queens period. It makes no  
21 sense. It is true. And I've lived there all of my  
22 life and I'm not going to leave without a fight.  
02:16:51 23 Thank you.  
02:16:52 24 THE CHAIR: Thank you very  
25 much.

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1  
2 MS. MARILYN MAYS: I'm here  
3 basically for two issues, affordable housing.  
4 I live at a complex which is  
5 considered affordable housing right now and we're  
6 under siege.  
7 And to sit here to listen for --  
8 I've been here for a couple of hours. For people  
9 to say that twenty percent of affordable housing is  
10 acceptable and to have an income rate of \$38,000 or  
11 more. I'm a single parent. Both of my daughters are  
12 in school. It's insane. It makes no sense.  
13 To see workers displaced with no  
14 jobs. To have -- to go nowhere and to tell me that  
15 affordable housing exists in New York City when we  
16 see every single year the amount of affordable  
17 housing that vanishes from HPD, from rent  
18 stabilized units, rent controlled units.  
19 I mean where are we expected to  
20 go? Luxury condos are nice for the rich. But when  
21 you're poor and you're struggling, where do we fit  
22 in?  
23 I've lived in this City all of my  
24 life. I have been proud to be a New Yorker. But  
25 this is ridiculous. We're being forced out of our

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1  
2 We'll switch now to speakers in  
3 favor.  
4 The first is Kathy Wylde;  
5 Who will be followed Nicolas  
6 Ronderos; and  
7 Then Mr. Pennisi. I can't read the  
8 first name, Albert.  
9 MS. KATHRYN WYLDE: Thank you.  
10 I'm Kathy Wylde, President of  
11 Partnership for New York City.  
12 Thanks for the opportunity to be  
02:17:16 13 here with all of you today.  
14 The Partnership represents the  
15 City's international business community and largest  
16 employers. We have a significant record of  
17 investment in Queens.  
18 We worked with the City on the  
19 transformation of the South Jamaica Urban Renewal  
20 area, which in many ways the story there reminds me  
21 very much of some of the conversations here today.  
22 That was an area that was -- that was full of crime  
23 ridden problems and junkyards. It was a blight and  
24 an important part of Queens.  
25 It has become a thriving

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2 residential neighborhood that's provided the basis  
3 for continued private investment in Downtown  
4 Jamaica and the reclamation of the entire area.  
5 And I think it's been an important  
6 resource to the borough. I think it's a model of  
7 the kind of results that can be had in terms of the  
8 Willets Point area, which has long been a source of  
9 blight in the center of Queens and that represents  
10 an opportunity for a major new asset for that  
11 borough and for the City as a whole in terms of the  
12 plans that are proposed there.  
02:18:24 13 I wanted today to take just a  
14 minute to address two issues that have arisen, in  
02:18:32 15 part, in the media but have been brought up in the  
02:18:32 16 testimony today by those who are concerned about  
02:18:36 17 the process.  
02:18:38 18 The first is the issue of eminent  
19 domain.  
20 Having been for almost forty years  
21 myself in the urban development business, community  
22 development business, affordable housing  
23 development business, we would be nowhere in this  
24 City if we did not have and apply sensibly the  
25 power of eminent domain to assemble sites.

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1 154  
2 Private owners of sites often  
3 don't even act in their interest when they're  
4 considering a sale. And I think it needs to be  
5 clear that the sale of property in an eminent  
6 domain action is at market values.  
7 There is no way that the City can  
8 proceed with its development activity and there's  
9 no way we would be as strong a vibrant urban center  
10 that we are today if we did not have eminent  
11 domain.  
12 It is applied specifically in  
13 situations like this. And I've heard people -- the  
14 second issue I want to address is the issue of  
15 having a private developer in place for this  
16 action.  
17 The fact that a private developer  
18 is not in place, that this is an action that is  
19 being taking pursuant to City policy and very  
20 importantly, the Economic Development Corporation,  
21 the Local Development Corporation that has been set  
22 up with civic groups from Queens to lead this  
23 effort and to take responsibility for as -- with  
24 EDC as the surrogate developer in this process.  
25 We did hundreds of ULURP actions

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1 155  
2 under the Housing Partnership with that exact same  
3 model where we had a plan and a program. And we  
4 went forward because this was driven by public  
5 interest and not by the ideas and interest of an  
6 individual developer.  
7 I think that makes this a far  
8 stronger project and I think it's a big plus for  
9 this project, not the negative that's been  
10 portrayed.  
02:20:22 11 Thank you.  
02:20:22 12 THE CHAIR: Thank you, Kathryn.  
02:20:25 13 Let me see if there are any  
02:20:25 14 questions for you.  
15 Yes. Angela Battaglia has a  
16 question.  
02:20:28 17 COMM. BATTAGLIA: Thank you.  
02:20:30 18 MS. KATHRYN WYLDE: It's nice to  
02:20:30 19 see you, Angela.  
02:20:30 20 COMM. BATTAGLIA: This may not  
21 be your role, but I still would like to ask you  
22 what, if anything, you can do, or your organization  
23 or if you could perhaps help shed some light on how  
24 we help the more than one thousand workers that are  
25 there.

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1 156  
2 I don't think any of us can deny  
3 that the action will result in just an absolutely  
4 delightful development that is needed in the City  
5 of New York. But there are a lot of workers on the  
6 site now.  
7 Could your organization do  
8 anything to help those workers? Do you have any  
9 ideas?  
02:21:03 10 MS. KATHRYN WYLDE: Well, I think  
02:21:03 11 -- I guess it has to come to a point where there's  
02:21:06 12 a cooperative spirit and I think after -- I think  
02:21:07 13 it will help. As the decision-making process moves  
02:21:12 14 along, I think it will be easier to mobilize  
15 because as long as people are -- as long as the  
16 constituents of the site are trying to obstruct its  
17 development rather than to figure out how do we  
18 constructively find a solution to both the workers  
19 and the relocation of businesses.  
20 We are absolutely prepared to  
21 help. We have -- for those businesses that are on  
22 the books and prepared to go forward, we have an  
23 investment fund. We have a network of financial  
24 institutions that are prepared to help. And we're  
25 happy to do that.

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2 We work with EDC on projects all

3 the time.

4 In terms of the placement of

5 workers, again, I think it's the relocation of

6 businesses and the ability to work with a, there's

7 a network of workforce development groups in the

8 City that are strong.

9 And I think having in place the

10 LDC -- and I've met with the leadership in the LDC

11 a couple of times and expressed our willingness to

12 cooperate with them on helping them move forward.

13 I think that's an important

14 resource that can play an important role here that

15 maybe EDC can't play in terms of helping at a more

16 grassroots level with the community, something that

17 you have a lot of experience with. So we're happy

18 to be helpful.

02:22:28 19 THE CHAIR: And Karen Phillips

02:22:29 20 has a question for you as well.

02:22:29 21 COMM. PHILLIPS: Ms. Wylde, I

02:22:30 22 believe you said you had two points and you got to

02:22:36 23 the end. And I just wanted to --

02:22:36 24 MS. KATHRYN WYLDE: No. The second

02:22:37 25 was the issue of ULURP and running through the

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2 basis.

02:23:43 3 COMM. PHILLIPS: Thank you.

02:23:44 4 THE CHAIR: Any other questions?

02:23:51 5 (No response.)

02:23:51 6 THE CHAIR: Kathy, thank you for

02:23:59 7 being here.

02:23:59 8 MS. KATHRYN WYLDE: Thank you.

9 THE CHAIR: The next speaker is

10 Nicolas Ronderas;

11 To be followed by Albert Pennisi;

12 And then Heather Beaudoin.

02:24:00 13 MR. NICOLAS RONDEROS: Good

14 afternoon.

15 My name is Nicolas Ronderos and

16 I'm a Senior Planner for Regional Plan Association.

17 The stakes in this project are

18 high.

19 The proposed plan would displace

20 an estimated 260 businesses and 1,700 employees

21 engaged in auto repair, construction and other uses

22 in a City that is seeing its industrial sector

23 increasingly squeezed.

24 The City would also invest

25 substantial public funds in new infrastructure to

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2 project without a designated private developer in

3 hand, that we did that many times at the Housing

4 Partnership. It worked. It was a system that

5 people respected. In fact, they felt it was

6 valuable to have the public interest rather than

7 individual private interest driving the development

8 decisions.

02:22:58 9 COMM. PHILLIPS: And just the

02:23:02 10 other is, in terms of the convention center here,

02:23:03 11 how do you think that helps the City with the

02:23:06 12 relocation plan that includes the convention center

02:23:10 13 at this site?

02:23:10 14 MS. KATHRYN WYLDE: Well, we've

15 been big proponents, really going back to the Group

02:23:13 16 of 35 Report that Chuck Schuler did, on really

17 focusing on creating supplemental business

18 districts and centers of economic activity and

19 have, in fact, looked at this and see this as an

20 important center of the two airports in Queens and

21 an opportunity to establish a convention and

22 conference center there.

23 I think it's a very good idea and

24 one that really reinforces, again, the

25 diversification of our economy on a geographic

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2 support the project. However, for a number of

3 reasons, it is time for the redevelopment of

4 Willets Point to move forward and Regional Plan

5 Association supports this project.

6 First, redevelopment will bring a

7 wide range of economic and community benefits. The

8 City expects the redeveloped site to generate

9 approximately \$2 billion in economic activity and

10 an increase of around 5,000 jobs, in addition to

11 nearly 6,000 units of needed housing, community

12 facilities, and eight acres of open space.

13 It will also connect the nearby

14 thriving residential neighborhoods of Flushing,

15 Corona and Queensboro Hill with the largely

16 commercial and industrial College Point area, and

17 integrate a number of Queens attractions, including

18 the new City Field, Flushing Meadows-Corona Park

19 and the National Tennis Center.

20 The proposed neighborhood has also

21 qualified as a "green neighborhood" by the U.S.

22 Green Building Council.

23 However, there is another aspect

24 to Willets Point that requires wholesale

25 redevelopment. The district's long history of

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2 industrial use, informal business practices and  
3 lack of basic infrastructure has left a legacy of  
4 hazardous contamination.

5 Without clearing the site and  
6 starting over, not only will we be left with an  
7 area that is underperforming in its economic  
8 potential, also we will be shirking our  
9 responsibility to protect public health and the  
10 urban environment.

11 This does not mean that the plan  
12 proposed by the City cannot be improved. A leading  
13 issue is the number of housing units that will be  
14 affordable to low and moderate income households.

15 Pedestrian access to the  
16 waterfront and to adjoining neighborhoods, a desire  
17 of local communities, has not be solved. Relocating  
18 displaced industrial jobs must be done as  
19 completely and effectively as possible.

20 The feasibility and benefits of a  
21 convention center on the site is an unresolved  
22 issue. City resources, and the dollars that can be  
23 generated by redevelopment of the site, are too  
24 scarce to meet all of these needs so trade-offs  
25 needs to be made.

2 The proposed redevelopment of  
3 Willets Point will allow for this vision to become  
4 a reality.

5 New York City now has no  
6 alternative to the Javits Center, which is  
7 presently beyond the economic reach of smaller  
8 conventions.

9 Willets Point is one of the last  
10 pieces of land of sixty-plus acres available for  
11 development in Queens. And its development will  
12 promote economic growth, serve the market's need  
13 for convention and exhibit centers that is larger  
14 than the current Queens hotels can provide.

15 The overall plan for Willets Point  
16 should serve the needs of the Queens business  
17 community and the City of New York.

18 A convention and exhibit center  
19 would provide Queens County and the City of New  
20 York tremendous benefits by hosting large trade  
21 shows, consumer shows, cultural events and visitors  
22 from the City of New York and nearby cities in the  
23 United States. And yes, even Europe.

24 This location is ideal in that it  
25 borders on major highways, mass transit, is one

2 However, the important point is to  
3 move the process forward and take advantage of this  
4 opportunity to make Willets Point a model of both  
5 economic and environmental sustainability.

6 Thank you.  
7 THE CHAIR: Thank you, Nicolas.

8 Nice to see you.  
9 Are there any questions from the  
10 Commission?

02:26:46 11 (No response.)

02:26:46 12 THE CHAIR: Please leave your  
13 testimony. We look forward to reading it.

14 Albert Pennisi; and  
15 Then Heather Beaudoin; and  
02:26:52 16 Then Joseph Farber.

02:26:52 17 MR. ALBERT PENNISI: Good evening,  
18 Madame Chairperson and members of the City Planning  
19 Commission.

20 My name is Albert Pennisi. I am  
21 the President of the Queens Chamber of Commerce.  
22 The Queens Chamber of Commerce's  
23 No. 1 priority has been to bring a convention,  
24 exhibit center, along with an adjacent hotel, to  
25 Queens County.

2 mile from La Guardia Airport, ten miles from JFK  
3 Airport, and a two-hour flight from many major  
4 cities in the United States.

5 A convention and exhibit center  
6 must be supported by a hotel on site. The hotel  
7 would accommodate New York City and visiting guests  
8 from outside the region. And a hotel is critical  
9 to supporting convention and exhibit center.

10 This is an extremely important  
11 financial benefit to the City of New York and  
12 Queens County certainly in these economic times.

13 Development at Willets Point, as  
14 you heard many times today, would create 20,000  
15 construction jobs and 6,000 permanent jobs that we  
16 certainly need in this region, and generate, I'm  
17 told, about \$5 billion over thirty years.

18 We do however, recognize that this  
19 development must be pursued with an awareness that  
20 businesses currently operate at this location.

21 The Economic Development  
22 Corporation must find relocation, financial and  
23 technical assistance, to ensure the shortest  
24 possible and least disruptive business relocations.

25 New York City has selected La

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1  
2 Guardia College to work with displaced workers.  
3 We applaud the statements of Mayor  
4 Bloomberg, Queens Borough Present Helen Marshall,  
5 regarding the creation of a dedicated Business  
6 Relocation and Workforce Assistance plan for the  
7 businesses currently located in the area. This  
8 relocation effort must be intensified by the  
9 Economic Development Corporation to succeed.  
10 The Queens Chamber of Commerce  
11 looks forward to playing a continued role in this  
12 process and in assisting in any way we can.  
13 We are pleased that we began as  
14 the Queens Chamber of Commerce with a feasibility  
15 study concerning Willets Point, which has now grown  
16 into a master plan.  
17 I urge you, on behalf of the  
18 Queens Chamber of Commerce and the businesses of  
19 the County of Queens and the City of New York, to  
20 vote in favor of the development of Willets Point.  
02:30:19 21 Thank you for your time.  
02:30:20 22 THE CHAIR: Thank you very much  
02:30:21 23 for your testimony.  
02:30:22 24 Any questions?  
02:30:25 25 (No response.)

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1  
2 Central Labor Council to include language in the  
3 plan's RFPs to require the selected developer and  
4 contractors to pay prevailing and living wages,  
5 hire workers from state certified apprentice  
6 programs, encourage expanded and enhanced retail  
7 uses and discourage suburban models of big-box  
8 stores.  
9 The Willets Point redevelopment  
10 will become a major engine for economic growth for  
11 Willets Point and neighboring communities creating  
12 thousands of construction and permanent local jobs  
13 and business opportunities.  
14 This plan will include thousands  
15 of housing units serving a mix of incomes and  
16 demographics, new retail and entertainment  
17 facilities, new high quality hotel, New York City's  
18 first outer borough convention center, office  
19 space, open space, parks and playgrounds and a new  
20 public school.  
21 A strong economy needs a strong,  
22 healthy workforce. These agreements protect  
23 workers' futures as we build the City's future.  
24 As the City continues to  
25 experience this incredible building boom, those

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02:30:25 1  
2 THE CHAIR: No. Thank you for  
3 being here.  
4 Heather Beaudoin, if I pronounced  
5 it right; and  
6 Joseph Farber; and  
7 Then Timothy Marshall.  
02:30:35 8 MS. HEATHER BEAUDOIN: Good  
9 evening.  
10 Thank you, Chair Burden, and  
11 Commissioners for your time today.  
12 My name is Heath Beaudoin. It's  
13 very close.  
14 I'm here on behalf of the New York  
15 City Central Labor Council, the umbrella  
16 organization for the City's labor unions  
17 representing 1.2 million workers.  
18 We're urging the City Planning  
19 Commission to vote yes on the Willets Point  
20 Redevelopment plan.  
21 The CLC applauds the historic  
22 agreements made with the City to enact broad labor  
23 standards on this project.  
24 After months of negotiations, EDC  
25 recently came to agreement with the New York City

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1  
2 working in and out of the buildings will be  
3 protected by these fair labor standards. By labor  
4 standards we mean meaningful training and career  
5 opportunities, good jobs defined by living wages,  
6 prevailing wages for all retail, building service  
7 and construction jobs.  
8 These agreements will serve as a  
9 template for all City development projects.  
10 And I thank you for your time.  
11 (Applause.)  
02:32:31 12 THE CHAIR: Thank you for  
13 coming.  
14 The next speaker is Joseph Farber;  
15 and  
16 Then Tim Marshall.  
17 MR. JOSEPH FARBER: Good evening.  
18 My name is Joseph Farber.  
19 I am the Chairman of the Board of  
20 Directors of the Willets Point-Corona Local  
21 Development Corporation.  
02:32:56 22 After sitting here for three  
23 hours, it's difficult to see how I could even be  
24 clever or innovative in what I have to say here.  
25 But what I would like to do is use

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1 169  
2 a couple of minutes just to thank you for the  
3 courtesy, the respect and the attention that you  
4 showed to all the speakers that have spoken to this  
5 point in the day. I commend you on that and thank  
6 you from all of us that are here.  
02:33:15 7 Our development corporation is  
02:33:16 8 organized and looking forward at the development of  
9 the Willets Point and Corona areas as an integral  
10 part of the overall development of Flushing and  
11 Corona.  
12 The 66 acres comprising Willets  
13 Point offers a once-and-a-lifetime opportunity to  
14 take an under-used, abused and misused parcel of  
15 land and convert it to an environmentally sound,  
16 community-oriented and economically-viable site  
17 that will create hundreds of thousands of square  
18 feet of public space, a school for community  
19 children, affordable housing, and an aesthetic  
20 design that replaces an eyesore.  
21 We recognize that to accomplish  
22 this goal there may be a necessity and a need to  
23 move businesses to other locations. That is  
24 unfortunate but it would be more unfortunate for  
25 present and future generations to ignore a

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1 171  
2 Battaglia has a question.  
02:34:56 3 COMM. BATTAGLIA: I believe more  
02:34:59 4 than one speaker today had mentioned that it would  
02:34:59 5 be really helpful in perhaps the role of the local  
6 LDC to help the businesses that are being  
7 displaced.  
8 Would that be you and what will  
02:35:08 9 you be doing to help them?  
02:35:08 10 MS. JOSEPH FARBER: I'd be more  
11 than happy to help. But you couldn't have a better  
12 person than we have in the President and Chief  
13 Executive Officer and the former Borough President  
14 of Queens, Claire Shulman.  
15 And I know she's offered her  
16 services and we offered the services of our entire  
17 organization for all parties in the interest of  
18 moving this thing along to a happy conclusion.  
19 Because this is in the interest of all the citizens  
20 in the City of New York. Not just us, not just  
21 Corona, not just Flushing and not just the  
22 businesses that are there at the time.  
02:35:36 23 Absolutely.  
02:35:37 24 COMM. BATTAGLIA: I certainly do  
02:35:38 25 trust our former Borough President, Claire Shulman,

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1 170  
2 continued assault on the environment with the  
3 potential for disaster that will effect more  
4 people.  
5 What we propose and what we ask  
6 this committee to endorse is land use not land  
7 abuse; public space, not polluted lots; jobs and  
8 not junk; affordable housing, not automotive chop  
9 shops. And in the end, most of all, progress, not  
10 continued pollution.  
02:34:30 11 Thank you.  
02:34:35 12 THE CHAIR: Thank you.  
13 A question for you from  
14 Commissioner Phillips and Commissioner Battaglia.  
02:34:35 15 Commissioner Phillips.  
02:34:35 16 COMM. PHILLIPS: Okay. I just --  
17 thank you, Madame Chair.  
02:34:41 18 How long has your LDC been in  
02:34:44 19 existence and are you a business owner within the  
02:34:47 20 area?  
02:34:47 21 MR. JOSEPH FARBER: Our LDC is in  
22 existence for little over a year. And I'm an  
23 attorney practicing in Queens County.  
02:34:53 24 COMM. PHILLIPS: Thank you.  
02:34:54 25 THE CHAIR: And Commissioner

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1 172  
02:35:40 2 so thank you.  
02:35:41 3 MS. JOSEPH FARBER: Thank you  
02:35:41 4 again.  
02:35:41 5 THE CHAIR: Okay. Thanks very  
6 much.  
7 Tim Marshall;  
8 Who will be followed by Kendall  
9 Riveria;  
10 Then Gene Kelty; then.  
02:35:42 11 Chuck Apelian.  
02:35:53 12 MR. TIMOTHY MARSHALL: Good  
02:35:56 13 afternoon.  
02:35:57 14 My name is Timothy Marshall. And  
02:35:59 15 I'm President of the Jamaica Business Resource  
02:36:01 16 Center established in 1995 by the Whitehouse Office  
17 of Management and Budget to be a national model for  
18 small business development, which has been  
02:36:12 19 replicated in sixteen markets throughout the United  
02:36:13 20 States.  
02:36:14 21 We're very pleased to be here to  
02:36:16 22 support our Borough President and the excellent  
02:36:19 23 work she has done in partnership with the Willets  
24 Point M/WBE and the EEO Advisory Committees.  
02:36:30 25 As we all know, New York has been

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1 173  
 02:36:30 2 experiencing one of the greatest construction booms  
 3 in our city's history. And even with this  
 4 significant building activity, we often see  
 5 businesses and workers being brought in from  
 6 surrounding communities and even states, while  
 7 local residents often remain jobless.  
 8 However, recently we have seen a  
 9 significant shift in our nation's states and cities  
 10 economy. And for those of us on the front lines of  
 11 advocating for minorities and women, we find that  
 12 it is during very difficult times economically, it  
 13 is a usual trend that minorities and women are even  
 14 more marginalized and disenfranchised from  
 15 participation in economic development  
 16 opportunities, often times right in their own  
 17 backyard.  
 18 And that old harangue,  
 19 if-I-can-find-one-that's-qualified syndrome, often  
 20 gets kicked in as an excuse.  
 21 As a member of the New York City  
 22 M/WBE Advisory Board, the Mayor's Commission on  
 23 Construction Opportunity, and the Borough  
 24 President's Advisory Board, the Jamaica Business  
 25 Resource Center is committed to working with the

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1 175  
 02:39:00 2 MS. CAMILLE RIVERA: Hi. Good  
 3 evening.  
 4 I'd first like to thank the  
 5 Department of City Planning for the opportunity to  
 6 speak to you today.  
 7 My name is Camille Rivera and I'm  
 8 the Assistant Political Director for Local 32  
 9 BJSEIU.  
 10 Local 32 BJ represents 100,000  
 11 members all across six states and 55,000 in New  
 12 York City.  
 13 I want to first express, on behalf  
 14 of our 55,000 members of New York City, our strong  
 15 support for the Willets Point project.  
 16 Our members live where they work.  
 17 We have hundreds of members that live in the  
 18 Flushing and Willets Point section of Queens and  
 19 thousands of them that live in the Borough of  
 20 Queens.  
 21 And while we understand that  
 22 there's still much to discuss and much to  
 23 negotiate, we know that the City of New York is  
 24 committed to providing true affordable housing for  
 25 the community, as well as placement programs for

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1 174  
 2 Borough President and other major leaders and  
 3 stakeholders to help assure that viable and  
 4 positive economic development initiatives and  
 5 opportunities are supported and that minorities and  
 6 women are provided tangible, measurable and  
 7 meaningful access to both business and job  
 8 opportunities because the very future of our  
 9 communities is at stake.  
 10 Therefore, in conclusion, we stand  
 11 ready to do all we can to help assure that the  
 12 opportunities before us, which are pregnant with  
 13 possibilities for our community, are fully  
 14 realized. And we encourage the City to stand behind  
 15 the full implementation of the MWBE plan throughout  
 16 -- throughout this development.  
 02:38:43 17 Thank you for this opportunity to  
 02:38:45 18 present today.  
 02:38:48 19 THE CHAIR: Thank you very  
 20 much.  
 21 Camille Rivera; and  
 22 Then Gene Kelty;  
 23 Then Chuck Apelian;  
 24 Then Dan Hendricks;  
 02:39:00 25 And then Joel Miele.

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1 176  
 2 the needs of the building -- of the owners of many  
 3 business in that area.  
 4 The City has already done right by  
 5 the community by providing the opportunity for good  
 6 jobs in Willets Point. We have a precedent-setting  
 7 agreement that will pay building service workers  
 8 prevailing wages and good jobs.  
 9 Our President, Mike Fishman's  
 10 motto is that the first poverty program,  
 11 antipoverty program is the unions and labor. And we  
 12 truly believe that that program is happening here.  
 13 And the community that will be affected by this  
 14 project will be affected by getting the jobs that  
 15 they truly need.  
 16 So I want to express our support.  
 17 We thank the Department of City Planning for the  
 18 opportunity to express our support here and we look  
 19 forward to this project becoming a reality.  
 02:40:56 20 Thank you.  
 02:40:58 21 (Applause.)  
 02:40:58 22 THE CHAIR: Thank you very much.  
 02:41:01 23 Gene Kelty.  
 02:41:13 24 MR. GENE KELTY: Good evening,  
 02:41:15 25 Madame Chair, Commissioners.

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1 177  
 2 My name is Gene Kelty and I'm  
 3 Chairman of Community Board #7, Queens.  
 4 I'm here to present testimony  
 5 before you regarding the Willets Point development.  
 6 On June 30, 2008, the community  
 7 board had a public hearing regarding this issue.  
 8 The meeting went on way into the night where a  
 9 presentation was conducted by the Economic  
 10 Development Corporation, question and answer period  
 11 with the full board members and comments from the  
 12 general public.  
 13 By the early morning hours of  
 14 12:30 a.m., the Chairperson of the Committee  
 15 presented his committee report with the following  
 16 motions that were made.  
 17 And I have to tell you, it's been  
 18 going for over a year that we've been having  
 19 meetings. Within the last two months we had seven  
 20 back-to-back to get it down as fast as possible to  
 21 move the project along.  
 22 The -- it was to approve the  
 23 Willets Point redevelopment as presented with the  
 24 following stipulation. And the first two are  
 25 mandatory.

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1 179  
 2 exhaust every method of negotiation and not abuse  
 3 the method of priority acquisition -- of property  
 4 acquisitions and issue advance notice with  
 5 supporting documentation to the community board  
 6 prior to any action of eminent domain.  
 7 New York City Economic Development  
 8 Department should keep their promise of  
 9 unconditional efforts for business relocations,  
 10 worker relocations and job retraining.  
 11 8, the affordable housing  
 12 component should be increased to a minimum of  
 13 thirty percent. Income eligibility requirements  
 14 should be less than \$45,000 per year.  
 15 9, half of the housing component  
 16 must be designed -- housing component should  
 17 designated for senior affordable housing.  
 18 10, as per HPD regulations, half  
 19 of the affordable housing components will be  
 20 allocated to residents of Community Board #7. The  
 21 remaining half should be allocated to the Community  
 22 Boards #3 and 4, Queens, which are located directly  
 23 adjacent to the Willets Point redevelopment.  
 24 11, the overall site must conform  
 25 to the LEED-ND standards.

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1 178  
 2 First, postpone the disposition of  
 3 property the City acquires at Willets Point until a  
 4 final plan and a developer are chosen to allow  
 5 Community Board #7 and the Queens Borough Board  
 6 input and final approval.  
 7 2, the mitigation funds are  
 8 extremely small compared to the billions needed to  
 9 complete the project.  
 10 Community board #7 insists a  
 11 mitigation fund equal to ten percent of the  
 12 development costs be established excluding land  
 13 acquisition costs.  
 14 3, the parking requirements for  
 15 residential units should be increased to 100  
 16 percent.  
 17 4, the 850 seats from the K-8  
 18 public school should be provided on site and  
 19 included in the Urban Renewal Plan.  
 20 5, Community Board #7 does not  
 21 approve the use of eminent domain for this  
 22 redevelopment but realizes it's a component of the  
 23 Urban Renewal Plan.  
 24 6, Community Board #7 insists the  
 25 New York City Economic Development diligently

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1 180  
 2 After the above motion was made  
 3 and seconded, a friendly motion was made and was  
 4 accepted.  
 5 The redevelopment of Willets Point  
 6 workforce should include the following priorities:  
 7 Displaced Willets Point workers;  
 8 Women and minority businesses;  
 9 Queens local businesses; and  
 10 The use of union labor.  
 11 The motion was read again with the  
 12 addition of a friendly motions and a vote was  
 13 taken.  
 14 Twenty-one board members voted in  
 15 approval.  
 16 Fifteen board members voted in  
 17 opposition.  
 18 Two board members abstained for  
 19 conflict of interest.  
 20 And one of the other things we  
 21 should state on this is that we would like to see  
 22 the site done in phases as completed.  
 23 And I just would like to thank you  
 24 for letting me present to you today.  
 25 Thank you.

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1 181  
02:44:34 2 THE CHAIR: Thank you and thank  
3 you for coming to testify.  
02:44:37 4 Let me see if there are any  
7 5 questions for you.  
36 6 (No response.)  
02:44:38 7 THE CHAIR: No. But it's good to  
02:44:39 8 see you.  
02:44:39 9 MR. GENE KELTY: Thank you.  
02:44:40 10 THE CHAIR: Chuck Apelian; and  
11 Then to be followed by Dan  
12 Hendrick;  
13 Then Joel Miele; and  
14 Then Jim Conway.  
15 MR. CHUCK APELIAN: Madame Chair,  
16 Commissioners.  
17 I'm Chuck Apelian. I'm the Vice  
18 Chair of Community Board #7. I also serve as the  
19 Land Use Chair and this was my subcommittee that we  
20 held the hearings on.  
21 Gene just read the report of what  
22 we did. I just wanted to go into detail on a  
23 couple of particulars and why we picked the project  
24 and what we did.  
25 The issue of eminent domain was a

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1 183  
2 is the fact is that there are issues that are open.  
3 This isn't a final plan. We couldn't give final  
4 approval.  
5 So we ask that the State mechanism  
6 be given, as done with the Borough Board, right  
7 now. When EDC comes with land conveyance or if  
8 there's a land sale that can go back to the  
9 community board for input, it goes back to the  
10 Borough Board for final approval. We think that  
11 would be a great way for the electeds and the  
12 community to have a final comment.  
13 The mitigation fund was something  
14 that was born in the community board. And we didn't  
15 ask just for five million. That was something the  
16 City gave us. But we said that there are big, big  
17 problems. You've heard about some of these today.  
18 And we don't know what the problems are. And we're  
19 not psychics. We're not paid to be.  
20 So we just said, put ten percent  
21 aside. And that's not unreasonable when you're  
22 building a project. A ten percent contingency on  
23 any project is normal in business, in the business  
24 sense. And we want the City to put more money into  
25 it.

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1 182  
2 very sensitive one to the board. And we spent a  
3 lot of time and discussion on it. And we realized  
4 that without the eminent domain being there, these  
5 negotiations would probably never end. People would  
6 just be going on and on and on and asking for more  
7 and more and more.  
8 And we realized that that would be  
9 ultimately something that could help, you know,  
10 bring us to closure. But at the same token we were  
11 clear that we wanted the City to be, take every  
12 means possible to negotiate something reasonable  
13 with the owners.  
14 If it wasn't for the fact of  
15 eminent domain, probably the Board would have been  
16 a much more unified vote as far as the approval.  
17 But the two issues also I'd like  
18 to talk about was the conveyance issue and  
19 mitigation fund.  
20 Those are two reasons why the  
21 board ultimately voted on approval was the fact  
22 that we want to have the ability to have -- when  
23 the final developer and final plan is presented,  
24 the ability to go back and make final comments.  
25 Most of what we centered on about

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1 184  
2 The seniors is a key thing also.  
3 We came up with a half affordable housing for  
4 seniors. That's also a very, very economical way to  
5 get the affordable housing component.  
6 As you know, Federal funding will  
7 meet dollars put into that so that doesn't have to  
8 be something a developer has to come into and the  
9 need is there for senior housing.  
10 We didn't discuss this much, but I  
11 want to bring it up.  
12 This site must be remediated as  
13 one complete site. Somewhere along the line when  
14 the Draft RFP became -- I mean the ULURP finally  
15 came out, it came out there was a possibility that  
16 the site will be developed in stages. Whether it  
17 gets developed in stages or not isn't the key.  
18 What's really the key and our  
19 concern is that this gets remediated as one site.  
20 We can't go and cherry-pick spots here and there  
21 and expect that this site will remain clean. It has  
22 to be completely disassembled, completely taken  
23 over and completely remediated as one site.  
24 Finally, what I want to say is the  
25 last thing that really gave us an opportunity to

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1 185  
2 vote in favor of this was the letter of commitment  
3 that we got from the Deputy Mayor, Robert Lieber. I  
4 don't know if you have a copy of that that was  
5 given to Board. If not, we'll get that to you.  
6 But we asked for memorialization  
7 of the eleven stips that came before us and the  
8 City did make those stipulations.  
9 Also realizing that the community  
10 board, we're not the final venue, we realize that a  
11 lot of things will continue to go, the Borough  
12 President, the City Planning Commission and  
13 ultimately into the Council.  
14 Thank you.  
02:48:29 15 THE CHAIR: Thank you, Chuck.  
16 Are there any questions for Chuck  
17 Apelian?  
18 Yes. Angela Battaglia and then  
02:48:33 19 Fred Cerullo.  
02:48:33 20 COMM. BATTAGLIA: Yes, Chuck.  
21 When I read the recommendation of  
22 the Board, you did say that you attached a letter  
23 from Lieber. And I didn't get a copy of it. It  
24 wasn't in our package.  
25 So if you could get another --

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1 187  
2 recommendation, all of the affordable units would  
02:49:30 3 go only to residents from Community Boards #3, #4  
02:49:31 4 and #7, of which half of them, if I link it to  
02:49:38 5 another recommendation made, would be for seniors.  
02:49:38 6 MR. CHUCK APELIAN: A lot of  
02:49:40 7 halves, but yes.  
02:49:40 8 COMM. CERULLO: Yes. And  
02:49:41 9 seniors from #3, #4 and #7?  
02:49:43 10 MR. CHUCK APELIAN: Correct.  
11 However, we were told it's illegal. Our  
12 recommendation would violate the Fair Housing Law.  
02:49:49 13 COMM. CERULLO: Okay. But thank  
02:49:50 14 you.  
02:49:52 15 (Laughter.)  
16 MR. CHUCK APELIAN: We were trying  
17 to just be fair to the neighborhood community  
18 board. We were trying to be inclusive to our  
19 neighbors and that's what came about. And then we  
20 were told by HPD that it violated Fair Housing.  
21 So it has to be one-half can go to  
22 the neighborhood community boards: #3, #4, #7.  
23 The other half has to be open to all people.  
24 Within that half, though we're  
25 still asking for half of senior housing because

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1 186  
2 MR. CHUCK APELIAN: We'll make  
3 sure --  
4 COMM. BATTAGLIA: -- copy to us,  
5 I'd like to see that.  
6 Thank you so much.  
7 MR. CHUCK APELIAN: We'll make  
8 sure that it's there tomorrow. Absolutely.  
02:48:45 9 You.  
02:48:46 10 THE CHAIR: Fred, did you have a  
11 question?  
02:48:49 12 COMM. CERULLO: Just a  
02:48:53 13 clarification regarding the affordable housing  
02:48:54 14 recommendation that was made by the Board.  
02:48:56 15 One-half of the affordable housing  
02:49:02 16 units, if I'm correct, is already allocated as  
02:49:11 17 proposed, to residents of Community Board #7.  
02:49:11 18 MR. CHUCK APELIAN: Correct.  
02:49:11 19 COMM. CERULLO: It was the  
02:49:14 20 recommendation of the Board to then allocate half  
02:49:15 21 of the -- half to the residents of 3 and 4.  
02:49:19 22 MR. CHUCK APELIAN: Three and 4,  
23 right.  
02:49:21 24 COMM. CERULLO: So a hundred  
25 percent of all of the -- under that proposal and

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1 188  
2 it's a need. And also, like I said, there's  
3 funding in place which makes is more economical and  
4 feasible.  
02:50:20 5 COMM. CERULLO: Understood. Thank  
02:50:21 6 you very much.  
02:50:21 7 THE CHAIR: Are there any other  
02:50:23 8 questions for Mr. Apelian?  
02:50:23 9 (No response.)  
02:50:23 10 THE CHAIR: Nice to see you.  
02:50:25 11 MR. CHUCK APELIAN: Thank you,  
02:50:25 12 everybody.  
02:50:27 13 THE CHAIR: Thanks.  
14 Dan Hendrick and  
15 Then Joel Miele; and  
02:50:47 16 Then Jim Conway.  
02:50:47 17 MR. DAN HENDRICK: Good evening.  
18 My name is Dan Hendrick and I'm  
19 here representing the New York League of  
20 Conservation Voters.  
21 And I'd like to thank you all for  
22 having this hearing and staying all day.  
23 A number of folks had spoken about  
24 the environmental issues at this site. I would just  
25 like to add an additional independent imprimatur to

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1 189  
2 everything and explain why we support this proposal  
3 as well.  
4 First is really the visual blight.  
5 For a very long time the Iron  
6 Triangle has been a real eyesore. And despite its  
7 proximity to Downtown Flushing and to Corona, it's  
8 a virtual no-go zone for anyone in that community.  
9 And it's also an area where people are really  
10 clamoring for open space and recreational  
11 opportunities. I know a couple of people have been  
12 kayaking on the Flushing Creek and the Flushing  
13 River. And the current use of Willets Point means  
14 that the waterfront is really off limits.  
15 Second, as we know that Willets  
16 Point is a huge brownfield site that really should  
17 have been cleaned up years ago. We all know about  
18 the lack of sewers. More troubling is the  
19 widespread contamination from petroleum and  
20 automotive fluids and a number of other issues.  
21 All of those things are made worse  
22 by the high water table in the area.  
23 Third and finally, and I think  
24 this is really the most exciting facet for us, is  
25 that we really believe that the proposal for

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1 191  
02:53:01 2 We heard a few of the opponents  
3 for this plan say that putting on fill is going to  
4 squish the water table down. Isn't putting on fill  
5 just going to have the fill absorb the water that's  
02:53:16 6 there?  
02:53:16 7 MR. DAN HENDRICK: Over the long  
8 -- yeah, there would be some short-term kind of  
9 settling. But over the longer term the water table  
10 would --  
11 COMM. CANTOR: Yes. But as you're  
02:53:21 12 placing fill, that fill is going to take in water.  
02:53:21 13 MR. DAN HENDRICK: Right. It will  
02:53:25 14 just simply sort of balance it.  
02:53:25 15 COMM. CANTOR: I can't picture a  
02:53:28 16 layer of water getting squished down.  
02:53:29 17 MR. DAN HENDRICK: Right.  
02:53:29 18 I mean one thing to consider is  
19 that I know that the water sources were mentioned  
20 in the Draft Environment -- I mean some of the  
21 testimony I heard earlier. I don't believe there  
22 are any treatment water mills really proximate to  
23 this site there. So it would be significant. You  
24 have to migrate the water very significantly to  
25 actually get to a drinking water source.

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1 190  
2 Willets Point reflects a truly 21st century way to  
3 think about urban planning.  
4 The site is close to the No. 7  
5 train. So it epitomizes smart growth because people  
6 don't have to take the train -- can take the train  
7 to work instead of driving all over the place.  
8 It's closer to highways so if  
9 people do need to drive, they can come in and out  
10 quickly.  
11 We are very excited about the  
12 green building and alternative energy aspects of  
13 this plan.  
14 And, you know, we really feel that  
15 we can work out the details about affordable  
16 housing and relocating the workers and businesses.  
17 And we do believe strongly that it's possible that  
18 the Iron Triangle really has the potential to  
19 become the Green Triangle and a world-class model  
20 for good design and sustainability.  
02:52:53 21 Thank you.  
22 THE CHAIR: Thank you.  
23 Yes, Irwin Cantor has a question.  
02:52:55 24 COMM. CANTOR: A question  
02:52:58 25 regarding the environmental.

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1 192  
02:53:47 2 COMM. CANTOR: Thank you.  
02:53:48 3 MR. DAN HENDRICK: Thank you.  
02:53:48 4 THE CHAIR: Thanks very much.  
02:53:50 5 Joel Miele; then  
6 Jim Conway;  
7 Then Dan Wempa, I think.  
02:59:35 8 Then Sandra Wilkin.  
02:59:35 9 MR. JOEL MIELE: Good evening.  
10 It's good to be back. This brings  
11 back all the memories of going on into the night.  
12 (Laughter.)  
13 MR. JOEL MIELE: I don't envy you.  
14 But it's good to see you again.  
15 My name is Joel Miele. I'm the  
16 First Vice President of the Flushing-Willets  
17 Point/Corona LDC.  
18 Two years ago local public  
19 officials and community volunteers sought a unified  
20 force to achieve a solution to the problems now of  
21 Willets Point redevelopment. And the Flushing  
22 Willets Point Corona Local Development Corporation  
23 was formed.  
24 The LDC was needed for two primary  
25 reasons: To bring together the community leaders

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1 193  
2 from the community whose name it bears, and to seek  
3 a solution to Willets Point's environmental and  
4 Infrastructure problems.

5 With input, which began last year,  
6 and which continues to date, the LDC has galvanized  
7 the three communities to reach out to the Mayor for  
8 his administration's assistance and leadership to  
9 replace this blight which separates the communities  
10 of Flushing and Corona, by virtue of ghetto, with a  
11 vital economic development plan.

12 The Mayor and his staff have  
13 responded to the plan which accomplishes that goal.

14 The Mayor's plan provides for the  
15 equitable relocation of the businesses in the  
16 Willets Point area so it will not cause Queens to  
17 lose business nor employment opportunities for the  
18 labor force which now exists.

19 And a mix of new uses including  
20 residential and commercial development which will  
21 form a middle corridor between Corona and Flushing  
22 which will seamlessly transition travelers through  
23 the three communities.

24 The plan has the support of the  
25 three communities, the Local Development

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1 195  
2 him what kind of acreage would the retention tanks  
3 take.

4 Would you be able to answer that?  
5 MR. JOEL MIELE: Not that  
6 specifically, but I think generally I can answer  
7 it.

8 The bottom line is that there is  
9 only a certain capacity to the storm sewer system  
10 in the County of Queens. It's designed to withstand  
11 it obviously.

12 In order to make sure that 100  
13 year storm or a twenty year storm or a ten-year  
14 storm is treated, you build a retention tank, as  
15 has been done in Flushing by the way. And the  
16 intent of that is to hold as much of the storm  
17 drainage as possible and then to meter it out into  
18 the system so that it can be handled properly and  
19 rather than taking a large, untreated splurge of  
20 water.

21 The size of it is really I don't  
22 think is important. Because the important thing is,  
23 is there space to put it and the answer to that is  
24 yes. It's a matter of whatever size it is. Because  
25 you can put it under a park, as the one in Flushing

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1 194  
2 Corporation and the Borough President.

3 The hope and expectation is that  
4 the City Planning Commission will see the need and  
5 accept the proposed solution.

6 The Willets Point area has for  
7 fifty years or more, been the stepchild area of  
8 Queens County with no one speaking for it and no  
9 one caring. It's long past time for that solution  
10 and situation to be resolved.

03:01:15 11 Thank you.

03:01:16 12 THE CHAIR: Thanks, Joel. Really  
13 nice to see you.

03:01:25 14 There's a question from Irwin.

03:01:25 15 COMM. CANTOR: Commissioner,  
16 Commissioner, Commissioner.

17 MR. JOEL MIELE: Yes,

03:01:28 18 Commissioner.

03:01:28 19 COMM. CANTOR: Joel, the  
20 gentleman from Tully --

21 MR. JOEL MIELE: Yes.

22 COMM. CANTOR: -- was referencing  
23 retention tanks as options.

24 MR. JOEL MIELE: Yes.

25 COMM. CANTOR: That I had asked

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1 196  
2 has done.

3 There's an enormous community park  
4 on top of the tank. As long as the tank is below  
5 grade it doesn't matter what the issue is. You  
6 don't want it under a building. But there's going  
7 to be plenty of open space in the plan that's been  
8 developed that will permit a retention tank to go  
9 in there.

10 I know that DEP has looked at it  
11 preliminarily and I know that they believe that  
12 there's adequate space for it and they don't have  
13 any qualms about it.

14 COMM. CANTOR: Thank you.

15 MR. JOEL MIELE: Any other

16 questions?

17 THE CHAIR: Any other questions

18 for Joel?

19 (No response.)

20 THE CHAIR: Just always good to

21 see you.

22 MR. JOEL MIELE: Good to see you

23 to.

24 Goodnight. I'm going home.

25 (Laughter.)

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2 THE CHAIR: Jim Conway.  
3 Then Dan Wempa;  
4 Then Sandra Wilkin.

5 MR. JIM CONWAY: Good evening,  
6 Madame Chair, Commissioners.

7 My name is Jim Conway. I am that  
8 Mets fan that was quoted in the New York Times  
9 article last Sunday showing my disappointment that  
10 New Yorkers cannot reciprocate the same hospitality  
11 to Chicago baseball fans.

12 Thirty years ago there was a  
13 famous Queens-based television show called All In  
14 the Family. One of the characters -- one of the  
15 characters was very negative and the son-in-law had  
16 a vision. Each week we listened to the cacophony  
17 of insults hurled at the son in law.

18 Unfortunately today in Washington  
19 Square Park, our Queens residents were stopped  
20 while they tried to show their freedom of speech.

21 Today we need to build --  
22 redevelop Willets Point. We need -- we need to  
23 have a vision. We need to move forward. We need to  
24 build it so this way when Queens residents and when  
25 baseball fans from out of town come to Willets

2 Meadow, we're one of four institution, the Queens  
3 Museum of Art, the Queens Theatre in the Park and  
4 the Queens Botanical Garden, being the others, that  
5 have all either just completed or are in the midst  
6 of major capital improvements.

7 Our institutions together are  
8 bringing in millions of people every years.

9 And one of the biggest hurdles we  
10 face is that we can get people into Queens for a  
11 day. We can get them to a ballgame. We might get  
12 them to a museum and afterwards it's over. And you  
13 might be able to get them to Flushing for a great  
14 meal. But you can't get them to stay because  
15 there's no "there" there.

16 And the convention center piece of  
17 this project really is the linchpin, the thing that  
18 we've been looking at for so many years.

19 Two thousand to 5,000 registered  
20 conventions are not an option right now for New  
21 York which means the Association of Science and  
22 technology Centers, the New York Association of  
23 Museums, they're never coming to New York because  
24 they just do not have an option.

25 The proposed convention center and

2 Point, they should come to watch a tennis game.  
3 And the areas around Shea Stadium, around Citi Park  
4 will be useful and not wasteful.

5 Please support the Willets Point  
6 redevelopment.

7 Thank you.

8 THE CHAIR: Thank you for  
9 coming.

10 \*applause.)

11 THE CHAIR: The next speaker is  
12 Dan, I think it's Wempa, something close to that;  
13 and

14 Then Sandra Wilkin; then  
15 Jane Thompson; then.  
16 Michael Meyer.

17 MS. DAN WEMPA: Chair Burden,  
18 Commissioners, good evening.

19 I am Dan Wempa. I am representing  
20 the New York Hall of Science, one of the largest  
21 cultural institution.

22 We are located in Flushing Meadows  
23 Corona Park. We are immediately adjacent to the  
24 site.

25 And as an institution in Flushing

2 hotel that's part of this program, this project  
3 we're considering today, will bring that. And our  
4 institutions, like I said, include the Mets, the  
5 USTA, the new Flushing pool. And we are talking  
6 about billions of dollars of public and private  
7 money trying to build a destination, trying to turn  
8 Queens into a cultural center, another cultural  
9 center in New York. And this project is the best  
10 opportunity we've had for that. And the cultural  
11 community of Queens is very much in favor of it.

03:03:55 12 Thank you for your attention.

03:03:58 13 THE CHAIR: Thank you.

14 Any questions?  
15 (No response.)

16 THE CHAIR: The next speaker is  
17 Sandra Wilkin;

18 Then Jane Thompson;  
19 Then Michael Meyer:

20 MS. SANDRA WILKIN: Good  
21 afternoon, Chairperson Burden and members of the  
22 Commission.

23 I am Sandra Wilkin, President of  
24 the Women Builders Council.

25 Women Builders Council is a

2 leading organization in advocating for expanded  
3 opportunities for women in the construction and  
4 building fields.

5 I ask that the Commission approve  
6 the proposal to redevelop Willets Point.

7 This plan will serve as a major  
8 economic shot in the arm for New York City. The  
9 benefits are numerous.

10 The project will provide for  
11 nearly 6,000 good-paying construction jobs.

12 It will result in the creation of  
13 hundreds of permanent jobs in its retail sector, in  
14 the new hotel and convention space and on-site  
15 services.

16 This will be good paying  
17 employment opportunities for residents of New York  
18 City and particularly Queens.

19 The plan includes important job  
20 retraining opportunities as well. Desperately  
21 needed affordable housing will be provided at  
22 Willets Point.

23 The Women Builders Council is  
24 particular pleased by the inclusion of new  
25 employment for women and minorities in its

2 for business for women and minority enterprises.  
3 WBC enthusiastically urges your  
4 passage of this plan. It will be good for New York  
5 City and good for Queens.

6 THE CHAIR: Thank you. Nice to  
7 you see.

8 MS. SANDRA WILKIN: Nice to see  
9 you.

10 THE CHAIR: Any questions?  
11 (No response.)

12 THE CHAIR: Okay.  
13 The next speaker is Jane Thompson;

14 and

15 Then Michael Meyer; and  
16 Then Austin McCann.

17 Is Jane Thompson still here?  
18 (No response.)

19 THE CHAIR: Michael Meyer.

20 MR. MICHAEL MEYER: Good evening.

21 My name is Michael Meyer. I'm the  
22 President of TDC Development.

23 We are major developers and land  
24 owners in Flushing. Our project at the Municipal  
25 Parking Lot in Downtown Flushing, that we were

2 construction.

3 For the first time the Economic  
4 Development Corporation has included an aggressive  
5 component to include women and minority business  
6 enterprises in a major economic development  
7 project.

8 Borough President Helen Marshall  
9 and Deputy Mayor Robert Lieber, have organized the  
10 W/MBE task force that has developed a comprehensive  
11 package of measures to include W/MBE's in every  
12 phase of the project's development.

13 WBC is pleased to have played a  
14 prominent role in those deliberations.

15 The result of the work of the  
16 Borough President and the Deputy Mayor and that of  
17 the task force, has been most impressive. The plan  
18 breaks new grounds in transparency and  
19 accountability. It includes very significant goals  
20 for W/MBE participation which the administration  
21 will pursue.

22 The Women Builders Council  
23 believes that improving opportunities for W/MBES  
24 will result in a strengthened City economy for  
25 years to come and that Willets Point will open up

2 redeveloping with our partners, the Rockefeller  
3 Development Group, is the other major project that  
4 arose from Mayor Bloomberg's Downtown Flushing  
5 Redevelopment Framework which was created with the  
6 input of community stakeholders and urban planning  
7 professionals.

8 So we are local players and we  
9 very well understand the community dynamics. And we  
10 understand that Willets Point is absolutely  
11 critical in achieving the framework vision.

12 Without the Willets Point project,  
13 the new Citi Field and the emerging downtown  
14 Flushing will be stunted and will never achieve its  
15 true potential.

16 With the Willets Point project as  
17 the framework recognized, a vibrant, mixed use  
18 community will attract business activity and will  
19 be the critical link between Citi Field to the west  
20 and Downtown Flushing to the east.

21 Queens will finally gain its true  
22 commercial center.

23 With a project that will clearly  
24 generate so much benefit in the form of jobs, taxes  
25 and environmental cleanup, I ask that the

1 205  
2 Commission, when considering the many emotional  
3 issues involved in such a large urban undertaking,  
4 not succumb to scare tactics or respond to myths  
5 that suggest -- respond to myths that suggest that  
6 land owners will be victims of a land grab by the  
7 City or that hundreds of currently unprotected  
8 workers will go without City assistance.

9 We have an historic opportunity to  
10 improve our City in a major way. It's been decades  
11 since an administration has had the will and vision  
12 to undertake such an ambitious project in this  
13 critical area.

14 No project of this scale and  
15 ambition can be accomplished without displacement.  
16 But the efforts by the City to work with business  
17 owners, retrain workers and not reflexively rely on  
18 eminent domain, demonstrates the commitment of the  
19 City to mitigate that displacement and to achieve  
20 the project in the most responsible manner.

21 To do nothing is not acceptable to  
22 the greatest City in the world and would be a  
23 lasting shame.

24 So thank you.

25 THE CHAIR: Thank you.

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1 207  
2 utmost importance for our future. A clean  
3 environment is the legacy we will leave for our  
4 children. That is why we were excited to hear  
5 about the rezoning and redevelopment proposal for  
6 Willets Point section of Queens.

7 The international gateway to the  
8 greatest City in the world, New York City is, in  
9 fact, here in Queens. Both New York City airports  
10 are located here.

11 We, at the Queens IU are excited  
12 about the new rezoning. And even more excited  
13 about the potential of creating architectural  
14 statements that will propel forward the Borough of  
15 Queens to the forefront of sustainable design and  
16 that the proposal serves as an example of other  
17 communities, not to mention, of course, the  
18 thousands of jobs that it will create, the much  
19 needed housing to assist in the elimination of  
20 illegal housing that exists, and the increased  
21 commercial opportunities.

22 This is a site that can revitalize  
23 the essence of Queens to serve as the shining  
24 example of what we can do to be environmentally  
25 conscious and stand next to our architecturally

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1 206  
2 Austin McCann.  
03:07:11 3 (No response.)  
03:07:11 4 THE CHAIR: Bill Solecki.  
03:07:13 5 (No response.)  
03:07:13 6 THE CHAIR: Carina Molnar.  
03:07:16 7 (No response.)  
03:07:18 8 THE CHAIR: Alan Weinstein.  
9 After Mr. Weinstein;  
10 Howard Hsu;  
03:07:29 11 And then Jack Kittle.  
03:07:29 12 MR. ALAN WEINSTEIN: Trying to  
03:07:30 13 sit for six hours here.  
03:07:35 14 COMM. CANTOR: But you have a  
15 softer seat.  
03:07:37 16 (Laughter.)  
03:07:37 17 MR. ALAN WEINSTEIN: Yes.  
18 There's no use in being redundant.  
19 And most of what you have been hearing in favor of  
20 has really been enunciated and let me go before the  
21 bell lady gets me.  
22 My name is Alan Weinstein. I am  
23 the President of the American Institute of  
24 Architects. Queens Chapter.  
25 Cleaning the environment is of the

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1 208  
2 older sister across the East River.  
3 Although there still remains much  
4 work to do and agreements to be made that is above  
5 and beyond ourselves as architects, we applaud the  
6 efforts of all those that worked so hard to make  
7 this proposal a reality.  
8 Solely for the purposes of  
9 architect design and sustainability, we are pleased  
10 to endorse the Willets Point redevelopment project  
11 and urge you to consider it.  
12 Thank you for your time.  
03:09:05 13 THE CHAIR: Thank you. Thank you  
14 for staying and thank you for your testimony.  
15 The next speaker is Howard Hsu.  
16 Mr. Hsu.  
03:09:10 17 (No response.)  
03:09:10 18 THE CHAIR: Jack Kittle.  
03:09:19 19 (No response.)  
03:09:20 20 THE CHAIR: Eddy Burgess.  
21 (No response.)  
22 THE CHAIR: Spencer Ferdinand.  
03:09:28 23 (No response.)  
03:09:29 24 THE CHAIR: Mike McGuire.  
25 Mr. McGuire will be followed by

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1 209  
2 Vincent Riso; and  
3 Ofenke Lebarty.  
4 MR. MIKE MCGUIRE: Good evening.  
5 My name is Michael McGuire. I am  
6 the Director of Mason Tenders' District Council  
7 Political Action Committee, representing 15,000  
8 members of the Laborers' International Union, North  
9 America in New York City.  
10 The Willets Point area of Queens  
11 is ripe for development. It is in a prime location  
12 that is surrounded by growth including Downtown  
13 Flushing, the new home of the New York Mets, Citi  
14 Field.  
15 Unfortunately, Willets Point is a  
16 true blighted area.  
17 In the early 20th, century Willets  
18 Point was a dump where thousands of tons of garbage  
19 were burned each year. After that, it housed a  
20 variety of industries that had a severe detrimental  
21 effect on the area for many years.  
22 There has been a history of open  
23 petroleum spills and illegal dumping of hazardous  
24 materials and unidentified chemicals.  
25 The fact that the area has no

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1 211  
2 As well as eliminating an  
3 extremely toxic and dangerous area, reclamation and  
4 redevelopment of Willets Point will create a  
5 vibrant, mixed use community.  
6 Along with more than a million  
7 square feet of retail and entertainment space, the  
8 plan calls for a convention center and a  
9 700-hundred room hotel, 5500 units of mixed income  
10 housing, a half million square feet of office space  
11 and a large amount of community space, open spaces,  
12 and public squares.  
13 The economic impact of these  
14 improvements is massive. Permanent jobs will  
15 increase five to six-fold following the  
16 approximately 20,000 construction jobs that will be  
17 created.  
18 This will result in more than \$1.5  
19 billion in additional tax revenues for the City  
20 over the 30-year period commencing when the project  
21 is completed.  
22 The Mason Tenders' District  
23 Council prides itself in working with communities  
24 and pledges to aggressively participate in any  
25 local hiring plan that is agreed upon with the

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1 210  
2 sanitary sewers to carry toxins away, including  
3 human waste concentrated in area cesspools, means  
4 that this contamination mostly remains in the area  
5 to this day. I say mostly because some of the  
6 contamination does get moved. The area's high  
7 water table means that these poisons seep into the  
8 ground water and get carried down the Flushing  
9 River and out into Flushing Bay.  
10 Of the approximately 250 business  
11 in Willets Point, roughly 90 percent are auto  
12 related.  
13 In this environment, even the most  
14 responsible business owners cannot help having some  
15 spills of oil, gasoline, transmission fluids and  
16 other carcinogenic materials.  
17 If businesses of this type remain  
18 in the area, the land can never be reclaimed to the  
19 point where it's safe for human occupation.  
20 Further, these auto-related  
21 businesses, two-thirds of which are working out of  
22 rented spaces, have a history of paying depressed  
23 wages, averaging less than sixty percent of the New  
24 York City average wage for workers in that  
25 industry.

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1 212  
2 building trades.  
3 Additionally, we will support the  
4 use of green building techniques to conserve  
5 energy, manage storm water and to ensure high  
6 performance structures are constructed in Willets  
7 Point.  
8 It is our belief that while there  
9 are hardships for some of the businesses that the  
10 City will relocate from Willets Point, for the  
11 overall good of the community, and New York City as  
12 a whole, the Willets Point development project is a  
13 winning plan.  
14 Cleanup of a toxic, blighted site,  
15 the building of more than 5,000 units of housing,  
16 and the creation of some 20,000 construction jobs  
17 and the conversion of 1,000 current permanent jobs  
18 to 6,000 future permanent jobs and more than \$50  
19 million in additional revenue for the City every  
20 year, no one with the best interest of the  
21 community at heart could make the argument that  
22 this plan is not the best thing for Willets Point.  
23 Thank you.  
24 (Applause.)  
25 THE CHAIR: Thank you. Thank you

03:12:57

03:12:57

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1 213  
 2 very much.  
 3 Let's see. You're Mike McGuire,  
 4 right?  
 5 Vincent Riso.  
 6 (No response.)  
 03:13:05 7 THE CHAIR: Okenfe Lebarty.  
 8 A VOICE: He's still here. He said  
 03:13:06 9 -- his stuff is still there.  
 03:13:06 10 THE CHAIR: Okay.  
 03:13:19 11 J.W. Victor.  
 03:13:22 12 (No response.)  
 03:13:22 13 THE CHAIR: Linh Do. Linh Do.  
 14 Babu Veeregowda, Veeregowda.  
 15 THE CHAIR: I'm sorry.  
 03:13:44 16 Ms. Do. Hi. How are you?  
 03:13:44 17 MS. LINH DO: Good evening, Chair  
 18 Burden and Commissioners.  
 19 My name is Linh Do. I'm a Senior  
 20 Vice President at AKRF. We are one of the principal  
 21 preparers of the Draft GEIS.  
 22 I am here with -- I guess you had  
 23 heard HDR previously address the issues related to  
 24 --  
 25 THE CHAIR: If you would talk a

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1 215  
 03:14:51 2 responsible for performing all the traffic  
 3 engineering analysis and disclosing all the  
 4 findings as you read in the book.  
 5 If you have any questions, I'd be  
 6 happy to answer them.  
 7 THE CHAIR: Okay. Obviously Mr.  
 8 Veeregowda is with Eng-Wong Taub.  
 9 Are there any questions from the  
 10 Commission?  
 03:15:06 11 (No response.)  
 03:15:06 12 THE CHAIR: There are not, but  
 13 thanks for staying to answer any questions.  
 03:15:09 14 MR. BABU VEEREGOWDA: Thank you.  
 03:15:10 15 THE CHAIR: Jason Stern. Jason  
 03:15:13 16 Stern.  
 03:15:13 17 (No response.)  
 18 THE CHAIR: Okay. Maria  
 03:15:22 19 DeLucia.  
 03:15:22 20 (No response.)  
 03:15:25 21 THE CHAIR: Tom McKnight.  
 03:15:36 22 MR. TOM MCKNIGHT: Thank you,  
 23 Chair.  
 03:15:37 24 Good evening, everyone, again.  
 03:15:46 25 Thank you for your patience as the

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1 214  
 2 little closer to the microphone, that would be  
 3 great.  
 4 MS. LINH DO: Okay.  
 5 You heard earlier today HDR  
 6 address the issues the infrastructure and hazardous  
 7 materials. And Eng-Wong Taub, who will follow me  
 8 in speaking order, can also address the traffic  
 9 issues.  
 10 Rather than give you my testimony,  
 11 because you've been here a long time, I would just  
 12 be available to try to answer any questions you may  
 13 have.  
 03:14:27 14 THE CHAIR: Are there any  
 15 questions for Ms. Do? She's from AKRF.  
 03:14:31 16 (No response.)  
 03:14:32 17 THE CHAIR: No. But thanks for  
 18 staying.  
 03:14:33 19 MS. LINH DO: Thank you.  
 03:14:34 20 THE CHAIR: Babu Veeregowda.  
 03:14:41 21 MR. BABU VEEREGOWDA: Hi. Good  
 22 evening.  
 23 My name is Babu Veeregowda, Senior  
 24 Vice President at Eng-Wong Taub and Associates.  
 03:14:51 25 I'm also a traffic engineer

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1 216  
 2 testimonies continue.  
 3 But you saved me to kind of play  
 4 cleanup in the city's presentation and to provide  
 5 some clarifications and some additional points that  
 6 we thought were worth pointing out to the  
 7 Commission.  
 03:16:00 8 First of all, I do want to  
 9 reinforce what my colleague Jonathan talked about  
 03:16:05 10 in terms of business assistance.  
 11 The City has endeavored and is  
 03:16:09 12 underway with a very significant business  
 03:16:11 13 assistance program aimed at relocation for  
 03:16:18 14 owner-occupant businesses, acquisition for land or  
 03:16:20 15 property owners, assistance for tenant businesses,  
 03:16:23 16 and as you'll hopefully hear in the next speaker or  
 17 two, a very ambitious workforce assistance program  
 18 that will be run by La Guardia Community College.  
 19 So it is a very comprehensive  
 20 program. We don't want the Commission leaving the  
 21 room thinking that this hasn't been thought  
 22 through. And it's being implemented in a very  
 23 careful way.  
 03:16:44 24 Secondly, that early on there was  
 03:16:49 25 a discussion of co-location of tenant businesses.

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1 217  
03:16:50 2 I think that there are some challenges with that.  
3 But I want to reinforce that if that's something  
4 that we can achieve, we're completely open to  
5 trying to achieve that.  
6 Some of the tenant businesses have  
7 issues related to capacity, to financials, to  
8 having existing lease documents. Given those  
9 constraints, if we can make collocation work, we  
10 will.  
03:17:17 11 Additionally on tenant business  
12 assistance, we talked about bringing on the  
13 expertise necessary to help with relocation of  
14 tenants. The outreach we've done to date has been  
15 providing information about the project, about the  
16 timeline, about the assistance that would be  
17 offered in the future.  
18 Today we're not permitted under  
19 law to provide relocation assistance for tenant  
20 businesses because it gets in between of a  
21 tenant/landlord contract.  
22 Finally, on owner occupant  
23 businesses, I think you've heard from a business  
24 earlier saying that the City hasn't been helping.  
25 And I want to reinforce here that there are

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1 218  
2 specific businesses, unfortunately it's their  
3 decision, we respect that decision, who are  
4 unwilling to work with the City. And I want,  
5 again, the Commission to get the understanding that  
6 the City has made an effort to reach out and work  
7 with and provide relocation assistance to any  
8 business that is interested in doing so and we'll  
9 continue to do that going forward.  
10 In terms of infrastructure, there  
11 was reference to a 1991 study commissioned to look  
12 at conditions in Willets Point.  
13 We want to reinforce that that was  
14 an economic analysis. It was not an environmental  
15 analysis, an engineering analysis. In the  
16 seventeen years that have past since then, we've  
17 reached a very -- a much more comprehensive  
18 understanding of the challenges, the limitations  
19 and the necessary investments and the work that has  
20 to happen here in order to create new development.  
21 And then lastly, I hope from the  
22 testimony from Chair Kelty and Land Use Chair  
23 Apelian, that there has been a very, very thorough  
24 discussion with the community.  
25 We are attempting to achieve all

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1 219  
2 the priorities, to the extent we can, that the  
3 community board is seeking.  
03:19:18 4 So if you have any other  
03:19:18 5 additional questions, I'd be happy to try to answer  
03:19:20 6 them.  
03:19:20 7 THE CHAIR: Tom is indeed the  
8 project manager for this very ambitious endeavor  
9 and so any questions that you have, Tom is the  
10 person to ask.  
03:19:29 11 Angela.  
03:19:29 12 COMM. BATTAGLIA: I'm very glad  
03:19:33 13 you either stayed or came back.  
03:19:34 14 MR. TOM MCKNIGHT: I stayed.  
03:19:35 15 COMM. BATTAGLIA: It's really  
16 good to have you here, Mr. McKnight.  
03:19:37 17 I really -- the one point I didn't  
03:19:41 18 understand that you said, and maybe it's just my  
19 confusion, is that you will do whatever you can to  
20 provide tenant assistance, but yet you can't step  
21 in between --  
22 MR. TOM MCKNIGHT: Well, it's  
23 just that it's really a timing issue.  
24 COMM. BATTAGLIA: You said today,  
25 you emphasized -- that's right. Today. So when can

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1 220  
03:19:54 2 you?  
03:19:54 3 MR. TOM MCKNIGHT: Assuming we're  
4 successful in the ULURP process, that's when we can  
03:20:01 5 do it.  
03:20:01 6 COMM. BATTAGLIA: And that will  
03:20:09 7 be made clear to these businesses that if, in fact,  
03:20:10 8 this is voted in and we are successful, that those  
03:20:14 9 services will become available to them.  
03:20:14 10 MR. TOM MCKNIGHT: That's  
11 correct.  
03:20:15 12 COMM. BATTAGLIA: Thank you.  
03:20:16 13 Thanks for that clarification.  
03:20:16 14 MR. TOM MCKNIGHT: Sure.  
03:20:19 15 THE CHAIR: I think there's  
16 another question.  
03:20:25 17 Fred.  
03:20:25 18 COMM. CERULLO: You know what,  
03:20:26 19 it's -- it may be the same question. But I think  
03:20:27 20 some of your conversation was silent. And I just  
21 want to fill in the blanks because you both  
22 understood what you were talking about.  
23 (Laughter.)  
24 COMM. CERULLO: There was  
03:20:36 25 testimony earlier. And I think the language that

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1 221  
03:20:39 2 was used by the business tenant was that they  
03:20:44 3 couldn't discuss these issues with the City or the  
4 City would not because it was illegal. That was the  
52 5 expression. Whether illegality is the right way to  
54 6 characterize it, is not important.  
7 And now I see the discussion that  
03:21:01 8 you just had. So could you just clarify right now?  
03:21:02 9 Obviously there have been discussions with owners,  
03:21:06 10 owners of properties and I'm going to assume owner  
03:21:10 11 occupants, owner occupant business.  
03:21:10 12 MR. TOM MCKNIGHT: Businesses,  
03:21:10 13 that's correct. Definitely.  
03:21:11 14 COMM. CERULLO: The tenants  
15 themselves, unless the owner was having a  
16 discussion with the building the tenant was in, a  
17 separate issue, but the individual tenants, there  
18 has not been any discussion with them.  
19 Is that where the prohibition or  
20 the obstacle has existed?  
21 MR. TOM MCKNIGHT: Well, we have  
22 had extensive outreach to tenant businesses. We've  
23 done surveys. In our estimation we've spoken to  
24 virtually every tenant business out there.  
25 What we haven't been able to

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1 222  
03:21:12 2 provide them are relocation options.  
03:21:12 3 COMM. CERULLO: And you have not  
03:21:45 4 been able to because there is --  
03:21:45 5 MR. TOM MCKNIGHT: Because of the  
6 issue of tortuous interference.  
7 COMM. CERULLO: Tortuous  
03:21:50 8 interference with the lease and I guess the --  
03:21:50 9 MR. TOM MCKNIGHT: The contract  
03:21:51 10 between the landlord and the tenant.  
03:21:52 11 COMM. CERULLO: Okay. I'm not  
03:21:56 12 surprised, but I assumed that that might be the  
03:21:56 13 issue.  
03:21:56 14 And then just to close that up,  
03:22:01 15 once the ULURP process is complete, and assuming  
16 that the ULURP process grants the authority for  
03:22:08 17 this process to continue, that is no longer an  
18 issue and then those tenants can actually interact  
19 with you and you with them about actual specific  
03:22:16 20 relocation plans.  
03:22:16 21 MR. TOM MCKNIGHT: In tandem with  
03:22:18 22 our discussions and negotiations with property  
21 23 owners.  
03:22:21 24 COMM. CERULLO: With the  
03:22:22 25 property owner.

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1 223  
03:22:23 2 MR. TOM MCKNIGHT: Yes.  
03:22:23 3 COMM. CERULLO: Okay. Thank you  
03:22:23 4 very much.  
03:22:23 5 THE CHAIR: So once the ULURP  
6 is completed, you can talk to the tenants? It's  
03:22:27 7 only upon the completion of the ULURP?  
03:22:31 8 MR. TOM MCKNIGHT: On relocation  
03:22:33 9 options, yes.  
03:22:34 10 THE CHAIR: And on the -- okay.  
03:22:37 11 Ken Knuckles.  
03:22:38 12 COMM. KNUCKLES: I just wanted  
13 to clarify, because I think Irwin raised this  
14 question earlier.  
03:22:44 15 Is there any potential for a  
16 wholesale solution, relocation solution akin to  
17 what has been done within, say the flower industry,  
18 in that the bulk of these businesses, those that  
19 haven't found solutions yet, could be relocated, in  
20 whole or in part, to some other location in  
03:23:07 21 proximity to where they are?  
03:23:08 22 MR. TOM MCKNIGHT: Again, we've  
03:23:11 23 -- I think as Jonathan mentioned, we haven't  
24 universally heard an interest in everyone  
03:23:18 25 collocating. I think there are some businesses who

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1 224  
03:23:24 2 are less reliant upon others.  
03:23:24 3 COMM. KNUCKLES: Yes. I'm not  
03:23:25 4 speaking to what they proposed. I'm asking whether  
03:23:29 5 or not there could be, is there a theoretical  
03:23:32 6 possibility that this could happen.  
03:23:34 7 MR. TOM MCKNIGHT: This could  
8 happen. Again, it goes back to looking at the  
9 businesses. If we could make it work with a group  
03:23:42 10 of businesses, if they have the financial capacity,  
03:23:46 11 if they have, you know, the capacity as a business  
03:23:49 12 to do that and there's a group of them and they can  
13 work together, that's something we certainly we  
03:23:55 14 want to achieve.  
03:23:55 15 THE CHAIR: The businesses,  
16 just to reiterate, are not in the same business  
17 so-to-speak. Maybe some of them are in a sense. Is  
18 there a synergy between the different -- they're  
19 all along the same kind of zoning district. But do  
20 they interact with one another or just some of them  
03:24:11 21 do?  
03:24:11 22 MR. TOM MCKNIGHT: Some of them.  
23 It's our understanding that --  
24 THE CHAIR: Do they need to be  
25 -- some of them need to be -- do some of them

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1 225  
 2 benefit by being together?  
 03:24:17 3 MR. TOM MCKNIGHT: It's our  
 03:24:19 4 understanding that some of them may be interested  
 20 5 in moving together.  
 23 6 THE CHAIR: Are there other  
 7 questions?  
 03:24:25 8 Yes, Richard Eaddy.  
 03:24:25 9 COMM. EADDY: Just one quick  
 10 question.  
 11 I had heard reference to a firm of  
 12 Howard Stein-Hudson.  
 13 MR. TOM MCKNIGHT: Yes.  
 14 COMM. EADDY: Is that the firm  
 15 that has been retained to work with the tenants  
 03:24:37 16 once the ULURP process is complete?  
 03:24:37 17 MR. TOM MCKNIGHT: We've actually  
 18 had HSA on for a number of months. We brought them  
 19 on really to begin the process of just starting to  
 20 talk to the tenant businesses. And that really  
 21 began in earnest at the beginning of the year. We  
 22 brought an outreach vehicle out to Willets Point,  
 03:24:55 23 gave them numerous walk-throughs.  
 03:24:55 24 COMM. EADDY: You had done  
 03:24:56 25 surveys.

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1 227  
 03:25:46 2 (No response.)  
 03:25:47 3 THE CHAIR: Thanks for  
 03:25:48 4 staying --  
 03:25:48 5 MR. TOM MCKNIGHT: Thanks very  
 6 much.  
 7 THE CHAIR: -- to the end.  
 8 Almost the end. Not quite.  
 9 Sharon DeVivo; and  
 10 Dan Wempa. I can't remember who I  
 11 called before.  
 12 Sharon DeVivo.  
 03:26:03 13 (No response.)  
 03:26:03 14 THE CHAIR: I thought she was  
 15 coming up. I guess Sharon DeVivo is not here.  
 16 Dan Wempa. And I cannot honestly  
 03:26:24 17 remember whether I called you before.  
 03:26:24 18 And Charles Wang.  
 19 Okay.  
 20 And then Peter Magnani.  
 03:26:28 21 MR. CHARLES WANG: Thank you,  
 22 Madame Chair and members of the Commission, my name  
 23 is Charles Wang.  
 03:26:34 24 I'm the president of the Asian  
 03:26:34 25 American Elderly Housing Development Corporation in

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1 226  
 03:24:56 2 MR. TOM MCKNIGHT: Right. So  
 3 they're really providing the baseline information.  
 4 Cornerstone, who is the relocation  
 5 expert, will be assisting in the actual relocation.  
 03:25:06 6 COMM. EADDY: Okay. Great.  
 03:25:06 7 Thank you.  
 03:25:07 8 MR. TOM MCKNIGHT: Sure.  
 03:25:08 9 THE CHAIR: Are there other  
 10 questions for Tom?  
 03:25:10 11 Yes, Betty Chen.  
 03:25:10 12 COMM. CHEN: Given the 5500  
 13 housing units and the anticipated mix of senior  
 14 housing and family housing and all others, is it  
 03:25:25 15 anticipated that the primary school will have  
 03:25:29 16 enough capacity to serve the entire development or  
 03:25:33 17 might it even have excess capacity for other --  
 03:25:33 18 MR. TOM MCKNIGHT: The school is  
 03:25:35 19 sized to meet the needs of the community. So the  
 03:25:38 20 850 seats meets the needs of that community.  
 03:25:42 21 COMM. CHEN: Okay. Thank you.  
 03:25:44 22 THE CHAIR: So yes?  
 23 MR. TOM MCKNIGHT: Yes.  
 24 THE CHAIR: Any other questions  
 25 for Tom?

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1 228  
 2 Queens.  
 3 I am here to, again, urge that  
 4 senior housing be given the proper attention. I  
 5 heard so many speakers already make the point. And  
 6 I would suggest that senior housing should not be  
 7 put in the position to pit against the affordable  
 8 housing.  
 9 So I would say if we do have your  
 10 support of setting aside 20 percent for the  
 11 affordable housing and then give us another ten  
 12 percent on top of it for the senior housing alone.  
 13 I think that would certainly help to meet the  
 14 needs.  
 15 We have so many elderly over there  
 16 that could really be given this kind of support.  
 17 And this is the opportunity that I hope you will  
 18 consider.  
 19 And I was just listening about the  
 20 school situation. I would hope that the facility  
 21 for community purposes, that a child care center be  
 22 designed early on so that we will have an adequate  
 23 child care facility to accommodate the working  
 24 folks and also the residents over there. Because  
 25 otherwise, afterwards then the cost for the design

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1 229  
2 and the construction will be so much more if we  
3 would do it early on.  
4 So a child care center in addition  
5 to the senior housing is something that we would  
6 really urge you guys, the Commissioners to  
7 consider.  
03:28:00 8 Thank you very much.  
03:28:01 9 THE CHAIR: Thank you, Mr. Wang.  
03:28:04 10 We appreciate it.  
03:28:04 11 Peter Magnani;  
03:28:08 12 To be followed Sandra Wilkin.  
03:28:19 13 MR. PETER MAGNANI: Madame  
14 Chairperson, members of the Commission, good to see  
15 familiar faces here.  
16 I'm a member of the Corona-Willets  
17 Point Flushing LDC Committee.  
03:28:33 18 Most of my testimony regarding the  
03:28:34 19 plan has been already been voiced. I'd just like to  
03:28:41 20 emphasize one thing, one portion of the plan that  
21 includes the convention and exhibit center.  
22 I think this is a very important  
23 facility to be built, along with the rest of the  
24 plan.  
25 One statistic: If Queens was a

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1 231  
2 Avenue and to eventually create a new pedestrian  
3 biking link to Flushing Meadow-Corona Park.  
4 If you look at a map, you can see  
5 that link is very readily accessible, just south of  
6 Muss development, mixed use development.  
7 The existing Flushing Bay  
8 promenade, serving East Elmhurst and Corona now,  
9 should be positively linked to the Willets Point  
10 development and not just stop at the DOT vehicular  
11 maintenance facility on the Flushing Bay. This  
12 will encourage residents from these neighborhoods  
13 to walk and to bike to Willets Point.  
14 We are trying to create a  
15 sustainable development here with a lack of  
16 emphasis on car driving and an emphasis on walking  
17 and biking. And I think this would be a very  
18 important link that would encourage people to come  
19 to the new Willets Point development on bike or  
20 pedestrian paths.  
21 College Point Boulevard is the  
22 gateway to Flushing Meadow Park in Flushing and  
23 should be rehabilitated with a pedestrian scale and  
24 amenities, as well as serving vehicular access.  
25 If you look at the map, College

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1 230  
2 separate City, it would be the fourth largest City in  
3 the nation after New York City, Los Angeles and  
4 Chicago. And I think a City of our size deserves a  
5 convention plan.  
6 Being part of the -- Chair of the  
7 Planning Committee of the Local Development  
8 Corporation, we have developed a vision statement  
9 that we think will help knit together the two  
10 adjacent communities to Willets Point.  
11 Now we feel that the planning for  
12 these -- these links should be emphasized and  
13 implemented along with the development of Willets  
14 Point.  
15 This will create a whole that is  
16 greater than its parts. And we plan to present  
17 this vision statement and plan to try and access  
18 federal funds to help implement these issues, these  
19 projects.  
20 One point we have is the  
21 waterfront property on the east side of the  
22 Flushing River should be developed into a mixed use  
23 residential development with retail waterfront uses  
24 along the promenade that extend from Northern  
25 Boulevard to a development south of Roosevelt

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1 232  
2 Point Boulevard is a main, primary -- could be a  
3 main primary access to Flushing Point -- Flushing  
4 Meadow-Corona Park.  
5 I'll just add one more project  
6 that we're pushing.  
7 A new pedestrian bridge between  
8 Flushing and Willets Point should be built in order  
9 to further integrate these two communities.  
10 I think Mike Meyer spoke about  
11 Willets Point being an integral part of the  
12 Flushing plan. And I think it's very -- Willets  
13 Point is very inaccessible now from Flushing and I  
14 think would help knit the two entities together and  
15 create a link that - Ponti Vecchio would be very  
16 nice, between Flushing and Willets Point to  
17 encourage the linkage and spending your money in  
18 Flushing as well as Willets Point.  
03:32:13 19 THE CHAIR: Thank you, Peter.  
20 Nice to see you.  
21 MR. PETER MAGNANI: Nice to see  
22 you.  
23 THE CHAIR: Any questions for  
24 Peter Magnani?  
03:32:17 25 (No response.)

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1 233  
03:32:17 2 THE CHAIR: Nice to see you and  
3 thanks for coming and testifying.  
03:32:25 4 Our next speaker is Sandra Wickin.  
5 (No response.)  
6 THE CHAIR: Seth Bornstein.  
03:32:30 7 MR. SETH BORNSTEIN: Thank you.  
8 I'm Seth Bornstein. I'm the  
9 Assistant Dean for Economic Development at La  
10 Guardia Community College.  
11 Thank you very much, Chair and  
12 Commissioners for staying this late and hearing all  
13 of the areas of expertise.  
14 It's been talked about, the last  
15 few hours, about workforce development. La Guardia  
16 Community College was designated the agency to work  
17 with the people who work down in Willets Point with  
18 jobs and retaining those who would lose their jobs  
19 and would be dislocated. And it's something which  
20 is key to the college's mission.  
21 La Guardia Community College's  
22 adult education program has a long history of  
23 providing services to immigrants, young people and  
24 people who were incarcerated before, people with  
25 serious issues finding jobs.

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1 234  
2 We are the place they go to help  
3 find jobs and raise their level and their career.  
4 So we're absolutely excited and delighted to be  
5 part of this project.  
6 Just a simple -- I know I have  
7 three minutes but just a simple program synopsis.  
8 Project managers are being hired  
9 and currently there is a position open. We're  
10 looking to designate somebody to run this project  
11 entirely on its own as part of the College. But  
12 there will be a point-person at the College who  
13 will run it with divisions in the College that work  
14 with people in this situation.  
15 We have our Center for Education  
16 and Training, our Workforce Employment Center,  
17 which are all resources to help people find jobs  
18 and train them.  
19 The program -- it's going to be  
20 difficult because it's not one size fits all. We  
21 realize that there are many different issues of  
22 people that work in Willets Point now: English as  
23 a second language, job skills, cultural skills,  
24 language skills. So we would assist with people  
25 that work there.

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1 235  
2 We will do outreach carefully and  
3 with a lot of sensitivity of the cultural language  
4 issues there. We hope to use our on-site bus,  
5 Training on Wheels, which goes out there. We hope  
6 to find a space on the site into the office. And we  
7 want to work with people to find them jobs, give  
8 them training, find them jobs and follow through so  
9 the jobs are successful.  
10 The mission of the City University  
11 has always been to raise people from the lower  
12 class to middle class. And this project really is  
13 our legacy, I think, in helping people change their  
14 lives to be better.  
15 And it's the first time, to my  
16 knowledge, that EDC is doing some kind of program  
17 where in addition to developing, they're still  
18 giving it to people that work there. And we're  
19 very pleased to be a part of that project.  
20 It's going to be difficult but  
21 we're looking forward to working with people.  
22 I know Commissioner Battaglia  
23 asked Kathy Wylde about this. And we work with  
24 agencies like Kathy Wylde and the unions to make  
25 sure that training is appropriate and give people

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1 236  
2 jobs so they become better citizens in the City.  
3 THE CHAIR: Thank you very much.  
4 Thank you for being here and thank you for  
5 testifying.  
6 The next speaker is Okenfe  
7 Lebarty, if I pronounced that correctly.  
8 MR. OKENFE LEBARTY: Good  
9 evening.  
10 My name is Okenfe Aigbe Lebarty.  
11 And I am the Government and Community Relations  
12 Manager at New Yorkers for Parks, the only  
13 independent watchdog for all the City's parks,  
14 beaches and playgrounds.  
15 For nearly a hundred years, New  
16 Yorkers for Parks has worked to ensure greener,  
17 safer and cleaner parks for all new Yorkers.  
18 We are here today to applaud the  
19 administration's efforts to increase parks and open  
20 space in Queens, through the Willets Point  
21 redevelopment, by about eight acres of open space.  
22 We support the plan to have  
23 maintenance of the open space covered by the  
24 developers, since maintenance funds are very  
25 difficult to obtain, especially in light of the

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2 current fiscal situation facing the City's economy.  
3 We understand the City is  
4 currently in the early stage of the community  
5 review process of the plan. We hope that as the  
6 process moves along, the administration will  
7 provide a more detailed plan on some lingering  
8 questions such as the total acreage devoted to the  
9 open space?

10 Will the proposed -- will the  
11 proposed green roof be public or privately  
12 accessible?

13 What is the shade impact on the  
14 courtyard?

15 And what are the design standards  
16 for the implementation of the open space?

17 We look forward to working with  
18 all the stakeholders and the City to ensure that  
19 every park is green, clean and safe today and in  
20 the year 2030.

21 Thank you.  
22 THE CHAIR: Thank you very much.  
23 Thank you for being here.

24 THE CHAIR: The next speaker is  
25 Eddy Burgess; and

2 We're very happy to hear about the  
3 plans and goals to increase pedestrian areas and  
4 open spaces. With gas on its way to \$5 a gallon,  
5 it's critical to offer residents alternatives to  
6 driving.

7 Furthermore, New York City's not  
8 far behind LA for being some of the worst -- having  
9 some of the worst smog in the country. And adding  
10 more traffic from a project -- as the project  
11 progress, it could worsen it so you can't let  
12 Willets Point become a car-dominated community.

13 The City must think creatively to  
14 think of ways where we can lessen our car  
15 dependence by providing cheaper, cleaner  
16 transportation options.

17 For example, you open up the  
18 nearby Long Island Railroad stop not just on  
19 gamedays but on other days as well, or work with  
20 the MTA to add bus routes that serves the  
21 communities' needs once we find out where people  
22 need to go to work.

23 And the car share programs are  
24 very encouraging, that have been talked about  
25 before and to reduce the need for car ownership.

2 Then Myra Herce.  
3 MR. EDDIE BURGESS: Hi. Good  
4 evening.

5 My name is Eddie Burgess. I'm  
6 speaking on behalf of the Environmental Defense  
7 Fund.

8 Thank you for the opportunity to  
9 testify here today.

10 First of all, you've all heard how  
11 Willets Point has had a long history of  
12 environmental degradation and neglect.

13 The Environmental Defense Fund is  
14 pleased that City is considering a plan to clean up  
15 the contamination in the area and restore these  
16 crucial waterways as well.

17 And the Environmental Defense Fund  
18 is also pleased that the City's considering green  
19 sustainable design of the buildings which, of  
20 course, are crucial to our City's future.

21 And if any plan moves through, we  
22 must retain the City's commitments to these goals.

23 What I want to focus on today is  
24 thinking about how this plan fits in with  
25 sustainable transportation.

2 Finally, Environmental Defense  
3 Fund would not like any increase in the parking  
4 spaces planned. We know that people have to get to  
5 work. But if residents are given mass transit  
6 options, they might choose to leave their car at  
7 home.

8 Big projects like Willets Point,  
9 like the Columbia University expansion, are  
10 opportunities for us to move away from  
11 car-dependent communities to more mass  
12 transit-oriented developments.

13 So in sum, there may be some  
14 questions about what gets built and how. But we  
15 support a plan that includes green building,  
16 restoration of the contaminated areas and  
17 sustainable public transportation.

18 Thank you.  
19 THE CHAIR: Thank you very much.  
20 Thank you for coming to speak.

21 The next speaker is Myra Herce, if  
22 I pronounced that right.

23 MS. MRYA HERCE: Yes. Hello.  
24 THE CHAIR: Hi.  
25 MS. MYRA HERCE: How do you do,

1 241  
2 Madame Chairperson, and Commissioners, and former  
3 Board #7 member.  
4 COMM. CANTOR: Hello.  
5 MS. MYRA HERCE: Yes, hi. I was  
6 Chair of the Board when we both were on the board  
7 together.  
8 This kind -- Willets Point goes  
9 back actually to 1983. In 1983 I set up a  
10 long-range planning committee with a chairperson by  
11 the name of Wellington Chen. The name may be  
12 familiar to some of you. Outstanding young board  
13 member.  
14 And we all sat down. It was a,  
15 what if we had money for the City of New York, what  
16 would we want done for Flushing to make Flushing  
17 the very best in the City of New York?  
18 I'll tell you what. Willets Point  
19 was one of the items top on the list. We wanted the  
20 linkage with Corona and Flushing. We wanted the  
21 Muni Lot 1 done, and I hope to God we get it done  
22 with Mike Meyers. And we wanted the RKO Keith site  
23 redeveloped which hopefully will be on the horizon.  
24 But as to Willets Point, that for  
25 us had one of the greatest potentials. And why?

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1 243  
2 how does this great City allow such a disaster to  
3 be there? I have no answers but I hope I have an  
4 answer in the future.  
5 We're looking forward to your  
6 support and we hope it's going to be terrific and  
7 you all can come out to Flushing and enjoy our  
8 wonderful food and our wonderful art shows. Please.  
9 Thank you.  
10 (Applause.)  
11 THE CHAIR: Thank you so much.  
12 Is there anyone who hasn't spoken  
13 on this item who would like to do so?  
14 Let me remind --  
15 VOICES: There is one.  
16 THE CHAIR: Without my glasses,  
17 I can't see.  
18 So come up and speak and then you  
19 can fill out a speaker card afterwards.  
20 MR. FRED FU: Thank you, Chairman,  
21 Commissioners.  
22 My name is Fred Fru, F-r-e-d, f-u.  
23 I'm the former President of  
24 Flushing Chinese Business Association in 2002 and  
25 '04.

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1 242  
2 Because we also wanted, not at that time, later on  
3 as the years passed, we thought about conventions.  
4 The Javits Center was not the only place in the  
5 world and it wasn't the best site in the world for  
6 many shows.  
7 We had in Flushing an enormously  
8 talented Asian community. You would not believe the  
9 high quality art. That would be an ideal place. I  
10 worked at an art convention at the Javits Center.  
11 It's not the same.  
12 We want something more cozy. We  
13 want to unite our communities. We have such a rich  
14 culture in Flushing that Willets Point would be the  
15 ideal site to have all these linkages with all our  
16 various outstanding communities and creative  
17 people.  
18 And I'm hot on Flushing and I'm  
19 hot on Willets Point. And I know that that is what  
20 we need, economics for Flushing and the  
21 environmental cleanup. That is a complaint we get  
22 all the time about the No. 7 line. Are you going to  
23 do anything about the perfume there? That is what  
24 we are told.  
25 And people who want to invest say,

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1 244  
2 I just go back to some history.  
3 In 1965, President Johnson pass a  
4 bill from Washington called the Immigrant Bill,  
5 allowing more immigrant people to reunite in this  
6 country. About ten years, later mid 1970, they had  
7 Spanish people living in Central Queens, a lot of  
8 Asian people in Queens, mostly in Flushing.  
9 So I was the President of Flushing  
10 Chinese Business Association in 2000. We have 300  
11 members in Flushing Downtown from middle 70s up to  
12 now. So it's 30 years. So for 30 years Flushing  
13 is the same size. It's not bigger. The street is  
14 not expanded and the land is still the same land.  
15 But the population, at least from  
16 census year 2000, at least a 30 percent increase.  
17 If anybody passing by there, the Flushing, the  
18 Downtown, as Mrya said, it's booming. Many people  
19 and it's noisy and a lot of traffic, very busy.  
20 Why? It's because too many people.  
21 Thirty percent increase and the  
22 land is not enough.  
23 And the people need increases not  
24 only to Flushing and Corona and Willets Point, it's  
25 all of the areas is squeezed. So we are looking

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1 245  
2 for where is the land, to increase the land use.  
3 That's the reason why five years  
4 ago, the year 2003, January we have a meeting,  
5 Flushing Downtown, Flushing Town Hall, come the  
6 leaders, officer and the City Planning and Queens  
7 Borough Office, together to make a plan for the  
8 talk about what's the future for Flushing and the  
9 waterfront.  
10 Then we have idea. We say, why we  
11 put here the Willets Point together. Because if  
12 you want to solve the problem of the Flushing, of  
13 the waterfront, you must put the Willets Point  
14 together.  
15 I in favor for this plan because  
16 that's the only way to make the Flushing and Corona  
17 people have better life quality.  
18 Thank you.  
19 THE CHAIR: Thank you very much.  
20 (Applause.)  
21 THE CHAIR: Is there anyone else  
22 who would like to speak who hasn't done so?  
23 (No response.)  
24 THE CHAIR: Let me say that the  
25 record will remain open for ten days to receive

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1 247  
2 CERTIFICATION  
3  
4 STATE OF NEW YORK )  
5 SS.  
6 COUNTY OF NEW YORK)  
7  
8  
9 I, MARC RUSSO, a Shorthand  
10 (Stenotype) Reporter and Notary  
11 Public within and for the State of  
12 New York, do hereby certify that the  
13 foregoing pages 1 through 247 taken  
14 at the time and place aforesaid, is  
15 a true and correct transcription of  
16 my shorthand notes.  
17 IN WITNESS WHEREOF, I have  
18 hereunto set my name this 19th day  
19 of August, 2008.  
20  
21 \_\_\_\_\_  
22 MARC RUSSO  
23 \* \* \*  
24  
25

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1 246  
2 written comments on the Draft Environmental Impact  
3 Statement.  
4 Let me also take this opportunity  
5 to thank each of the City Planning Commissioners.  
6 You're extraordinary and dedicated and attentive,  
7 and as always, incredibly intelligent questions.  
8 I also want to thank all of the  
9 City Planning staff that have managed this hearing  
10 so well. You've done an excellent, exquisite job.  
11 And I want to thank everyone here,  
12 EDC, and anybody who participated in making this  
13 hearing so calm, successful and important to the  
14 City.  
15 With that, this meeting is  
16 adjourned.  
17 Thank you so much.  
18 (Applause.)  
19 (At 7:11 p.m., the Willets Point  
20 Hearing was concluded.)  
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ROY ALLEN & ASSOCIATES, INC., 212-840-1167

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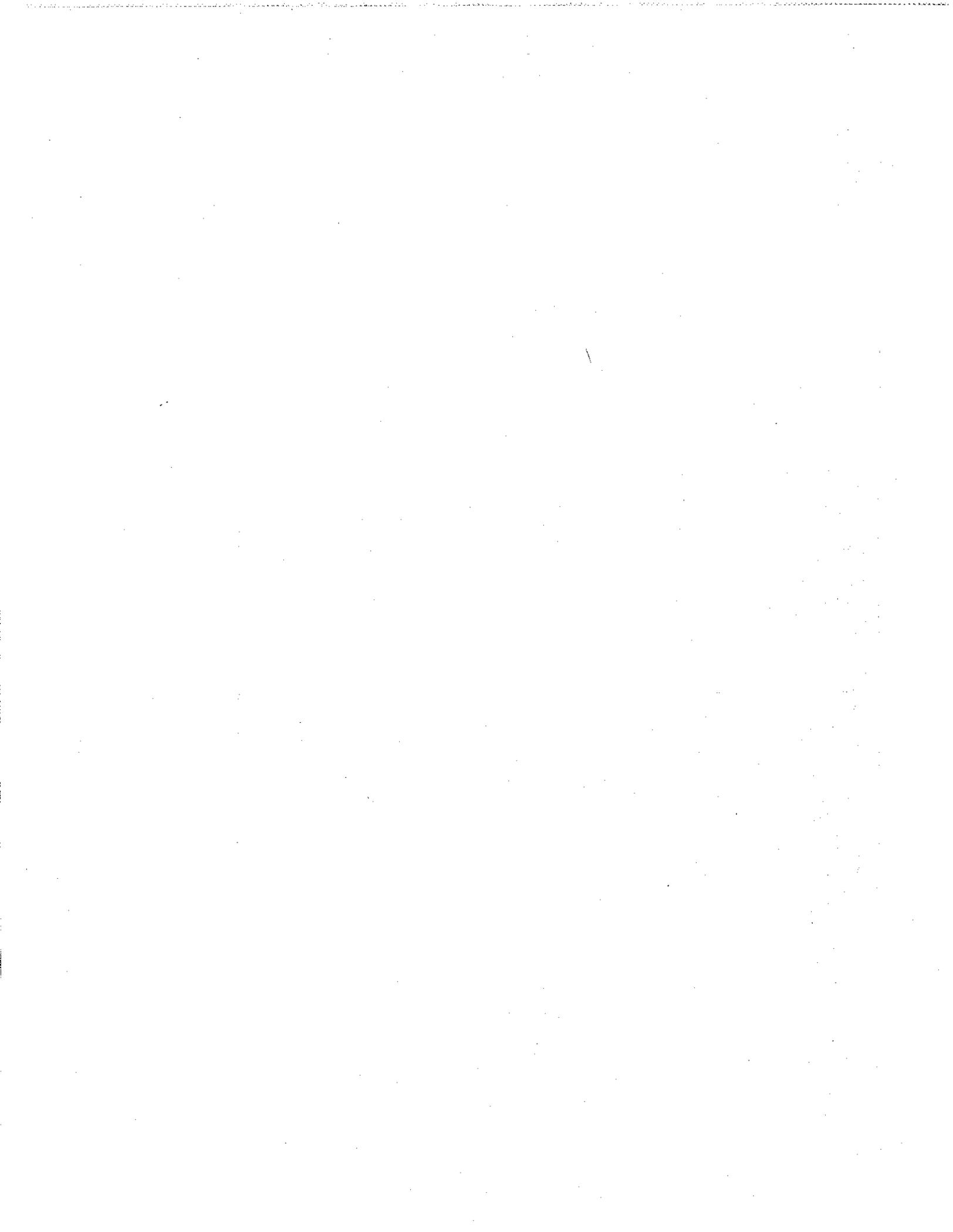
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**APPENDIX K.2**

**WRITTEN COMMENTS RECEIVED  
ON THE WILLETS POINT DGEIS**

**HIRAM MONSERRATE**  
COUNCIL MEMBER, 21<sup>ST</sup> DISTRICT

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THE COUNCIL  
OF  
THE CITY OF NEW YORK

CHAIR  
VETERANS COMMITTEE

BLACK, LATINO & ASIAN CAUCUS

COMMITTEES  
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CIVIL RIGHTS

August 12, 2008

Commissioner Amanda M. Burden  
NYC Department of City Planning  
22 Reade Street  
New York, New York 10007-1216

Dear Commissioner Burden:

We write to share with you our absolute opposition to the current Willets Point Development Plan.

The project that comes before the Department of City Planning on August 13<sup>th</sup> is far from the best our city can offer for a long-term plan that will affect hundreds of thousands of residents for decades to come. Unfortunately, this is a product of a flawed process that has continuously ignored the requests of the community in pursuit of a top-down planning process that sets a dangerous precedent for large-scale development projects citywide.

Since the first community meetings of the Flushing redevelopment process, when community residents expressed a desire to include the Iron Triangle in any long-term development plans, the details of this plan have been determined not by residents, but by the Economic Development Corporation.

This state of affairs is not for a lack of community feedback. On the contrary, the community has been outspoken in its attempts to work with the EDC to resolve what it considers to be gaping holes in the plan. First and foremost, despite a two year, two-tiered RFP process to determine a developer, the community has yet to be informed of who will be responsible for the project's implementation. Additionally, the community has unified around an agenda calling for a plan that takes eminent domain off the table in all acquisition negotiations, a guarantee that fifty percent of new housing created will be affordable, a comprehensive relocation and compensation plan for current small business owners and employees and a community benefits agreements that includes a congestion mitigation plan.

Despite these community outcries for a proactive, rather than reactionary, role in the planning process, the EDC has refused to provide details in regards to community concerns. This lack of communication has resulted in deep opposition within the community. Residents, community leaders, affordable housing advocates, and current business owners and employees have unified around their similar demand for - quite simply - more information.

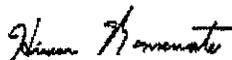
This trajectory is documented in the plan's first step in the ULURP process. The vote in the representative community board (CB 7) was held after five hours of intense debate and passed by a slim margin - but only after Deputy Mayor Lieber wrote that he would address the Board's concerns, which mirror those mentioned above. However, to date these assurances have yet to turn into answers. Rather, the ULURP calendar goes forward and the community's requests continue to fall on deaf ears.

As members of the City Council, we are deeply disappointed that the process thus far has, in effect, negated previous efforts to create a standard for community engagement in city development projects. Simply put, we will not allow the Willets Point model to become a precedent for future development projects in the city.

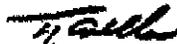
We recognize that the Administration has made a significant improvement to this project by committing that any new jobs created at the site will be quality jobs. However, as of today there are no commitments that either existing workers or residents of the surrounding neighborhoods are slated to receive any priority or set-asides for the permanent jobs created as a result of redevelopment.

Before this project proceeds to a doomed fate in the City Council, we strongly urge the Administration to come to the table and work with us to address and resolve the issues of the Willet Point community. We strongly believe that inclusive planning procedures and economic development can be mutually beneficial to the city as a whole and the surrounding communities, rather than exclusive. We look forward to working with you to make this ideal a reality.

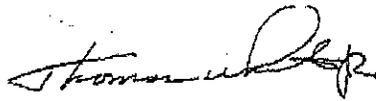
Sincerely,



Hiram Monserrate  
Council Member District 21



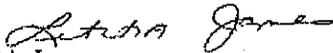
Tony Avella  
Council Member District 19



Thomas White  
Council Member District 28



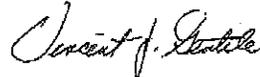
Maria del Carmen Arroyo  
Council Member District 17



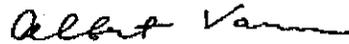
Letitia James  
Council Member District 35



Darlene Mealy  
Council Member District 41



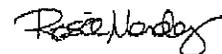
Vincent J. Gentile  
Council Member District 43



Albert Vann  
Council Member District 36



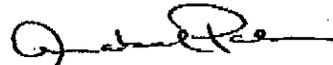
James Gennaro  
Council Member District 24



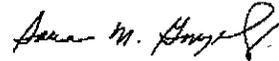
Rosie Mendez  
Council Member District 2

*James Sanders, Jr*

James Sanders, Jr  
Council Member District 31



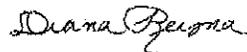
Annabel Palma  
Council Member District 18



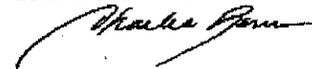
Sara M. Gonzalez  
Council Member District 38

*Mathieu Eugene*

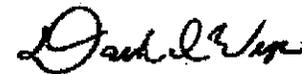
Mathieu Eugene  
Council Member District 40



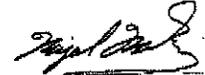
Diana Reyna  
Council Member District 34



Charles Barron  
Council Member District 42



David Weprin  
Council Member District 23



Miguel Martinez  
Council Member District 10

*Gale A. Brewer*

Gale Brewer  
Council Member District 6

*Robert Jackson*

Robert Jackson  
Council Member District 7

*Joseph Addabbo*

Joseph Addabbo  
Council Member District 32

*Larry Seabrook*

Larry Seabrook  
Council Member District 12

*Kendall Stewart*

Kendall Stewart  
Council Member District 45

*Inez E. Dickens*

Inez E. Dickens  
Majority Whip

Council Member District 9

*Alan Gerson*

Alan Gerson  
Council Member District 1

*Leroy G. Comrie*

Leroy G. Comrie  
Council Member District 27

*Eric Gioia*

Eric N. Gioia  
Council Member District 26

*Melissa Mark-Viverito*

Melissa Mark-Viverito  
Council Member District 8

*Bill de Blasio*

Bill deBlasio  
Council Member District 39

*Erik Martin-Dilan*

Erik Martin-Dilan  
Council Member District 37

*Helen Diane Foster*

Helen Foster  
Council Member District 16

*David Yassky*

David Yassky  
Council Member District 33



NETTIE MAYERSOHN  
Assemblywoman 27<sup>TH</sup> District

ALBANY OFFICE  
Room 746, Legislative Office Building,  
Albany, New York 12248  
(518) 455-4404

DISTRICT OFFICE  
159-06 71<sup>ST</sup> Avenue  
Flushing, New York 11365  
(718) 969-1508

Commenter #3

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

COMMITTEES  
Health  
Labor

Willets Point Redevelopment Testimony  
City Planning Commission  
Wednesday, August 13, 2008

As the Assemblywoman representing Willets Point, I want to encourage the city planning commission to support this long overdue development of Willets Point. The creation of this Urban Renewal Area is a much appreciated signal of the City's commitment to improving the "Iron Triangle". This mixed use plan improves the environmental conditions in the area, creates much needed affordable and market rate housing, and expands the Flushing Meadow Park destination. For too long, this valued area has been a source of grief to the surrounding communities.

The negative impact on the environment has been substantial. The junk yards, garbage and stagnant water have made Willets Point one of the most undesirable locations in the Borough. The proximity to the waterfront and Flushing Meadows Corona Park only exacerbates the very serious negative environmental impacts.

I think it is important to the entire area and the borough that we work to revitalize this location. We have an opportunity to turn this blight on our environment and community into a development, which provides jobs for area residents and enhances the neighboring recreational and cultural facilities. The Willets Point Urban Renewal Area presents an opportunity to make significant improvements in a long underutilized area. These improvements will not only create a significant windfall for the City, it has the potential to positively impact on the lives of thousands of Queens residents.

This development plan provides 5,500 new units of housing, with 1,100 set aside for affordable housing, new retail, recreational and school space and creates 20,000 new construction jobs and 6,100 permanent jobs in the retail, convention and hotel portions of the plan. Compare that to the mess we have now, and I think the benefits are obvious.

I congratulate the city on their agreement with the unions, ensuring reasonable wage and benefit standards for all jobs created, thereby enabling working families to remain in our communities and not force them to flee to the more affordable suburbs. In addition, I applaud the city's commitment to ensuring that 20% of total dollar value of construction contracts will be awarded to minority owned firms; 5% to Women owned companies and 25% reserved for queens based companies.

I believe that if the overall plan is examined in the context of the surrounding Flushing, College Point and Corona communities, the benefits of this project will be enormous.

I am therefore hopeful that this redevelopment will move forward quickly. But let me say this, we are also mindful of the existing businesses in the Willets Point community. These businesses should be treated fairly, and the City must do everything possible to ensure their relocation in as smooth and painless a transition as possible. I am much encouraged by the creation of a dedicated Business Relocation and Workforce Assistance Plan for the area businesses, and I commend EDC and the Department of Small Business Services for all that they have done so far to assist these businesses. I am sure they will continue to work with the business community to get them relocated.

I look forward to continuing to work with Mayor Bloomberg, Borough President Marshall, EDC and former Borough President Shulman to ensure that this very, very important project is successful.

Thank You.



HELEN M. MARSHALL  
PRESIDENT

(718) 286-3000  
TDD (718) 286-2656  
TELECOPIER (718) 286-2885

CITY OF NEW YORK  
OFFICE OF THE  
PRESIDENT OF THE BOROUGH OF QUEENS  
120-55 QUEENS BOULEVARD  
KEW GARDENS, NEW YORK 11424-1015

QUEENS BOROUGH PRESIDENT HELEN MARSHALL TESTIMONY TO  
CITY PLANNING COMMISSION ON WILLETS POINT  
AUGUST 13, 2008

GOOD AFTERNOON, I AM QUEENS BOROUGH PRESIDENT HELEN  
MARSHALL.

WILLETS POINT IS AT THE HEART OF MANY OF THE BEST THINGS  
IN QUEENS:

- ✓ THE U.S. NATIONAL TENNIS CENTER
- ✓ HOME OF THE METS
- ✓ FLUSHING MEADOWS CORONA PARK AND ITS MANY  
RECREATIONAL FACILITIES AND CULTURAL INSTITUTIONS
- ✓ IT IS FLANKED BY THE VIBRANT COMMUNITIES CORONA,  
EAST ELMHURST AND DOWNTOWN FLUSHING
- ✓ EASY ACCESS TO BOTH OF NEW YORK CITY'S AIRPORTS
- ✓ AND IS READILY ACCESSIBLE BY MASS TRANSIT AND THE  
TRANSPORTATION NETWORK SERVING THE REGION.

SINCE 1957, WHEN I CAME TO QUEENS, I HAVE SEEN WILLETS  
POINT BECOME INCREASINGLY BLIGHTED AND UNSIGHTLY. THE  
NUMBERS AND TYPES OF JOBS PROVIDED THERE ARE LIMITED.

DUE TO THE ORIGINS AND HISTORIC USES OF THE AREA, THERE ARE SERIOUS PHYSICAL AND ENVIRONMENTAL LIMITATIONS ON THE POTENTIAL FOR HIGHER AND BETTER USES THAT WOULD BE EXPECTED OF AN AREA SO STRATEGICALLY WELL LOCATED.

THERE IS NO DOUBT THAT THE EXISTING BUSINESSES AND PEOPLE WHO WORK THERE PROVIDE VALUABLE SERVICES AND GOODS. HOWEVER, THESE ACTIVITIES ARE NO LONGER COMPATIBLE OR APPROPRIATE TO THE PROGRESS OF THE COMMUNITIES, CULTURAL INSTITUTIONS AND RECREATIONAL FACILITIES THAT HAVE GROWN AROUND WILLETS POINT SINCE ITS DAYS AS AN ISOLATED "VALLEY OF ASHES".

THE WILLETS POINT DEVELOPMENT PLAN IS THE PRODUCT OF MANY YEARS OF PLANNING. THIS PROPOSAL EVOLVED FROM AN EXTENSIVE AND INCLUSIVE MULTIYEAR PROCESS OF NUMEROUS SESSIONS AND TOWN HALL MEETINGS. THE RESULT WAS THE DOWNTOWN FLUSHING DEVELOPMENT FRAMEWORK WHICH IDENTIFIED WILLETS POINT AS THE CRITICAL AND STRATEGIC CONNECTOR BETWEEN CORONA AND FLUSHING.†

*† EAST ECMAHURST railroad line*

THE PLAN PROPOSES COMPREHENSIVE ENVIRONMENTAL REMEDIATION OF THE AREA, NEW REGIONAL ECONOMIC ACTIVITY WITH A GREATER NUMBER OF QUALITY EMPLOYMENT OPPORTUNITIES, COMPLEMENTARY RETAIL AND SERVICES. AND OF COURSE, NEW OPPORTUNITIES TO SIMPLY ENJOY MORE

LEISURELY ACITIVITIES ON THE NEW GREEN OPEN SPACES AND ENHANCED WATERFRONT.

IN TWO WEEKS, THE EYES OF THE WORLD WILL BE ON THE USTA U.S. OPEN AT THE NEARBY NATIONAL TENNIS CENTER. LAST YEAR THE U.S. OPEN DREW 700,000 FANS. IN APRIL 2009, THE GATES OF CITIFIELD AND JACKIE ROBINSON ROTOUNDA WILL OPEN FOR THE MILLONS OF METS FANS WHO FAITHFULLY SUPPORT THEIR TEAM. THE RECENTLY OPENED SWIMMING POOL WILL BECOME AN EVEN MORE POPULAR SPOT WHEN THE ADJOINING SKATING RINK IS OPENED. THE SOON TO BE EXPANDED QUEENS MUSEUM WILL DRAW NEW VISITORS TO THE AREA AND THE HALL OF SCIENCE, A WORLD CLASS SCIENCE CENTER, ARE ALL PART OF THE MANY SUCH RESOURCES SURROUNDING WILLETS POINT.

THE REDEVELOPED WILLETS POINT WILL BECOME AN ACTIVE 24-HOUR, YEAR ROUND NEIGHBORHOOD WITH NEW RESIDENTS BRINGING LONG TERM ECONOMIC BENEFITS TO QUEENS, NEW YORK CITY AND THE ENTIRE REGION.

THESE APPLICATIONS WOULD:

- ✓ CHANGE THE ZONING
- ✓ CREATE A WILLETS POINT SPECIAL DISTRICT
- ✓ DESIGNATE AN URBAN RENEWAL AREA
- ✓ CREATE AN URBAN RENEWAL PLAN

THESE ACTIONS SET A VERY SPECIFIC VISION AND FRAMEWORK FOR AN ACTIVE AND SUSTAINABLE FUTURE VERY DIFFERENT FROM WHAT IT IS TODAY OR WOULD BE IF LEFT ALONE.

THE LANGUAGE OF THE ZONING REGULATIONS, SPECIAL DISTRICT AND URBAN RENEWAL PLAN ARE VERY SPECIFIC TO THE POINT THAT IMPORTANT FEATURES INCLUDING STANDARDS FOR THE SIZES AND LAYOUT OF BLOCKS AND STREETS, THE USES TO BE ALLOWED, LOCATION OF BUILDINGS ON THE BLOCKS, MAXIMUM BUILDING HEIGHTS AND SETBACK REQUIREMENTS, LAYOUT AND QUALITIES OF THE EXTENSIVE REQUIRED OPEN SPACES, LOCATION AND DESIGN OF THE STREETS, AND CONTINUED CITY AGENCIES SUPERVISION ARE ALL IDENTIFIED.

AS CHAIR OF THE WILLETS POINT ADVISORY COMMITTEE, I CONVENED <sup>MONTHS</sup> ~~YEARS~~ OF MEETINGS AND PLANNING SESSIONS WITH ALL OF THE LOCAL STAKEHOLDERS - ELECTED OFFICIALS, COMMUNITY BOARDS, PROPERTY OWNERS, CIVIC AND BUSINESS ORGANIZATIONS, THE MAYOR'S OFFICE AND SEVERAL CITY AGENCIES THAT HAVE HELPED SHAPE THE WILLETS POINT DEVELOPMENT PLAN. THESE MEETINGS AND PLANNING SESSIONS MUST CONTINUE WELL AFTER THE REVIEW PROCESS UNTIL THE PLAN IS FULLY IMPLEMENTED.

AFTER REVIEWING THE APPLICATION, PARTICIPATION IN NUMEROUS MEETINGS, CAREFUL CONSIDERATION OF ALL WRITTEN MATERIALS SUBMITTED TO ME, AND LISTENING TO ALL OF THE SPEAKERS AT MY PUBLIC HEARING, I RECOMMEND APPROVAL OF THIS APPLICATION WITH THE FOLLOWING FIFTEEN (15) CONDITIONS TO ADDRESS THE SUBSTANTIVE ISSUES THAT HAVE BEEN RAISED:

- THE WILLETS POINT ADVISORY COMMITTEE COMPRISED OF THE QUEENS BOROUGH PRESIDENT, LOCAL ELECTED OFFICIALS, REPRESENTATIVES FROM COMMUNITY BOARDS 3, 4 AND 7, AND OTHER COMMUNITY LEADERS SHOULD BE CONTINUED FOR THE DURATION OF THE PROJECT, INCLUDING DURING DEVELOPER SELECTION, CONSTRUCTION, IMPLEMENTATION AND ALL OTHER PHASES OF WILLETS POINT DEVELOPMENT;
- EDC MUST CONTINUE ITS GOOD FAITH EFFORTS WITH THE PROPERTY OWNERS TO COME TO A FAIR AND EQUITABLE AGREEMENT FOR THE PURCHASE OF THEIR LAND IN THE WILLETS POINT PROJECT AREA AND EXHAUST EVERY MEANS OF NEGOTIATIONS BEFORE CONSIDERING THE USE OF EMINENT DOMAIN.;
- EDC MUST MAKE EVERY EFFORT TO HELP TENANT BUSINESSES RELOCATE AND REESTABLISH THEMSELVES AS ONGOING ENTITIES;
- EDC MUST MAKE EVERY EFFORT TO CONTACT AND HELP

THE CURRENT WILLETS POINT WORKERS WITH ENHANCEMENT OF THEIR EMPLOYMENT SKILLS, FINDING NEW EMPLOYMENT, AND PROVIDE CAREER COUNSELING AND OTHER SUPPORTIVE SERVICES TO ASSURE THAT THEY ARE NOT ADVERSELY IMPACTED BY NEW DEVELOPMENT AT WILLETS POINT;

- EDC, AND UPON SELECTION OF THE DEVELOPER, MUST <sup>provide</sup> PROVIDE PROJECT UPDATES TO THE WILLETS POINT <sup>actually</sup> ADVISORY COMMITTEE ON THE PROGRESS OF THE <sup>on site</sup> PROJECT ON A QUARTERLY BASIS;
- THE ENTIRE WILLETS POINT DEVELOPMENT PROJECT MUST PROCEED COMPREHENSIVELY AND MUST NOT BE PHASED;
- FOR THE FIRST FIVE YEARS OF THE DEVELOPMENT PROCESS, BEGINNING WITH SELECTION OF A DEVELOPER, \$500,000 PER YEAR SHOULD BE DEDICATED TO CAPACITY BUILDING THAT WOULD ALLOW LOCAL MWBES TO RESPOND TO REQUESTS FOR PROPOSALS TO PROVIDE ANY GOODS OR SERVICES THAT WILL ARISE DURING AND AFTER CONSTRUCTION IS COMPLETED; AND FOR AN ONGOING OUTREACH EFFORT THAT WILL INFORM AND PROMOTE OPPORTUNITIES AVAILABLE TO THE COMMUNITY AND MWBE FIRMS FOR THE PROVISION OF GOODS AND SERVICES FOR THE PROJECT;
- A CONVENTION CENTER WITH AN ADJOINING HOTEL MUST BE INCLUDED IN ANY RFP RESPONSES TO BE ELGIBLE FOR

CONSIDERATION; *a request by the Queen Chamber of Commerce to address economic needs*

- TO ADDRESS THE DIRE NEED FOR HOUSING THE DEVELOPMENT SHOULD INCLUDE A SUBSTANTIAL OPPORTUNITY FOR HOME OWNERSHIP. POSSIBLY, CO-OPS THAT WOULD ADD STABILITY TO THE NEW WILLETS POINT COMMUNITY; *also an attraction for young couples to invest in their own equity*
- TO INCREASE AFFORDABILITY THE DEVELOPMENT SHOULD BE FIFTY PERCENT MARKET RATE, 30 PERCENT MODERATE INCOME AND 20 PERCENT AFFORDABLE.; *Trade shows and keep them in city*
- CITY PLANNING AND EDC MUST WORK TO DEVELOP DIRECT CONNECTIONS BETWEEN WILLET POINT, DOWNTOWN FLUSHING, CORONA AND EAST ELMHURST.;
- EDC AND THE PARKS DEPARTMENT MUST DEVELOP ADDITIONAL GREEN SPACE ON THE FLUSHING RIVER AND EXTEND THE FLUSHING BAY PROMENADE TO THE DEPARTMENT OF TRANSPORTATION FACILITY, *this enables a direct route to Flushing*
- THE RETAIL AND COMMERCIAL MIX IN THE WILLETS POINT DISTRICT *Ancient* SHOULD BE COMPLEMENTARY TO THE NEIGHBORING COMMERCIAL CENTERS IN DOWNTOWN FLUSHING AND CORONA;
- AN INITIAL \$5 MILLION TRAFFIC AND INFRASTRUCTURE MITIGATION FUND SHOULD BE ESTABLISHED AND INCREASED IF NECESSARY. THE CITY SHOULD MONITOR THE POTENTIAL IMPACTS ON AREA TRAFFIC AND

INFRASTRUCTURE RELATED TO THE DEVELOPMENT AND IMPLEMENT APPROPRIATE MITIGATION MEASURES IN A TIMELY MANNER;

- THE DEVELOPMENT SHOULD BE ENVIRONMENTALLY SUSTAINABLE AND CONFORM TO THE HIGHEST LEED-NEIGHBORHOOD STANDARDS POSSIBLE.

AFTER I SUBMITTED MY RECOMMENDATION, DEPUTY MAYOR ROBERT C. LIEBER AND I ANNOUNCED MWBE, LOCAL BUSINESS AND WORKFORCE GOALS FOR THE PROJECT AND A \$2.5 MILLION FUND THAT WILL ASSURE THAT MINORITY, WOMEN OWNED BUSINESSES, LOCAL LABOR AND BUSINESSES WILL HAVE OPPORTUNITIES TO FULLY PARTICIPATE IN THE ECONOMIC ACTIVITY THAT WILL BE GENERATED AT WILLETS POINT. THE FUNDING WILL HELP THESE FIRMS WITH CAPACITY BUILDING AND A VENDOR/PROCUREMENT MATCHING PROGRAM THAT WILL ENABLE THEM TO RESPOND TO ALL PROJECT RELATED CONTRACTING OPPORTUNITIES.

IN CLOSING, THE WILLETS POINT PROJECT IS ABOUT THE FUTURE - A FUTURE THAT WILL EMPLOY NEARLY 18,000 PEOPLE DURING CONSTRUCTION AND MORE THAN 5,300 PEOPLE WHEN COMPLETED. A FUTURE THAT INCLUDES NEW RESIDENTS, FANS OF THE U.S. OPEN AND METS WHO WILL WANT TO COME EARLY OR STAY AFTERWARDS FOR A BITE TO EAT OR TO SHOP, VISIT TRADE SHOWS OR CULTURAL EVENTS AT THE NEW CONVENTION

CENTER OR THE NEARBY CULTURAL INSTITUTIONS.

*Willetts Point is surrounded  
by major projects*

WILLETS POINT IS A MAJOR DEVELOPMENT PROJECT FOR QUEENS AND ALL OF NEW YORK CITY. IF ALLOWED TO BECOME THE SUSTAINABLE, BEAUTIFUL PLACE TO VISIT, SHOP, LIVE AND WORK AT - THAT WE HAVE PLANNED, THEN EVERYONE WINS - THE WORKERS, NEW RESIDENTS, VISITORS AND SURROUNDING COMMUNITIES..

THIS WILL ONLY HAPPEN, IF THIS PROJECT IS APPROVED WITH THE CONDITIONS I'VE OUTLINED ASSURING THAT ALL OF NEW YORK WILL HAVE A CHANCE TO PARTICPATE IN THE NEW FUTURE OF WILLETS POINT.

THANK YOU FOR YOUR CONSIDERATION.

# Improving Access to City Services

## Public Advocate Betsy Gotbaum on Willets Point Development: Compromise is Necessary



**Betsy Gotbaum**  
Public Advocate  
for the  
City of New York

The Public Advocate is the city official responsible for improving access to city services. Whether the problem is a child not getting necessary educational services, a senior having trouble getting assistance to pay rent, or a resident whose neighborhood is threatened by reckless development, my office is here to help.

And by helping with your individual problem, we are also improving access to services for all New Yorkers.

**Ombudsman  
Services Hotline**

212-669-7250

**Senior Action Line**

212-669-7670

**General Contact**

212-669-7200

ombudsman@  
pubadvocate.nyc.gov

www.PubAdvocate.nyc.gov

“No one wants Willets Point to remain as it is today, with potholed streets resembling dirt trails, no sewers and frequent flooding. We all want what is best for both the surrounding community and for the city as a whole. We all want viable jobs, affordable housing, more schools and the opportunity for economic growth. All of this can be realized in Willets Point, but only if everyone involved has a voice in the process.

The Economic Development Corporation should open up the RFP process and share information with all affected parties. For the surrounding community to not know who will be responsible for the implementation of this project – despite their repeated attempts to work with the EDC in order to gain this information – is simply unacceptable.

Given that Willets Point is such a large area, ideal for both business and residential development due to the confluence of major roadways, and the fact that many of the existing businesses in the Iron Triangle have been in that same location for decades (despite the lack of basic city services), the city’s lack of an informed and all-encompassing plan should signal a return of sorts back to the drawing board for a sensible compromise, and not a headlong rush into the approval process.

The current Willets Point Development Plan is large in both vision and scope, but this plan has deep flaws which must be addressed. Therefore it makes sense to bring all the stakeholders together, give adequate time for all concerns to be voiced, and then make an informed decision on how to best move forward.”

Contact: Gia Storms  
(212) 669-4813; (917) 626-6757

# TULLY ENVIRONMENTAL, INC.

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TEL 718-446-7000  
FAX 718-426-8757  
FAX 718-458-5199

127-50 NORTHERN BOULEVARD  
FLUSHING, NEW YORK 11368

Testimony of Daniel Scully  
Vice President, Tully Environmental, Inc.  
City Planning Commission Hearing  
Willetts Point Redevelopment, August 13, 2008

My name is Daniel Scully and I am the Vice President of Tully Environmental, Inc. Tully has had its main office and many ancillary facilities in Willets Point for over 60 years. We employ a union work force of over 1200 people.

I am here today to oppose the EDC's plan to redevelop Willets Point. Not only will this project have a severe impact on the businesses that are currently thriving in Willets Point, the plan itself is riddled with shortcomings that, to date, have not been addressed by the EDC and is based on pure speculation from the administration. To add insult to injury, the City is justifying its use of eminent domain by claiming Willets Point is blighted and continually parade around the worst pictures it can find of the area. But Willets Point is not blighted, it is neglected. It is neglected by New York City and has been for over 30 years. No street repair, dilapidated storm sewers and no sanitary sewers. The City doesn't even provide snow removal in the winter. By its own studies<sup>1</sup> the City determined that Willets Point would be a thriving industrial park were it only to get these services that have been intentionally withheld.

Now the City has decided to "fix" the problem it created. They will remove all of the existing businesses and install the infrastructure we have been denied for a new developer. However, the plan that is before the Planning Commission today is little more than a concept and a poor concept at that. They have no answers for the many problems that plague this proposal but give the Commission assurances that they will work them out after the approval. That is why the EDC has attempted to short circuit the ULURP

process. The ULURP process is designed to give the community and the City Council input over land use in the City. It is a means to get commitments from the developer and to set guidelines for the project. To do this, a final plan, not a concept, should be presented to the Commission. But the EDC has decided that it will negotiate with a developer and it will have the final approval of what will be built in Willets Point. Unfortunately, the EDC's record speaks for itself. It has a long list of failed projects including several in Flushing.

The Community Board and the Borough President have given their approvals only if the EDC can successfully address their many concerns over this project. So far, the EDC has not been able to do so with any conviction.

Our greatest fear is that the EDC will succeed in destroying a thriving industrial area only to fall short of its goals. There are many facts that support this fear including a slowing economy and an environmental impact statement that clearly shows the devastating impacts this development will have on Flushing for years to come. The EDC should not be allowed to proceed with this development until it has chosen a developer and can prove to the City Council and the community that this is a viable project and will be accountable for it. Until that time, the City should be helping the businesses of Willets Point by providing the services we have lacked for decades. We have been growing and vibrant in spite of the City; imagine what we could do if the City were to give us just a little help.

May 10, 2007

Ms. Asma Syed, Planner  
 New York City Economic Development Corporation  
 110 William Street  
 New York City, New York, 10038

212-618-5789  
 FAX 212-312-3989

RE: Willets Point

Dear Ms Syed,

I am a property owner in the Willets Point area slated for proposed redevelopment. I am writing this letter to add too and reiterate some of the comments I made at the public scoping meeting held in Flushing, New York on Tuesday May 1st, 2007.

To my knowledge this is the third attempt by the city to take this property from its rightful and legal owners, and give it to big business and the politically connected few. To do so by Eminent Domain is shameful and in reality illegal. Eminent Domain as I understand it, was originally conceived and put into law to benefit the public at large when absolutely necessary. Now, in the hands of greedy developers and unscrupulous politicians it has become a vicious and voracious monster gobbling up properties and destroying families simply for their own monetary gain.

The media and the city of New York depict Willets Point property owners and businesses as the villains who have created the squalor, blight and environmentally hazardous conditions that exist in parts of the area. The finger of blame for these conditions has to be pointed at the true villains; the city of New York, its agencies, and the developers working with them in consort to steal this property. They have created and perpetuated a cycle of greed and avarice by 1) levying taxes for services never given 2) issuing violations for not providing same services 3) collecting fines for these violations and then denying the property owner or business the right to rectify the situation! We are stonewalled at every attempt to improve our property by the bureaucrats in the agencies run by the city for this purpose. Hundreds of thousands of dollars in taxes are collected by the city yearly from Willets Point property owners. How much is that over the last thirty years? My guess is well into the hundreds of millions!!!! This is a case of purposeful neglect on the part of the city. Keeping this property within their grasp so that when they are ready they could unleash their creation of the ugly monster of Eminent Domain and take everything. This is not Eminent Domain to beautify an area for the public good; this is not the Dept. of Environmental Protection protecting its citizens; this is STEALING property from its rightful owners simply because they can and giving it to a chosen few.

New Yorkers are a pretty savvy group of people. Do they really think human beings choose to live and work in such horrible conditions and deliberately keep it that way?? I believe the people of New York have been conveniently denied the truth regarding Willets Point so the city can use them for support in their takeover attempts. I wonder if there is a news source or journalist willing to tell the citizens of New York the truth about Willets Point without always slanting the articles in favor of the city? I personally have tried for years to correct conditions on my property. I have hired and paid lawyers, architects, surveyors, etc., all to no avail because of that stone wall I mentioned. The bureaucracies of New York. I was actually told by one architect and I quote "The city greases its own way Mrs. Presti, I cannot help you"! This was in reply to my question; "If the city can build a recycling plant complete with sidewalks, sewers, water supply, bathrooms, etc., right down the street from me then why can't I do the same on my property? The question begs to be answered along with many others. By the way, that architect told me he worked on that recycling plant. Interesting???

I would like to know why the Mayor and his agencies never contacted the property owners when they were meeting with their potential new tenants for our property? Everything points to deliberately denying the property owners a part in the process of redevelopment in order to accomodate only those whom they chose and who are politically connected. These people have not paid thousands of dollars in taxes yearly nor toiled and earned their living here as have the

owners and their families. They have no preferential rights here. Why are they being given them by the city? It is morally and unconscionably wrong to take property from its owner and give it to big business and private interests the city has made deals with. SHAME ON YOU MR.MAYOR; SHAME ON YOU HELEN MARSHALL;AND SHAME,SHAME ON YOU CLAIRE SHULMAN WHOSE REGIME AS FORMER BOROUGH PRESIDENT SEEMS TO HAVE BEEN THE BIRTHPLACE OF THIS TAKEOVER PLAN!! I find it arrogant and shameful that you are now a partner with the developers trying to take our property!

The city spoke of helping to relocate businesses. To Where?? Another industrial park? To start the whole cycle of Eminent Domain again when some developer and their political friends see a fine opportunity for themselves? Pretty lucrative for the politicians and developers. Certain DEATH and DISASTER for the business! Every businessman knows a business's long standing in one location builds a reliable reputation and creates a client base that grows steadily. You cannot re-locate that!! The process takes years! There are hundreds of people and their families impacted adversely by this. Mayor Bloomberg, you were elected to represent us ALL, not to condemn the people of Willets Point!!

Willets Point is in large part an Industrial Park. It was created to house heavy industry. The city itself has placed some of the businesses there. The area encompasses 61 acres. That is more than enough acreage to build a proper industrial park with sewers,water supply, sidewalks, bathrooms etc., like the recycling plant mentioned earlier, to house re-located businesses. It could be located on one side of that beautiful park shown in the plans for the area for all to share! On the other side in the shadow of Citifield there is more than enough space to accomodate the private investors with their restaurants, shops, office buildings, etc.

The fact that Willets Point has survived in spite of itself and has paid millions to the city over the years, testifies to its necessity and viable economic contributions to New York and its citizens. This area can be redeveloped and accomodate all interested parties. The city and its citizens stand to benefit from an ALLIANCE with the property and business owners of Willets Point; Not a fight with them for an unfair takeover. That would be a terrible waste of the tax dollars of every hard working citizen of New York.

Yours truly,

Irene Presti

Cc: Mr. Anthony Fodera  
Mr. Howard Feinstein  
Mr. Neil Soni  
Mr. Dan Scully  
Mr. Thomas Mina  
Mr. Daniel Sambucci  
Mr. Richard Musick  
Mr. Nelson Johnson

**NEIL GAGLIARDI - Re: Willets Point Speech**

---

**From:** John YOUNG  
**To:** GW\_READE:"Michael.Meyer@fandtgroup.com"@GW\_READE.gwia  
**Date:** 8/14/2008 5:05 PM  
**Subject:** Re: Willets Point Speech  
**CC:** GAGLIARDI, NEIL; PHILLIPS, Mark

---

Michael -

Thank you for sending us your remarks and certainly for providing this compelling testimony at yesterday's Planning Commission hearing.

Best,  
John

>>> Michael Meyer <Michael.Meyer@fandtgroup.com> 8/14/2008 4:38 PM >>>

John,

As requested, below is the text of my speech to the Commission yesterday.

Best regards,  
Michael

Hello,

My name is Michael Meyer, president of TDC Development. We are major developers and landowners in Flushing. Our project at the Municipal Parking Lot in downtown Flushing which we are re-developing with our partners, The Rockefeller Development Group, is the other major project that arose from Mayor Bloomberg's "Downtown Flushing Re-Development Framework" which was created with the input of community stakeholders and urban planning professionals.

So, we are local players who well understand our community dynamics. We understand that Willets Point is critical to achieving the framework vision. Without the Willets Point project the new Citifield and emerging downtown will be stunted and never achieve its potential. With the Willets Point project, as the Framework recognized, a vibrant mixed use community will attract business activity and will be the critical link between Citifield and Flushing. Queens will finally gain its commercial center.

With a project that will clearly generate so much benefit in the form of jobs, taxes and environmental clean-up, I ask that the commission when considering the many emotional issues involved in such a large urban undertaking not succumb to scare tactics or respond to myths that suggest that landowners will be victims of a land grab by the city or that the hundreds of currently unprotected workers will go without city assistance.

We have an historic opportunity to improve our city in a major way. It's been decades since an administration has had the will and vision to undertake such an ambitious project in this critical area. No project of this scale and ambition can be accomplished without displacement. But the efforts by the city to work with business owners, retrain workers and not reflexively rely on eminent domain demonstrates the commitment of the city to mitigate that displacement and achieve the project in the most responsible manner.

To do nothing is not acceptable to the greatest city in the world and would be a lasting shame.

**Michael Meyer**  
President

**TDC Development International, LLC**  
member of the F&T Group

136-20 38th Ave.  
Flushing, NY 11354  
Tel: (718) 713-0268  
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169-06 22nd Avenue  
Whitestone, NY 11357  
August 25, 2008

City Planning Commission  
22 Reade Street  
New York, NY 10007

Re: TESTIMONY – Willets Point Proposed Redevelopment

Dear Commissioners:

I would like to bring to your attention the following information pertaining to the Willets Point Redevelopment Plan that is presently being considered by the Commission.

(1.) CLARIFICATION OF COMMUNITY BOARD'S RECOMMENDATION

Community Board 7 intended its conditional approval to be considered a negative recommendation for purposes of Charter §197-d(b)(2), if the conditions that the Board established are not adopted by the Commission; however, **the Board neglected to so state within its written recommendation.**

Pursuant to ULURP Rules, Community Board conditional approvals may be classified into two groups: (1.) Those which state that the conditional approval shall be considered a negative recommendation for purposes of Charter §197-d(b)(2), if certain conditions that the Board establishes are not adopted by the Commission; and (2.) Those which do not so state. The former type of conditional approval, which can convert to a DIS-approval if conditions are not adopted by the Commission, maximally elevates the significance of the conditions. It is this more grave type of conditional approval that Community Board 7 intended to grant, as concerns the present Willets Point Redevelopment Plan.

During the Community Board 7 Land Use Committee meeting on June 23, 2008, a Committee member explicitly asked the Committee Chair, on the record, whether the Board would intend a conditional approval, if granted, to be considered a negative recommendation under circumstances described within the ULURP Rules. The Committee Chair responded, "Without a doubt."

On June 23, 2008, relying in part upon the Committee Chair's representation that a conditional approval in this instance would be intended to convert to a negative recommendation under certain circumstances, as permitted under ULURP Rules, the Committee voted to approve with numerous conditions. On June 30, 2008, prior to the full Community Board vote, the Board Chair re-affirmed, on the record, that a conditional approval, if granted in this instance, would convert to a negative recommendation if the conditions were not subsequently adopted. Relying on the representations of both the Board Chair and the Committee Chair, the full Community Board voted to approve with numerous conditions.

If a Community Board intends its conditional approval to be considered a negative recommendation under circumstances specified within ULURP Rules, then, pursuant to ULURP Rules, the Board must so state within its recommendation. However, although the Board Chair and the Committee Chair orally communicated to members, on the record and prior to the Board's vote, the Board's intent to invoke the ULURP provision which triggers conversion of a conditional approval into a negative recommendation under certain circumstances, **the Board's post-vote written recommendation omits any such statement.** Accordingly, the Board's written recommendation constitutes a breach of key representations made to Board members prior to their votes, and on which Board members relied when formulating their votes. Moreover, the Queens Borough President and the City Planning Commission have never been duly informed of the Board's intent that its conditional approval be considered a negative recommendation under circumstances specified within ULURP Rules, with the resulting heightened significance of the Board's conditions. As a result, the Queens Borough President granted conditional approval, without ever having been duly informed of the severity of the Board's conditions. This is inconsistent with ULURP Rules, and utterly unacceptable, given what is at stake.

## (2.) BUSINESS SURVIVAL – THE PRIORITY

During the Commission's public hearing on August 13, 2008, a Commissioner asked EDC's representative whether there are plans to relocate existing Willets Point automotive businesses together in a group, or in clusters. Doing so would help to ensure the survival of those particular businesses, which are interdependent to a much higher degree than was expressed on August 13. However, at City Hall on November 29, 2007, Robert Leiber testified that there is no such plan.

EDC has asserted that at present, it cannot relocate tenant businesses, for fear of committing tortious interference. Meanwhile, the Willets Point businesses now operate under heightened anxieties, because no one has made their survival the top priority if the redevelopment proceeds.

The automotive businesses of Willets Point are undeservedly much-maligned. That they have survived for decades despite the area's ridiculously pitiful infrastructure proves that their services are very much in demand. Indeed, customers deliberately travel to the Willets Point automotive district from the entire tri-state area, and far beyond. If these businesses must move to make way for redevelopment, every courtesy must be extended to them, and they must be absolutely indemnified against any and all losses that may occur before, during and after the relocation. Anything less will strike New Yorkers as unfair. And, the City should find a way to maneuver around claims of tortious interference, so that it may **immediately** formulate and announce a comprehensive relocation plan, and thereby show these businesses a clear path to their survival.

Finally, it is insulting to suggest, as redevelopment proponents do, that automotive workers will be "better off" retrained for other jobs. Willets Point employs many master mechanics who have spent their lives perfecting their craft.

(3.) "JUNKYARDS" MYTH

It is well documented elsewhere that Willets Point is home to numerous large, non-automotive industrial businesses, which employ hundreds of skilled individuals. There is no truth to the popular myth that the area consists only of "junkyards," and the Commission should not be fooled by any such claims.

(4.) HOUSING UNDER RUNWAY APPROACH

The periodic, ear-splitting noise of overhead jet aircraft has made Shea Stadium, which is across the street from Willets Point, the laughingstock of American sports venues. An element of the proposed Willets Point redevelopment plan is the construction of housing units, to be situated directly beneath the well-worn flight path to LaGuardia's runway. Understand that Willets Point is at the closest possible location to this very active runway. Standing in Willets Point, airport aircraft fly so low overhead that one can practically see the pilots through the windows. The noise is absolutely deafening.

City Council member Leroy Comrie has told ACORN that he doubts that any affordable housing can ever be built at Willets Point, because under the circumstances, to provide successful sound insulation will require extremely expensive construction techniques that no developer will want to employ, unless the resulting units are of the luxury type.

(5.) KELO

The decision of the U.S. Supreme Court in the Kelo matter apparently has opened the door to the use of eminent domain to acquire property in circumstances such as Willets Point. However, to prevent eminent domain abuse that could potentially occur in the wake of Kelo, the overwhelming majority of states in the Union have enacted local laws that restrict the use of eminent domain to traditional purposes. New York is among the handful of states that have not yet done so – but not for lack of desire.

The strong sentiment within the City and the nation is that taking one man's private property, against the will of its owner, to eventually transfer it to another private entity only for the purported purpose of "economic development," is inconsistent with the spirit of the Constitution's eminent domain provision, and the respect for property rights that is a foundation of America. The Commission should not approve a plan that relies upon exploiting a controversial 5-4 Supreme Court decision to which New York State law makers have not yet responded.

(6.) REPAIRS

The Commission should support the development of Willets Point as a natural outgrowth of the installation of essential infrastructures and provision of basic City services, which for decades have been deliberately withheld from Willets Point. Existing Willets Point businesses are eager to collaborate with the City to improve and transform the area. Indeed, there are businesses located in Willets Point that routinely design and execute very large-scale infrastructure and building projects, and whose expertise and convenient location could expedite improvements. In this respect, Willets Point is wholly distinguished from New London,

Connecticut (home of Suzette Kelo at the time of her lawsuit), where no businesses existed that were either already contributing to the City's economy, or that were capable and desirous of developing the area.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Robert W. LoScalzo". The signature is written in dark ink and is positioned above the printed name.

Robert W. LoScalzo

138-27 78th Drive  
Flushing, New York 11367  
August 25, 2008

City Planning Commission  
22 Reade Street  
New York, NY 10007

Re: TESTIMONY – Willets Point Proposed Redevelopment

Dear Commissioners:

It should come as no surprise that tensions flare with regard to the Willets Point proposal, as indeed they should, given the havoc it will create in the destruction of over 225 businesses and the dislocation of over 1,300 employees and thousands of their dependents. While the City may relocate a few of the larger businesses, there is no way all or even a majority of the businesses will be relocated, nor all the employees not only retrained but placed in other comparable jobs; and anything the city says to the contrary must be dismissed as political fantasy. They will simply be discarded at the altar of the real estate interests.

Apart from the plethora of flaws inherent in the proposal, which in and of themselves warrant its rejection, there are three distinct aspects that merit close scrutiny:

1. No one knows exactly how much taxpayer money will be spent to acquire all of the property, to be given to the developer free of charge; how much the city will spend to repair the infrastructure; how much will be spent for access and ingress to the area; and how much in subsidies, either directly or indirectly, including tax breaks, the cost of which taxpayers will absorb, the developer will receive. Whatever the taxpayer bill is said to be, history tells us that when all is said and done, miscalculations, inflation and cost over-runs will greatly increase the taxpayer cost.
2. The linchpin for the proposal is that Willets Point does not have streets or sewers, and requires infrastructure repair. The existing Willets Point businesses for years have been paying taxes and have requested these repairs be made. But they have been ignored, because the city willfully refused to do so, deciding the area should be kept in disrepair so that it could argue that very fact, as a reason to justify a football stadium or some other fat-cat real estate development. This willfulness goes as far back as the tenure of Donald Manes, Claire Shulman's predecessor; and extends through her tenure, as well as that of Helen Marshall, her successor; and the tenures of State Senator Toby Stavisky and State Assemblywoman Nettie Mayersohn. The support by these four persons who have been in public office ad nauseam, and who are members in good standing in the "I love real estate developers" club, and failed in all these years to ever lift a finger to help the Willets

Point businesses, is not only arrogant, but reprehensible. To do so now for the benefit of their real estate friends, is unacceptable, and particularly since no reason exists why the repairs cannot be made at this time and the current businesses remain. That Ms. Shulman and her cohorts participated in the current infrastructure problems and now seek to portray its condition as a reason to support the proposal, reduces hack politics to a new low. Shulman's admonition that City Councilman Hiram Monserrate, an opponent of the proposal, should be ashamed, is misplaced. It is Ms. Shulman who should be ashamed.

3. The city intends to use eminent domain to take private property if the owners refuse to sell. The taking of property for a public use is one thing. But taking it to turn over to a private real estate developer is different and **will represent an ominous precedent in this city**. One can easily envision the real estate interests gloating over the fact that Willets Point will have effectively created the mechanism to destroy all small businesses and any and all private property. Will your neighborhood and your property be next?

As to Mss. Shulman, Marshall, Stavisky and Mayersohn, like old soldiers, the time has come for them to fade away. The fate of Willets point should not be in their hands, but in those of elected officials who are not beholden to real estate interests, and who care about the little people.

Sincerely,

Benjamin M. Haber  
718-380-3955



August 12, 2008

To The New York City Planning Commission

Re: Redevelopment Proposal for Willets Point

This testimony is submitted as an expression of my outrage regarding the Willets Point Development project as presented by the New York City Economic Development Corporation.

Under the guise of a "plan" designed to "provide economic stimulus to a blighted area", New York City, through its agency the NYEDC has been executing a carefully crafted campaign aimed at justifying the razing of Willets Point and with it the eradication of the neighborhood and businesses which have provided millions of dollars in economic benefits and tax revenue and thousands of jobs for generations. For upwards of forty years, the business owners of Willets Point have asked for the infrastructure, maintenance and basic services that other taxpaying businesses in New York City receive, but the city chose to continually ignore the pleas. It seems that there was always a grander plan for Willets Point. During the 1980's and 1990's, project after project attempted to acquire the property at Willets Point. Finally, in 1993, a study authorized by then Borough President Claire Schulman concluded that the best use for the area was industrial/manufacturing. It was recommended that the infrastructure be implemented and the area would develop on its own. The infrastructure was never implemented and a barrage of eminent domain projects ensued; a stadium for Trump's New Jersey Generals, a domed stadium for the Jets, a new stadium for the Mets and finally an Olympic stadium and village. Though none of these projects were successful the city never lost the drive to acquire the land. We, however, now had to function with an "economic noose" around our necks. Plans to expand and develop new business projects had to be put on hold indefinitely. At Fodera Foods, we even had plans to explore alternate energy sources such as wind and solar which we had to shelve. We would have been "green" long before it was trendy! How could we make these kinds of investments in our business when the city refused to show that they were committed to the





growth and development we could provide for the community? Held in economic limbo, we could do nothing but continue to ask for services, run our business and wait for the next "big project" to attempt to acquire our property and as Borough President Helen Marshall put it,

"Here it is, the Queen Mary of economic development." Not only has the city's neglect resulted in a public perception of 'blight', (Deputy Mayor Lieber said at a recent Crains Breakfast Forum, "Look up blight in the dictionary and you will see a picture of Willets Point".), but it also prevented us from investing in and expanding our business, resulting in being designated as "underutilized". This "plan" is an egregious assault on our livelihoods and property rights and an insult to our dignity and humanity. How could the city ever provide "just compensation" for what we have endured or the disruption to our lives yet to come? Tom Mcknight stated at a Community Board 7 meeting that they may be unable to relocate some businesses and Deputy Mayor Lieber stated recently that some businesses might not survive. The arrogance and insensitivity is astounding. How could this be acceptable? You must acknowledge that you are not voting to implement a specific project, rather you are voting to raze a vital and bustling economic community based on convincing promises, conditions and contingencies carefully construed to justify the destruction of livelihoods and death of our American dream.

It's time to be honest about the reality of this project. What exactly is the "plan" that you are evaluating? There is no developer. There are promises of a convention center, affordable housing, a school and retail opportunities that claim to provide 20,000 construction jobs and 5,000 permanent jobs. There are promises of job training, and worker protection but no guarantees of new jobs. The reality is that the employees of Willets Point are skilled professionals who earn excellent, middle-income wages. These employees neither need nor want retraining. They are specialized professionals who want the opportunities that the Willets Point businesses provide. They do not need or want minimum wage retail or hospitality jobs. Was there a needs analysis performed to assess the needs and the impact of this plan on the employees of Willets Point? There are claims of a relocation plan, which seems to be unable to relocate the businesses comprehensively. The reality of this plan is that there is no plan! There are simply promises with no guarantees of fulfillment, no accountability (Have we learned anything from Yankee Stadium?) and an artists rendering. When you know what you are voting for please share it.





Is it the "Marshall Plan", complete with list of conditions that includes everybody except the current/business property owners in the process, or the Marshall Plan plus the CB7 conditions, or a new laundry list of promises designed to force a flawed plan through a corrupted process? Whatever it turns out to be, one fact is certain. The "gun" of eminent domain remains on the table and as long as it is there, the commitment to fair and equitable negotiations is simply not believable. Thirty council members know that this plan is deeply flawed and have the courage and integrity to demand specific answers to the ambiguous issues and commit to removing eminent domain from the process. The City Planning Commission has the opportunity to join these Council members in restoring integrity to this process. The acrimonious atmosphere surrounding the development of Willets Point must be replaced by an honest, cooperative spirit that focuses first and foremost on meeting the needs of the community, the business/property owners, and the development goals rather than individual and political agendas.

I have been a business/property owner in Willets Point since 1974. My brothers, sisters and I represent the third generation of Fodera Foods, Inc., which was started by my grandfather, an Italian immigrant in 1935. Our business is not a chop shop or junkyard; nor is it an eyesore. We operate a wholesale bakery products distribution facility in a clean, well-maintained historic building with a lush, green front lawn.

However, in its efforts to justify the need to level the community, the city has been waging a campaign to portray Willets Point as "a gritty area of chop shops and auto related industry in the shadow of the new Citifield Stadium", riddled with crime and illegal activity as well as highly contaminated. I've never heard of razing a neighborhood due to illegal activity; it would seem that we have law enforcement to handle that. As for widespread contamination, the city has yet to show data that supports this. Representatives from the EDC and their consultant told us that they did NOT find widespread contamination! On the contrary, they found localized "pockets" of contamination that could be remediated without removing existing businesses. I find it difficult to accept that in 2008, we don't have the technology to identify and remediate the environment without leveling an entire community! Finally, the city claims that the area needs to be leveled because it resides in the 100 year flood plain and must be raised. Many communities in New York City reside in





the 100 year flood plain yet none needed to be razed, sacrificing livelihoods in the process to mitigate this situation.

Willets Point is a portrait of the American Dream. The businesses of Willets Point represent a microcosm of the surrounding communities of Flushing, Corona, and Jackson Heights and provide the people of these communities with professional, upwardly mobile employment opportunities. My business, as well as those of my neighbors, have stood the test of time and continue to be successful in spite of the uncertain economic environment. I share Mayor Bloomberg's belief that Willets Point can be New York's next great neighborhood but not his vision. The property owners of Willets Point are ready, willing and able to continue to grow and develop in Willets Point. With the implementation of the necessary infrastructure, and the support and protection of our property rights, we will not only be New York's next great neighborhood, we will be America's next great neighborhood. Given the opportunity, we will be able to expand and implement our development projects long on hold. We have the ability to invest in ourselves and in Willets Point. With infrastructure in place, the area will attract quality business and development. A new Willets Point will emerge-nitty-gritty and pretty! Willets Point will become a model of sustainable, responsible development for the 21<sup>st</sup> century, for we will sustain and preserve that which is most fundamental to our American way of life-our inalienable rights and the survival of the American dream.

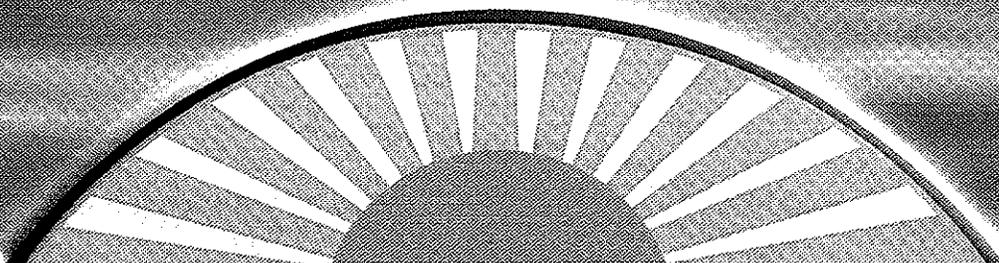
Sincerely,

Fodera Foods, Inc.

Anthony Fodera

President, Fodera Foods, Inc.

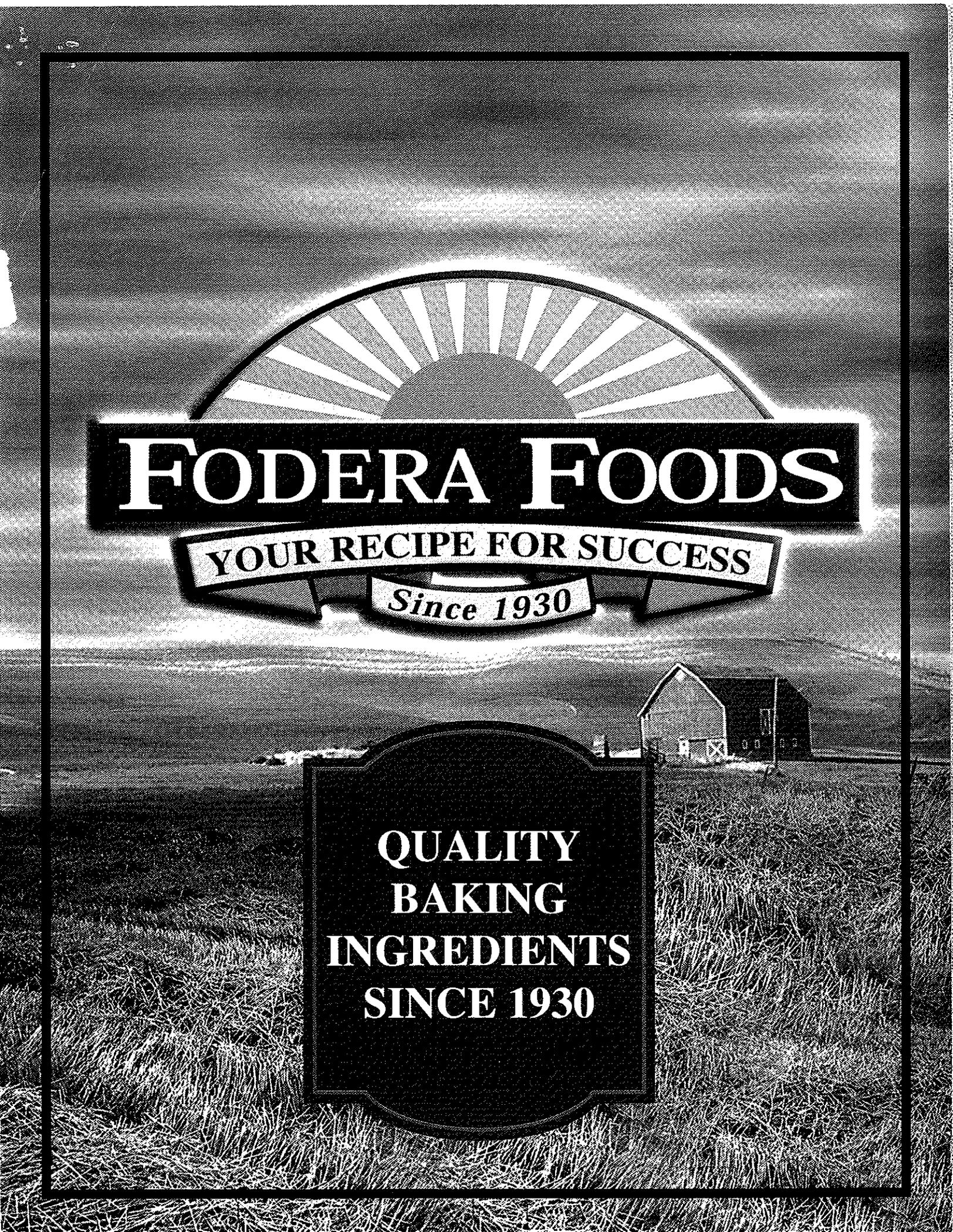




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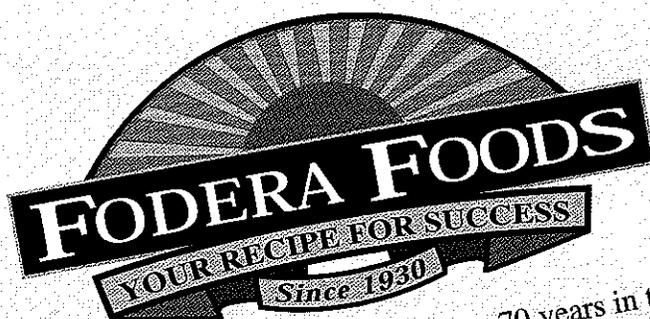
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Fodera Foods has a long and successful history of more than 70 years in the bakery supply business. We are family owned and operated for three generations, and are "hands on" in the business. We are growing each year with a line of exciting new products that is constantly being expanded. Everything that Fodera Foods brings to the market is built around exceeding your needs. We continue to add services to improve our abilities to help you grow your business and reduce your workload.

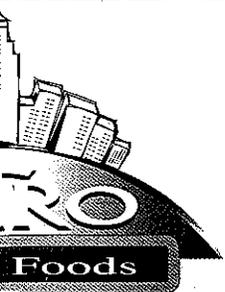
Fodera Foods is committed to providing unsurpassed service. In most cases, orders placed are processed and delivered within 24 hours! Special attention is paid to all orders - especially those which include refrigerated and frozen items. Requirements for A.M. or P.M. deliveries are honored without question. Should an emergency arise, the customer can depend on Fodera Foods to fulfill the bakers need for an unscheduled delivery.

Our sales force is anxious to assist you and is always available with recommendations and technical support. They have additional training in serving special cultural and food preparation needs. Our Customer Service Department is in place and attending to your needs and interests from early in the morning until late in the evening.

Our inventory is varied and extensive. It includes full product lines for the baking needs of various ethnic groups as well as high quality staples requested for the industry in general. Our relations with many vendors dates back to 1930.

We are proud to be servicing the wide spectrum of the baking industry - from wholesale and retail bakeries to donut shops, bagel cafes, and restaurants. It is our hope that we can be of service to you and that you will soon be one of our many satisfied customers. After three generations in the bakery supplies business, we recognize the customer's need for quality products, competitive pricing, and excellent service. That's why Fodera Foods is

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ALL YOUR  
BAKERY  
NEEDS**

### **BAKERIES AND CAFES**

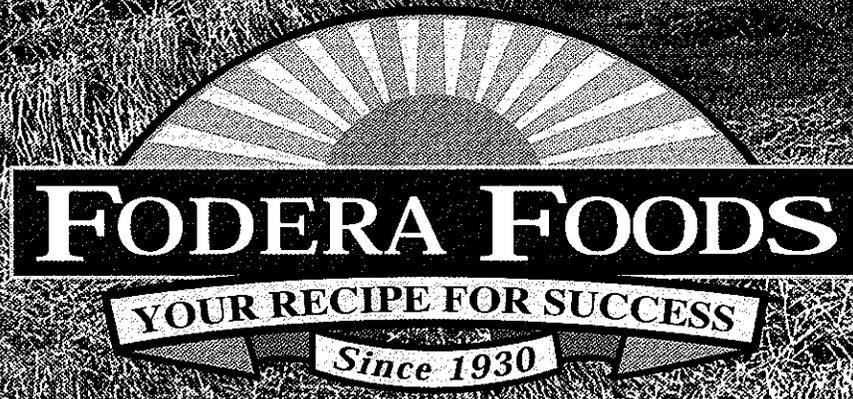
- Flour
- Sugar
- Fillings
- Frozen Batters
- Fresh And Frozen Eggs
- Butter
- Croissants
- Toppings And Coatings
- Cream Cheese
- Colorings & Flavorings
- Yeast
- Cocoa & Fudge
- Margarine
- Milk Powders
- Frozen Whipped Topping
- Shortening & Oils
- Bakery Mixes
- Raisins & Nuts
- Seeds
- Starches
- Cookies
- Frozen Bagels & Breads
- Stabilizers
- Canned & Frozen Fruits
- Spices
- Pies

### **BAGELS AND DELI**

- Flour
- Frozen Batters
- Muffin & Cake Mixes
- Sponges
- Salts
- Sugars
- Margarine
- Nuts
- Oils
- Spices
- Croissants & Cookies
- Colorings
- Malts
- Yeast
- Eggs
- Cream Cheese
- Butter
- Pies

### **DONUTS**

- Donuts & Muffin Mixes
- Shortening
- Sugars
- Pancake & Waffle Mixes
- Donut Fillings
- Colors
- Spices
- Glazes
- Nuts & Coconut
- Chocolate Chip
- Croissants & Batters
- Yeast
- Cheese & Butter
- Eggs
- Sprinkles



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Joseph Ardizzone

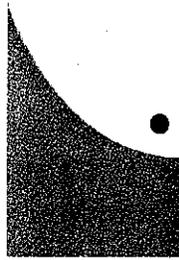
126-96 Willets Point Blvd Corona NYC 11368-1604

- 1 He conquered his people by beating the drum of protecting them
- 2 While searching out his enemies he conquered many countries
- 3 Don't let him conquer you, the city state or country
- 4 Many generations of children to come cannot pay the debt he is adding to the future for the city, state or Federal Government
- 5 to take property from a person to sell it to a developer is an abuse of eminent domain
- 6 Willets Point is in community board #4 Corona. Why why was decision's made by community board #7 Flushing if not criminal it is wrong
- 7 There wasn't any plan at board #2 they never had a definite place for where any building was to be put
- 8 At one point it was described as an artist rendering by a member of E.P.C.

- 9 Where are you putting the sky Train  
From Kennedy airport to Willets Point  
answer what sky Train. The one funded
- 10 Where is sewerage treatment plant  
how are you getting sewerage there
- 11 Where is the bulk head being put when  
you dredge the human waste from  
Flushing creek the odor makes your eye  
tear in the summer
- 12 What are you doing about the exhaust  
from the plane's at take off
- 13 How will this new development be affected <sup>by</sup> Exhaust
- 14 The roads are to capacity now added  
traffic by new development impossible
- 15 New development will be 25 years  
plus Tax free who will pay for the  
services they need, Tax payer gets increase
- 16 A large number of business can only function  
in a m-3 zone there aren't any
- 17 Schooling plan designed to fail
- 18 Neglected if not punished workers deserve nothing
- 19 Aeria would have to be raised 5 feet  
Roosevelt ave 11 feet high

- 1 This presentation is designed to fail  
it's purpose to bring more money to  
the city of New York
- 2 E.D.C. is to develop city owned  
property for the good of people not  
the developer's
- 3 Free enterprise made this country  
a great nation  
E.D.C. wants to set a legal term  
called precedence. The right of  
taking private property and selling  
it to a developer. This will be the  
end of democracy in this country
- 5 Let the owners sell or buy
- 6 Free enterprise made this country  
a great nation
- 7 Vote against this project





WOMEN BUILDERS COUNCIL, INC.  
OPENING NEW DOORS

Statement by Sandra Wilkin  
President, Women Builders Council

Contact: Walter McCaffrey  
718 683-1500

Good afternoon Chairperson Burden and members of the Commission.

I am Sandra Wilkin, President of the Women Builders Council. Women Builders Council is a leading organization advocating for expanded opportunities for women in the construction and building fields.

I ask that the Commission *approve* the proposal to re-develop Willets Point.

This plan will serve as a major economic shot in the arm for New York City.

The benefits are numerous.

The project will provide for nearly 6,000 good paying construction jobs.

It will result in the creation of hundreds of permanent jobs in its retail sector, in the new hotel and convention space and on-site services.

These will be good paying employment opportunities for residents of New York City and particular Queens.

The plan includes important job re-training opportunities as well. Desperately needed affordable housing will be provided at Willets Point.

The Women Builders Council is *particularly* pleased by the inclusion of new employment for women and minorities in its construction.

For the first time, the Economic Development Corporation has included an aggressive component to include women and minority business enterprises in a major economic development project.

Borough President Helen Marshall and Deputy Mayor Robert Lieber have organized a W/MBE Task Force that has developed a comprehensive package of measures to involve W/MBEs in every phase of the project's development. WBC was pleased to have played a prominent role in those deliberations.

The result of the work of the Borough President and Deputy Mayor and that of the task force has been most impressive.

The plan breaks new grounds in transparency and accountability. It includes very significant goals for W/MBE participation which the administration will pursue.

Women Builders Council believes that improving opportunities for W/MBEs will result is a strengthened city economy for years to come.

WBC enthusiastically urges your passage of this plan.

It will be good for New York City and good for Queens!

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Women Builders Council believes that improving opportunities for W/MBEs will result in a strengthened city economy for years to come.

WBC enthusiastically urges your passage of this plan.

It will be good for New York City and good for Queens!



**Statement of Michael B. Gerrard  
Arnold & Porter LLP  
Concerning Draft Generic Environmental Impact Statement  
Willetts Point Development Plan**

**August 13, 2008**

My name is Michael Gerrard. I am environmental counsel to the Willetts Point Industry and Realty Association.

This project has at least four fatal flaws under the environmental laws.

*First*, the project assumes a new interchange with the Van Wyck Expressway, part of I-678. This requires approval of the federal and state highway agencies and completion of the federal EIS process. State DOT's guidelines allow new interchanges only if they will not have "a significant adverse impact on the safety and operation of the freeway." But the project will have a catastrophic effect on the Van Wyck. The EIS admits a staggering number of unmitigated traffic conditions. The left exits and short sightlines are safety hazards. Our traffic experts Bernard Adler and Michael O'Rourke will expand on this. Thus the City is heading toward a lengthy process under the National Environmental Policy Act that may well culminate in a denial for the interchange. That would in turn invalidate the entire traffic analysis.

The *second* fatal flaw is that the EIS shows that the interchange requires the demolition of a state and federal eligible historic property. This triggers the lengthy process under Section 106 of the National Historic Preservation Act, and violates federal Section 4(f) of the federal Department of Transportation Act.

*Third*, the City says parts of the site are heavily contaminated. As our hydrogeological expert Kevin Loyst will explain, these areas are linked to an aquifer that is pumped as part of the New York City water system. The fill that will be brought in to build up the grade will press

down and squeeze the pollutants into the aquifer. The EIS ignores this effect, which violates the federal Safe Drinking Water Act.

*Fourth*, the EIS admits that the existing stormwater outfalls are too small, but it omits the State DEC permitting process to build another outfall.

We will have a lot more to say in our written comments. Our work here has been impeded by the City's stonewalling on our Freedom of Information Law requests. They have failed for many months to produce the requested information. We reserve all our rights on this and all other issues, including eminent domain, which others will address today.

In closing, the 9.4 million square feet involved here really requires a multi-billion-dollar reworking of the roadway system. Otherwise the area will become a perpetual honking nightmare for people trying to get to a hospital, to a flight or to a game, and for hundreds of thousands of through drivers.

All this will come out in the application process for the Van Wyck interchange, and the result is likely to be denial. It would be both unlawful and irresponsible for the City to start condemnation without the interchange approvals. We hope the City will reject this project, but even if approved, everything should be contingent on the interchange approvals and on solving the other fatal flaws.

Good afternoon Ms. Burden and members of the City Planning Commission.

My name is Bernard Adler. I am President of Adler Consulting, a consulting engineering firm which focuses on traffic engineering and transportation planning. I am a licensed Professional Engineer in New York with over 40 years of professional experience and am the former Commissioner of Traffic for the City of White Plains. I am also the Past President of the Metropolitan Section of the Institute of Transportation Engineers, the premier organization of transportation professionals, and served on the International Board of Direction. I have also taught transportation professionals as a past Adjunct Professor of Civil Engineering at Manhattan College where I focused on Transportation Planning.

Although I have prepared written comments which address all the facets of our review of the Transportation Section of the DGEIS, I would like to focus today on two critical safety issues:

1. Inoperability of the proposed surface roadway system.
2. Poor Emergency Response times within the Willets Point area.

Michael O'Rourke, also a member of Adler Consulting, will discuss the highway network and ramps.

### **Analysis of Traffic Operating Conditions**

**Intersections** - The DGEIS indicates that the proposed development would cause severe congestion at most of the intersections studied, and much of this congestion could not be mitigated. I have never seen this level of unmitigated impact in over 40 years of practice as a traffic engineer. It would be an

unprecedented overload for the local road system.

Of the 29 signalized and unsignalized intersections analyzed, significant impacts are anticipated at between 19 intersections and 23 intersections on days that do not include a Mets home game. On days when the Mets would play in the new CitiField, 24 of the 29 intersections analyzed would experience significant impacts.

What does this mean? Severe congestion and very long delays, well in excess of two minutes and more than triple the delays without the project. For example, when people are going to work in the morning, the following intersections would have failed operating conditions:

- Northern Boulevard at 114<sup>th</sup> Street;
- 126<sup>th</sup> Street/GCP Ramp at 34<sup>th</sup> Avenue;
- 114<sup>th</sup> Street at Roosevelt Avenue;
- Prince Street at Roosevelt Avenue;
- Main Street at Roosevelt Avenue;
- Main Street at Kissena Boulevard;
- Union Street at Sanford Avenue; and
- College Point Boulevard at Northern Boulevard Service Road.

When people are coming home, even more intersections would operate at Level of Service F. In addition to the intersections I just mentioned, these would include:

- Union Street at Northern Boulevard;
- 126<sup>th</sup> Street at Roosevelt Avenue; and
- Union Street at Roosevelt Avenue.

Furthermore, there are nine intersections where the impacts of the Development would be unmitigated during any peak hour analyzed (both game day and non-game day scenarios). They include:

- Northern Boulevard at 126<sup>th</sup> Street
- Northern Boulevard at Prince Street
- 34<sup>th</sup> Avenue at 126<sup>th</sup> Street
- Roosevelt Avenue at 114<sup>th</sup> Street
- Roosevelt Avenue at 126<sup>th</sup> Street
- Roosevelt Avenue at College Point Boulevard
- Roosevelt Avenue at Prince Street
- Roosevelt Avenue at Main Street
- New Willets Point Boulevard at 126<sup>th</sup> Street

**Emergency Response Times** - Currently, the project Site is occupied by low-density businesses and only a single resident. Nonetheless, it takes the NYC Fire Department more than one minute longer to respond to fire or medical emergencies in the Willets Point area than it does in other neighborhoods in Queens, according to information provided by their Office of Management Analysis and Planning.

This is a matter of significant concern, since the proposed development will make the roadways impassable while creating 5,500 dwellings, 700 hotel rooms and a school that may need emergency services.

The DGEIS did not look at this matter at all. If it had, it would have found that:

- The current response time for a non-structural fire in the Willets Point area is six (6) minutes and 21 seconds. According to the National Fire Protection Association (NFPA), the recommended maximum response time is four (4) minutes, and the average response time for the entire Borough is five (5) minutes and 18 seconds.
- The current response time for a unit to respond to a structural fire in the Willets Point area is five (5) minutes and 52 seconds. The recommended maximum response time is four (4) minutes, and the average response time for the entire Borough is four (4) minutes and 58 seconds.
- The current response time for an Emergency Medical Services (EMS) Unit to respond to a medical emergency in the Willets Point area is six (6) minutes and 16 seconds. The NFPA recommends a maximum response time of four (4) minutes and the current response time for the entire Borough is four (4) minutes and 42 seconds.

### Summary

In summary, the DGEIS clearly shows that residents will not be able to drive to and from work, businesses will not be able to receive shipments or customers, travelers will not be able to reach airports or simply drive through, and emergency vehicles will not be able to respond in a timely manner.

In my view, based on more than 40 years as a transportation professional, this degradation of the road and highway system would create an unprecedented daily transportation overload.

Good afternoon Ms. Burden and members of the City Planning Commission.

My name is Michael O'Rourke. I am a Senior Associate with Adler Consulting. I am a licensed Professional Engineer in New York with over 30 years of professional experience in both public and private practice. Like Mr. Adler, I am a Past President of the Metropolitan Section of the Institute of Transportation Engineers. I am also a member of the Transportation Research Board and serve on the Unsignalized Intersection subcommittee of the Highway Capacity Committee.

I will discuss the impacts on the highway network and ramps.

### Highways & Ramps

Significant impacts will also occur on the highway network, resulting in much slower speeds and bumper-to-bumper congestion. I have not seen this level of unmitigated impact in my years of practice as a traffic engineer.

On the Van Wyck Expressway, when people are going to work in the morning, northbound traffic speeds would be cut in half from 40 mph to 21 mph. During midday, speeds would be cut even more, from 36 mph to 11 mph. When people are coming home from work, speeds would be cut from 39 mph to 18 mph.

These impacts are not just limited to weekdays. On Saturday, traffic speeds in the northbound direction would be cut from 41 mph to 13 mph.

The impacts to the northbound Van Wyck Expressway are not unique. Extremely slow speeds and heavy congestion are also expected for the southbound Van Wyck Expressway, the southbound Whitestone Expressway and both directions of the Grand Central Parkway.

Furthermore, it is not just the highways themselves where traffic will become intolerable. Traffic on the ramps will become intolerable as well. Speeds of less than two mph are predicted for the ramp from the westbound Northern Boulevard to the southbound Van Wyck Expressway for most of the day. By comparison, without the project the predicted speeds are approximately 29 mph.

I will spare you the details, but single-digit ramp speeds are also predicted for the other highway ramps in the vicinity.

The congestion caused by these extremely low speeds will spill back onto the highway network and the local streets which, as I previously stated, already will be overloaded.

**Proposed Ramp Improvements** - The adverse impacts that I just described will occur despite the ramp improvements that the City has proposed. The Federal Highway Administration and New York State Department of Transportation also have a role in approving these proposed improvements, and it is worth looking at what they think about these improvements.

On the federal side, the answer is simple. The Federal Highway Administration has no thoughts about the ramps at all, since it has not been involved in this project even though it must approve any changes in access to the Interstate Highway.

On the state side, based on information that we received from Freedom of Information requests, NYSDOT appears to have considerable concerns about the geometry and capacity of the proposed ramps. You see, these ramps would have to be squeezed into an area that already contains the existing Van Wyck Exp./Whitestone Exp./Northern Blvd. Interchange.

NYSDOT is worried that the proposed ramp may not be able to accommodate the anticipated traffic volumes, and that there would be a significant "queue spillback." This means that cars on the exit ramp would back up onto the Van Wyck. Furthermore, because of the contortions necessary to fit the ramps into the available space, NYSDOT also is worried that there would be inadequate sight distance on the ramps.

Finally, over and above the queuing and sight-distance issues, there is a potential safety issue with the proposed exit ramp. This new ramp would be a left-side exit from the existing ramp system. As everyone knows, left-hand exits are a bad idea. For example, the American Association of State Highway and Transportation Officials has stated that "Left-hand entrances and exits are contrary to the concept of driver expectancy when intermixed with right-hand entrances and exits. Therefore, extreme care should be exercised to avoid left-hand entrances and exits in the design of interchanges."

In sum, I cannot overemphasize how severe the effects of the proposed project will be. Traffic speeds will be cut in half, and unsafe off-ramps will be created that would cause backups and increase the accident potential.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This not only helps in tracking expenses but also ensures compliance with tax regulations.

In the second section, the author outlines the various methods used for data collection and analysis. These include surveys, interviews, and focus groups. Each method has its own strengths and weaknesses, and the choice depends on the specific research objectives.

The third section delves into the statistical analysis of the collected data. It covers topics such as descriptive statistics, inferential statistics, and regression analysis. The goal is to identify patterns and trends in the data that can inform business decisions.

Finally, the document concludes with a summary of the findings and recommendations. It highlights the key insights gained from the research and provides practical advice for implementing these findings in a business context.

**WILLETS POINT DEVELOPMENT PLAN – DGEIS REVIEW AND COMMENTS**

Good afternoon. My name is Kevin Loyst. I am the Department Manager for the Environmental Department of FPM Group, Ltd. I am a licensed professional engineer with a bachelor and master's degree in environmental engineering, and I have sixteen years of environmental engineering experience. I am here on behalf of my clients Willets Point Industry and Realty Association.

FPM has performed a review of the Draft Generic Environmental Impact Statement (DGEIS) and associated documents for the Willets Point Development Plan focusing on hazardous material impacts to surface and groundwater resources. We have prepared a written summary of our review which we will submit, but today I would like to make the following points:

First, the DGEIS and/or documentation states that the site has a history of contamination and shows a hydraulic connection to the Brooklyn Queens aquifers (sole source) and active or potentially active wells.

Second, the proposed development will compress the soils underlying the site and squeeze the contamination into the aquifer.

Third, the amount of soils necessary to elevate the site out of the floodplain will cause significant infrastructure problems.

Finally, the City has not undertaken the studies necessary to evaluate any of these impacts.

**The Site Is Situated Above a Sole-Source Aquifer**

The DGEIS and associated documents state that the site has a history of contamination. If so, this is significant because the site lies above a sole source aquifer which is used for water supply by NYC. Indeed, according to the documents on which the DGEIS is based, there is a direct pathway from Willets Point to existing NYCDEP water supply wells in Queens, as well as



proposed wells as part of the Brooklyn Queens Aquifer Study. This study is seeking ways to utilize the Brooklyn Queens Aquifer during droughts and other water emergencies.

The Redevelopment Will Squeeze Contamination Out of the Soils Below the Site

The redevelopment plan proposes adding up to 6' of fill to the site to raise the grade above the 100-year floodplain. If the City has underestimated the amount of fill necessary to do this, it will require that much more fill. The soils beneath Willets Point are old, saturated marshlands that are compressible. When the fill is placed on these old marshlands, it will squeeze water from them just like squeezing water from a sponge. If there is any contamination in the water, it will be injected into the aquifer when the marshlands are compressed instead of seeping out over many years.

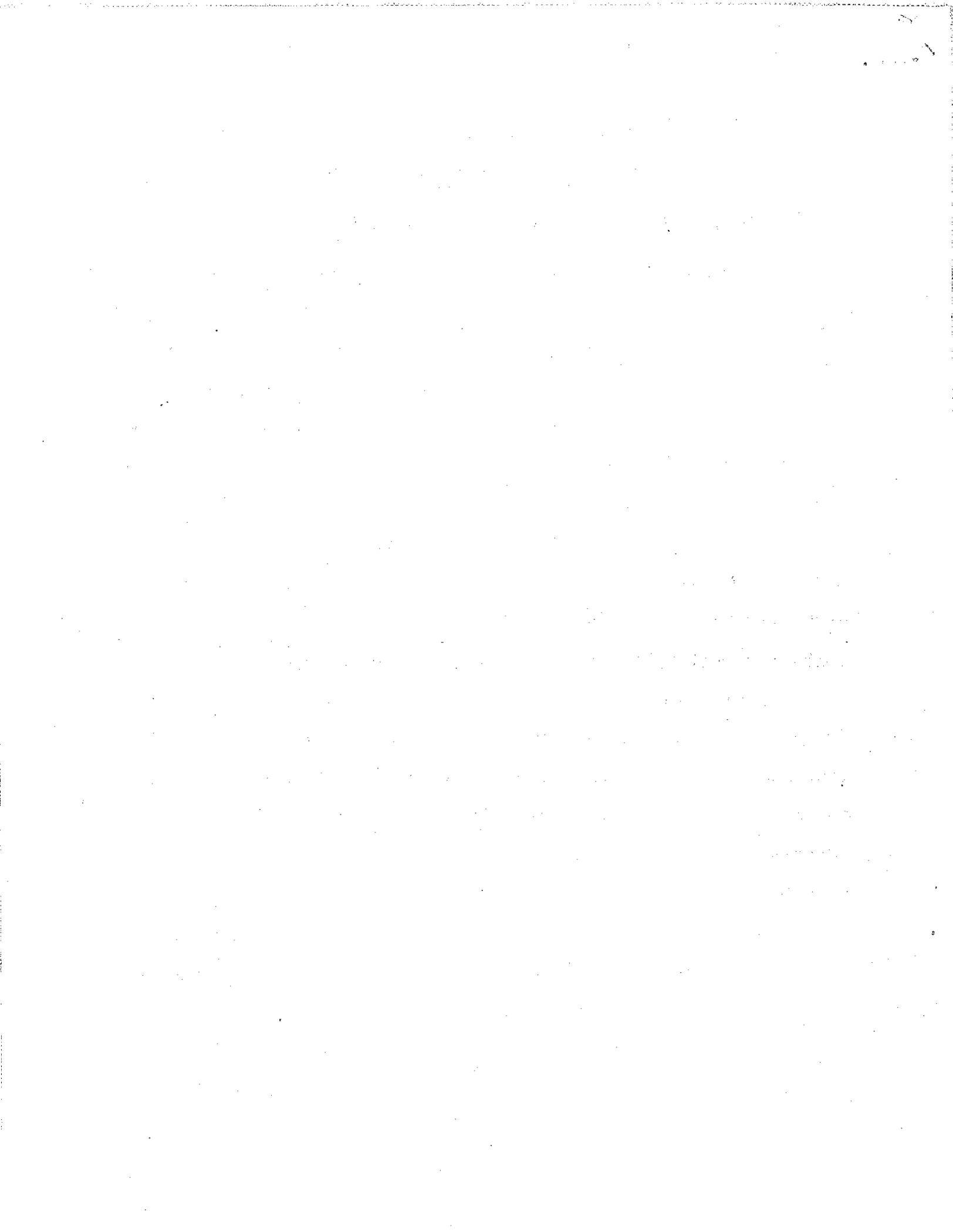
This contamination could then travel along the pathway shown in the DGEIS documents to the DEP water supply wells and into the Brooklyn Queens Aquifer. It also could travel to the nearby Flushing River and Flushing Bay.

The Fill Will Impact Current and Future Subsurface Facilities and Infrastructure

It is likely that the site will require <sup>substantial additional</sup> ~~ten to sixteen feet of~~ fill to raise it out of the floodplain. The addition of this fill and the resulting differential settlement will impact current and future subsurface utilities and underground storage tanks and structures. The fill will settle unevenly, potentially causing leaks from known and unknown underground tanks and gas, oil and sewer lines, causing further soil and groundwater contamination.

None of These Impacts Are Studied in the DGEIS

The DGEIS considers none of these impacts. Before the City is allowed to place even six feet of fill on the site, much less the ten-to-sixteen feet of fill that actually will be required, it should take a hard look at the impacts of this fill.



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ARNOLD & PORTER LLP

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**Willets Point Development Plan:**

**Comments of the Willets Point  
Industry and Realty Association**

August 25, 2008

Michael B. Gerrard  
Nelson D. Johnson  
Arnold & Porter LLP  
399 Park Avenue  
New York, NY 10022



August 25, 2008

Asma Syed, Planner  
NYC Economic Development Corporation  
110 William Street  
New York, NY 10038

**Re:    Comments -- Willets Point Development Plan  
      Draft Generic Environmental Impact Statement**

Dear Ms. Syed:

This letter provides the comments of the Willets Point Industry and Realty Association ("WPIRA") on the Draft Generic Environmental Impact Statement ("DGEIS") prepared by the Office of the Deputy Mayor for Economic Development ("Lead Agency") for the Willets Point Development Plan ("Proposed Project") for the Willets Point area of Flushing, Queens.

WPIRA's comments incorporate by reference the comments set forth in the four letters attached hereto. These letters include analyses of traffic and transportation, by Adler Consulting, Transportation Planning & Traffic Engineering, PLLC ("Adler Consulting," Exhibit A); climate change, by Svante Scientific, Inc. ("Svante Scientific," Exhibit B); and hazardous materials, by FPM Group Ltd. ("FPM," Exhibit C); as well as WPIRA's earlier comments on the Draft Scope of Work, many of which went unaddressed in the DGEIS (Exhibit D).

**I.    INTRODUCTION**

The most striking feature of the DGEIS is its unabashed acknowledgement that the Proposed Project will cause traffic impacts so severe that, during peak hours, speeds on the Van Wyck Expressway will be cut by more than half, local access ramps will become parking lots and delays will increase significantly at between 66% and 83% of the intersections studied. During the August 13, 2008 public hearing, Bernard Adler, a leading New York traffic engineer and president of Adler Consulting, captured well the magnitude of the traffic impacts when he stated that "I have never seen this level of unmitigated impact in over 40 years of practice as a traffic engineer."

We note that the magnitude of these traffic impacts will be fully explored during the Federal Highway Administration ("FHWA") and New York State Department of Transportation ("NYSDOT") approval processes for the proposed interchanges. As a result these approvals will surely be denied, so it would be both unconscionable and unlawful for the City to start condemnation before completing the FHWA and NYSDOT

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processes. We hope the City will reject this project, but even if approved, the institution of any eminent domain proceedings should be contingent on, at minimum, receiving FHWA and NYSDOT approvals.

The traffic impacts are not the only flaws in the DGEIS that should cause the City to reject this project. Two other significant environmental impacts are those of climate change and surcharge of the local aquifer with the hazardous substances that the DGEIS alleges are present in the Willets Point soils and groundwater. It is notable that the DGEIS failed to consider these impacts at all, even though both were specifically identified in comments on the draft Scope of Work.

In addition, the DGEIS failed to adequately evaluate the regulatory requirements for the project, particularly the New York State Department of Environmental Conservation ("DEC") requirements for constructing sewage outfalls, the National Environmental Policy Act ("NEPA") requirements for approvals by the FHWA, the federal Department of Transportation Act requirements for actions affecting historic structures, the NYSDOT requirements for highway access modifications, and the violation of the regulatory requirements applicable to the selection of the Lead Agency.

The DGEIS failed in numerous other regards as well, and in the remainder of this letter and attached exhibits we discuss these and the other failures of the DGEIS.

## II. SPECIFIC COMMENTS

### A. *The City Has Withheld Information By Failing To Respond To FOIL Requests*

WPIRA, through its counsel, has sent numerous Freedom of Information Law ("FOIL") and Freedom of Information Act ("FOIA") requests to various City, State and Federal agencies. The City agencies have failed to respond to these in a timely manner, thereby withholding information from WPIRA. Accordingly, WPIRA has not yet had a full and fair opportunity to review information relevant to the Proposed Project.

For example, the Lead Agency has provided a small number of documents but claims that it has not yet completed its records review in response to WPIRA's FOIL request dated February 15, 2008, more than six months ago. The Economic Development Corporation only recently provided a partial response to WPIRA's request dated June 24, 2008,<sup>1</sup> and is still reviewing its files. The Metropolitan Transportation Authority has acknowledged WPIRA's FOIL request dated June 5, 2008, but only to advise WPIRA that its file review will not be complete until September 11, 2008. The Department of

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<sup>1</sup> WPIRA's original request dated February 15, 2008, apparently was not delivered to the Economic Development Corporation, even though the request was addressed exactly as stated on the Economic Development Corporation's web site.

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City Planning likewise has acknowledged WPIRA's FOIL request dated June 5, 2008, but has provided no further response. A copy of the FOIL correspondence is attached hereto as Exhibit E. We reserve our right to supplement these comments to reflect subsequent responses to our FOIL and FOIA requests.

*B. The DGEIS Fails To Address The Necessary State And Federal Approvals And Procedures*

It is notable that the DGEIS failed to identify so many key state and federal regulatory requirements, including the NEPA process, the section 4(f) process for historic places, the NYSDEC permitting requirements for outfalls, the NYSDOT guidelines for access modifications and the State Environmental Quality Review Act ("SEQRA") requirement that the Lead Agency have jurisdiction over at least one project approval.

*1. The DGEIS Fails To Address Federal Approvals Under NEPA*

The Proposed Project requires a new interchange with the Van Wyck Expressway, which carries I-678 and thus is part of the federal interstate highway system financed by state and federal fuel taxes and tolls. Ever since it was established by the National Interstate and Defense Highways Act of 1956, the system has been a matter of profound federal interest. As the DGEIS acknowledges (p. S-5), this interchange will require approval not only by NYSDOT but also by the FHWA. This federal review is mandated by 23 U.S.C. § 111(a) and 40 C.F.R. § 148(b)(10). FHWA approval is highly doubtful, especially in view of the FHWA policy that approval of new access points to the existing Interstate System should meet the requirement that "[t]he proposed access point does not have a significant adverse impact on the safety and operation of the Interstate facility based on an analysis of current and future traffic." 63 *Fed. Reg.* 7045, 7046 (Feb. 11, 1998). The DGEIS admits that the proposed Van Wyck access points would utterly ruin the operation of the Van Wyck and impair its safety, and therefore they cannot be approved.

FHWA will have to prepare its own assessment of the environmental impacts of the Proposed Project under the National Environmental Policy Act. *See West v. Department of Transportation*, 206 F.3d 920, 926 (9th Cir. 2000) (FHWA approval of access and exit points to an interstate highway is subject to NEPA). A proposed adverse impact on an element of the National Interstate and Defense Highway System such as that proposed here surely requires a federal EIS under NEPA. The DGEIS, prepared under SEQRA, does not address this requirement, nor its important timing implications.

For actions that are subject to NEPA, actions that could have an adverse environmental impact are prohibited before the NEPA process has been completed. 40 C.F.R. § 1502.1(a)(1). NEPA is concerned with the "human environment," which it defines broadly. 40 C.F.R. §§ 1500.2, 1508.8, 1508.14. The institution of eminent domain proceedings would have an adverse impact on the human environment of Willets Point by forcing the closure of several businesses that are significant sources of employment,

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that provide important services, and that as a practical matter cannot be relocated. Thus any and all condemnation actions should await completion of the NEPA process for the Van Wyck ramps.

2. The DGEIS Fails To Address The Procedures For  
Evaluating Impacts On Historic Property

The DGEIS states that a building at the site is eligible for listing on the State and National Registers of Historic Places. The DGEIS also states that this building would be demolished as part of the Proposed Project. It is apparent from the maps in the DGEIS that this demolition is necessary for the construction of the new ramps on and off the Van Wyck Expressway which, as noted above, will require the approval of both the NYSDOT and FHWA.

Consequently, the demolition of the historic building presents serious implications under section 4(f) of the Department of Transportation Act. The FHWA will have to demonstrate, among other things, that alternatives to the demolition of the building are not feasible and prudent because of unique problems such as extraordinary costs, environmental impacts or community disruption.

In addition, the demolition will trigger the consultation process under section 106 of the National Historic Preservation Act, in which the FHWA affords the Advisory Council on Historic Preservation and other agencies, organizations and individuals an opportunity to comment on the demolition of the historic building. This process has not begun and can be very time-consuming.

The noise impact of the project on the World's Fair Marina Park (DGEIS pp. S-31, 20-1) also has section 4(f) consequences. The DGEIS should have discussed both the section 4(f) and the section 106 processes, but it discussed neither.

3. The DGEIS Fails To Address State Requirements  
For Obtaining Approval Of The Proposed  
Interchange

The proposed Van Wyck Expressway interchange will require not only federal approval, but State approval as well. The State has specific guidance for obtaining this approval as set forth in Appendix 8 to NYSDOT's *Project Development Manual* ("PDM").<sup>2</sup> The DGEIS fails to explain how the proposed ramps will comply with the PDM.

For example, the PDM requires that NYSDOT document the environmental acceptability of any new or modified access ramps by showing that:

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<sup>2</sup> NEW YORK STATE DEPARTMENT OF TRANSPORTATION, *Appendix 8, Freeway Access Modification Procedures*, in THE PROJECT DEVELOPMENT MANUAL, available at <https://www.nysdot.gov/portal/page/portal/divisions/engineering/design/dqab/dqab-repository/pdmapp8.pdf>

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the network of crossroads and parallel roads in the traffic study area can satisfactorily accommodate design year demand traffic volumes induced by the proposed modification. The concept "satisfactorily accommodate design-year demand traffic volumes" is defined as not having a significant adverse impact on the safety and operation of the freeway.

(*PDM*, App. 8 at 8-16.) The relevant page of the *PDM* is attached as Exhibit F.

As the DGEIS makes clear, there is no doubt that the Proposed Project will have "a significant adverse impact on the safety and operation" of the Van Wyck Expressway. During the AM peak hour, northbound traffic will slow to 21 miles per hour, a reduction from an expected 40 mph if the Proposed Project is not built. During midday traffic will be even worse, slowing to 10.8 mph from an expected 36 mph. Traffic will remain bad through the PM peak hour, slowing to 17.6 mph from an expected 39 mph. Traffic will be bad on the ramps as well, slowing from an expected 29 mph to less than 2 mph (!). See, e.g., DGEIS p. 17-74. Accordingly, it is hard to see how the Proposed Project possibly could comply with this requirement of the *PDM*.

There are numerous other *PDM* requirements with which the Proposed Project fails to comply, including special geometries (the Proposed Project does not provide for all movements, see *PDM*, App. 8 at 8-15 (see Exhibit F)); safety considerations (the Proposed Project will require access from the left lane, see *PDM*, App. 8 at 8-16 (see Exhibit F)); and traffic considerations (the Proposed Project will devastate the regional traffic network, *id.*). The DGEIS fails to address any of these requirements.

We also note that the American Association of State Highway and Transportation Officials' 2005 document *A Policy on Design Standards: Interstate System* states (at page 1) that "[e]ach section of interstate highway shall be designed to safely and efficiently accommodate the volumes of passenger vehicles, buses, trucks - including tractor-trailer and semi-trailer combinations, and corresponding military equipment estimated for the design year." The proposed ramps to and from the Van Wyck would violate this policy.

Unlike the City, the NYSDOT has been forthcoming in its responses to our FOIL requests. These responses reveal that NYSDOT -- in contrast to the EDC, which presented a rather rosy picture at the City Planning Commission's hearing on the DGEIS -- appears quite uncomfortable with all of the proposed interchange configurations, and is far from signing off on any of them. Portions of NYSDOT's responses are attached hereto at Exhibit A (see Exhibit 3 to the letter from Adler Consulting). Our FOIA requests further reveal that the FHWA has not been involved at all.

The existing highway system cannot accommodate the traffic from 9.4 million square feet of development. Simply bolting new on- and off-ramps onto the Van Wyck is no solution, as proven by the horrendous delays projected by the DGEIS traffic analysis. In preparation for the 1964 World's Fair and the opening the same year of Shea Stadium,

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new highway segments were built and what is now the Willets Point-Shea Stadium subway station was created. The current project requires no less of a radical reconfiguration of the transportation network there. (DGEIS p. 18-24 shows that the project will also cause severe congestion on the stairways of the subway station.) The DGEIS reveals that the City is severely shortchanging the transportation upgrades that are essential for a development of this magnitude, thus imposing massive costs on motorists in the form of delays that, upon completion of the development, they will find intolerable, leading inevitably to demands for highway upgrades. But those upgrades will be far more expensive after the Willets Point area has been redeveloped and its land rendered much more valuable. The needed highway upgrades would cost hundreds of millions, or billions, of dollars, and accounting for them (as the DGEIS fails to do) would fundamentally change the overall economics of this project and probably reverse the cost-benefit ratio. The costs of these inevitable highway upgrades should be built into the financial structure of the current project; anything else amounts to a massive subsidy of the developers.

4. The DGEIS Fails To Address The Permits  
Necessary To Construct Outfalls

The DGEIS admits that the existing stormwater outfalls “are insufficiently sized to accommodate the runoff being generated, resulting in uncontrolled and untreated runoff and street flooding during storm events.” (DGEIS at S-26) The DGEIS mentions in passing (p. 14-15) that a new stormwater outfall may be needed, but it fails to address the requirement for a NYSDEC permit under the State Pollutant Discharge Elimination System to construct the outfall, together with the applicable standards, procedures and time delays.

5. The DGEIS Fails To Address The Federal Safe  
Drinking Water Act

As discussed in the FPM Report (Exhibit C), the Willets Point area is hydraulically connected to the Brooklyn-Queens Aquifer, which is part of the Long Island Aquifer, a federally-designated Sole Source Aquifer under §1424(e) of the Safe Drinking Water Act. The Freeway Access Modification Report that NYSDOT will have to submit to the FHWA must, according to NYSDOT’s guidance manual, be guided by the FHWA’s Technical Advisory T6640.8A.<sup>3</sup>

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<sup>3</sup> NEW YORK STATE DEPARTMENT OF TRANSPORTATION, *Appendix 7, Groundwater Resources, Aquifers, and Reservoirs in THE PROJECT DEVELOPMENT MANUAL 7-4, § 4.4.7*, attached hereto as Exhibit G, available at <https://www.nysdot.gov/portal/page/portal/divisions/engineering/design/dqab/dqab-repository/456D1D6117462024E0430A3DFC032024>.

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Technical Advisory T6640.8A<sup>4</sup> states that where an area has been designated as a principal or sole-source aquifer under SDWA §1424(e), the EPA must furnish information on whether any of the alternatives of a proposed project will affect the aquifer or any of the critical aquifer protection areas within the affected sole-source aquifer. If there are no impacts, the SDWA inquiry is complete. However, if the aquifer will be affected, the design must ensure, to the satisfaction of the EPA, that it will not contaminate the aquifer and that the EPA's concerns have been resolved.<sup>5</sup>

The FPM Report discusses the peril that the fill associated with the project will squeeze contaminants (alleged by the City to be present) into the Sole Source Aquifer, which is part of New York City's drinking water supply (through the wells formerly operated by the Jamaica Water Company and now operated by the New York City Department of Environmental Protection). This issue requires careful analysis in the GEIS and in the Freeway Access Modification Report. In fact, in our scoping comments we called for an analysis of how the proposed fill would surcharge the underlying areas. The City's Response to Comments (Comment 78, p. A-24) indicated that this issue would be discussed in the DGEIS chapter on construction impacts, but it was not.

6. The Office Of The Deputy Mayor Is Not A Proper  
Lead Agency

Under SEQRA, the Lead Agency must be an agency "that has jurisdiction by law to fund, approve or directly undertake an action." 6 N.Y.C.R.R. § 617.2(s). *See Coca-Cola Bottling Co. v. New York City Board of Estimate*, 74 N.Y.2d 601, 541 N.Y.S.2d 984 (1989). The Office of the Deputy Mayor has no jurisdiction to do any of these things. Consequently, the Office of the Deputy Mayor cannot be Lead Agency for the action.

C. *The DGEIS Fails To Provide An Adequate Analysis Of The Municipal Services Alternative*

The Municipal Services Alternative is presented in the DGEIS as a way to allow the continuation of industrial uses in the area. The DGEIS should state that Municipal Services Alternative will materially improve the socioeconomic conditions and neighborhood character of Willets Point, and remove the indicia of urban blight that the Lead Agency has alleged may be present. The DGEIS also should state that the storm water and sewage services can be provided using pumps regardless of the elevation of the streets, and without razing and regrading the site. Furthermore, the DGEIS should state

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<sup>4</sup> UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION, TECHNICAL ADVISORY T6640.8A, GUIDANCE FOR PREPARING AND PROCESSING ENVIRONMENTAL AND SECTION 4(F) DOCUMENTS, attached hereto as Exhibit H, *available at* <http://www.fhwa.dot.gov/legsregs/directives/techadv/t664008a.htm>.

<sup>5</sup> PROJECT DEVELOPMENT MANUAL, *see supra* n. 3 and Exhibit G, *citing* 40 C.F.R. part 149.

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this alternative's effect on property values and hence on property tax revenues, as well as its effect on the economic benefits and revenues of the existing businesses (reported in an August 17, 2008 article in Crain's New York Business as exceeding \$1 billion annually).

*D. The DGEIS Fails To Address The Impacts Of Placing Fill In Willets Point*

The DGEIS indicates that the site will be raised above the FEMA 100-year floodplain level. The April 2008 draft of the Willets Point Development District Neighborhood Conditions Study ("Blight Study"), prepared for the New York City Department of Housing Preservation and Development, indicates (at page C-82) that one of the greatest barriers to redevelopment of the area is that much of the land is below that floodplain level. As pointed out by Svante Scientific and FPM in the reports attached hereto as Exhibits B and C, respectively, it will take an enormous amount of fill to raise the project area above even the current 100-year flood plain, much less the flood plain expected within the Proposed Project lifetime. The DGEIS does not even estimate the quantities of this fill, much less where the fill will come from, how its cleanliness will be assured, the safety, environmental and energy impacts of the tens of thousands of truck trips required to haul the fill to Willets Point, the impacts of excavating the fill, and the impacts of the compression that the fill will both undergo and cause.

*E. The DGEIS Fails To Address The Impacts Of Climate Change*

Mayor Bloomberg has repeatedly, and correctly, warned that New York City faces serious consequences from sea level rise and other consequences of climate change. His "PlaNYC" discusses this in some detail.<sup>6</sup> A recent City report reaffirms that New York City faces serious consequences from sea level rise and extreme weather events as a result of climate change.<sup>7</sup> Nonetheless, the Lead Agency has expressly refused to address the impacts of climate change, though we requested such a discussion in our scoping comments. The Lead Agency's explanation for this refusal is that climate change impacts "are City-wide issues and are not addressed through CEQR on a project-specific level." (Final Scope of Work Att. A, Resp. to Cmt. 74 at A-23.) This explanation explains nothing, however, since the Lead Agency cannot sensibly ignore prudent mitigation measures at Willets Point simply because similar measures may be necessary elsewhere.

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<sup>6</sup> The City of New York, Mayor Michael R. Bloomberg, *PlaNYC: A Greener, Greater New York* (April 22, 2007), pages 130-141, available at <http://www.nyc.gov/html/planyc2030/html/downloads/the-plan.shtml>. The cited pages are attached hereto as Exhibit I.

<sup>7</sup> New York City Department of Environmental Protection, Climate Change Program, *Assessment and Action Plan: A Report Based on the Ongoing Work of the DEP Climate Change Task Force, Report 1* (May 2008), pp. 23-27, [http://www.nyc.gov/html/dep/pdf/climate/climate\\_complete.pdf](http://www.nyc.gov/html/dep/pdf/climate/climate_complete.pdf). The cited pages are attached hereto as Exhibit J.

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The Lead Agency also implies that, even if measures to address climate change might be necessary (and they are), the Lead Agency is taking these measures: "it should be noted that one of the proposed Plan's program components includes the raising of the existing grade throughout the District to conform to flood plain requirements." (*Id.*)

Raising the existing grade is helpful as a precaution to address climate change only if the grade is raised enough to be effective. And raising the grade six feet manifestly is not enough. As Svante Scientific points out in Exhibit B, by 2050, the grade will have to be raised at least ten feet (and not the proposed six feet) in order to avoid the 100-year flood plain. The City has failed to address this or any other aspect of climate change.

### III. CLOSING

In closing, the Proposed Project requires a major reworking of the roadway system, a hard look at how to cope with climate change and a reasoned evaluation of the impacts of raising the grade by ten feet or more. Otherwise, the area will be vulnerable to storms and sea level rise, will threaten local water supplies and will become a perpetual honking nightmare for people trying to get to a hospital, a fire, a flight or a game, or simply from one side of Queens to the other.

We respectfully submit that it is highly unlikely that the Proposed Project will ever secure the State and federal approvals necessary to proceed, and that it is time for the City to reject the Proposed Project and cut its losses. In the event that the City should decide (unwisely) to push forward, however, we reiterate that it would be unconscionable and unlawful for the City to start condemnation -- destroying, as a practical matter, the Willets Point businesses and their more than \$1 billion in annual revenues -- before securing all the needed State and Federal approvals.

Thank you for your attention to these comments.

Sincerely,

  
Michael B. Gerrard  
Nelson D. Johnson

Enclosures



At the time of the ...

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August 22, 2008

Asma Syed, Planner  
NYC Economic Development Corporation  
110 William Street  
New York, NY 10038

Re: Willets Point Redevelopment DGEIS  
Willets Point, Queens, New York

Dear Ms. Syed:

**Adler Consulting** has reviewed the transportation section of the Draft Generic Environmental Impact Statement (DGEIS) for the proposed Willets Point Development Plan in the Willets Point area of Queens, New York. Based on our review of the DGEIS, it is our professional opinion that, due to basic underlying errors and omissions, the conclusions of the transportation section are erroneous and incomplete and could not be used in making any decision upon the subject Application. We further conclude that the Project, as proposed, will do irreparable harm to the well-being and safety of the general public and, therefore, should be denied.

#### A. BACKGROUND OF THE REVIEWER

**Adler Consulting** focuses on the fields of traffic engineering and transportation planning. The firm provides these services to a range of clients in both the public and private sectors. Mr. Bernard Adler, P.E., the president of our firm, has over 40 years of traffic engineering experience, is the former Commissioner of Traffic for the City of White Plains and is a Fellow of the Institute of Transportation Engineers. Mr.

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Michael P. O'Rourke, P.E., PTOE, a senior associate with the firm, has over 30 years of traffic engineering experience. Statements of Mr. Adler's and Mr. O'Rourke's qualifications are attached hereto as Exhibit 1.

## B. INTRODUCTION

The Willets Point Development District is located adjacent to Shea Stadium and is generally bounded by 126<sup>th</sup> Street, Roosevelt Avenue, the Van Wyck Expressway and Northern Boulevard. The Willets Point Development District is proposed to include approximately 9,000,000 square feet (sf) of overall development with 5,500 dwelling units, 500,000 sf of office space, 1,550,000 sf of 'destination retail' (to include a 2,700 seat movie theater), 150,000 sf of local retail, a 700-room hotel, a 400,000 sf convention facility, 150,000 sf of community facilities and a public school with up to 850 seats. If a Convention Center is not included in the Development District, a larger residential component, to include a 900-seat school, would be developed. The DGEIS anticipates that approximately 6,090 vehicles would be generated during a weekday PM Peak Hour on day when the New York Mets do not have a home game.

While the DGEIS suggests that the Project generates the greatest number during the peak Saturday Highway Hour, a function of the heavy retail component, a very significant number of trips are anticipated to be generated during the morning and afternoon commute time frames and during which time significant congestion is indicated to result as a function of the proposed development.

## C. INADEQUACY OF THE DEIS

**Lack of Support Documentation** - It is important to note that the transportation component of the DGEIS, as provided to the public, is not transparent because it does not provide the technical analyses upon which the transportation section of the DGEIS is based.

The subject DGEIS, provided for review by the public, did not include the worksheets for the intersection capacity analyses nor the capacity analysis of the highways and ramps from which the data and statements in the DEIS were compiled. A Freedom of Information Law (FOIL) request has been filed with the City for these analyses but, as of yet, these data have not been provided. Therefore, it is not

possible to confirm whether the intersection capacity analyses or the highway roadway capacity analyses appropriately accounted for the effect of a significant increase in population and traffic, parking, buses, queuing and pedestrians on traffic operating conditions at the individual intersections and the highway network.

#### D. INDICATION OF AN OVERLY AMBITIOUS PROJECT

Based on information contained in the DGEIS, the following factors clearly indicate that the Project will lead to excessive congestion without sufficient mitigation to improve the surface roadway system and the highway system.

**1. Low Travel Speeds** - The Scope-of-Services for the DGEIS states that travel speed and delay time runs were to be performed for portions of Northern Boulevard, Roosevelt Avenue and 126<sup>th</sup> Street and along the Grand Central Parkway and the Van Wyck Expressway. No travel time information is contained in the Traffic and Parking Section of the DGEIS. While the summary information discussed for the highway sections does indicate travel speeds, it appears that these data are the output of the CORSIM modeling effort and not based on time and delay studies, which consist of actual data collected.

Travel time and delay runs were conducted for the portion of the Van Wyck Expressway in the immediate vicinity of the proposed Willets Point Development by the Port Authority of New York and New Jersey in 1987 as part of the JFK 2000 Data Collection Study. Travel time and delay data were collected on Friday night, August 28<sup>th</sup>, and on Sunday afternoon, August 30<sup>th</sup>. The data indicated that the average speed along the Van Wyck Expressway between the Whitestone Expressway and the Long Island Expressway were approximately 33 miles per hour (mph) or Level-of-Service E conditions and that the highway was operating at capacity. Simultaneous observations performed by Skycomp Corporation on Sunday afternoon, August 30<sup>th</sup>, indicated that there was a vehicle queue along the northbound Van Wyck Expressway of approximately six (6) miles in length. There is no comparable data collected for this application even though the Scope required its collection.

**2. Excessive Emergency Response Times** - Currently, the project Site is predominantly occupied by auto-related repair business with few residents. It is proposed to remove the existing businesses and offices and construct approximately 9,000,000 square feet of mixed-use development. As part of the Project, approximately 5,500 dwelling units and 700 hotel rooms would be constructed. Assuming an average occupancy of 1.5 people per dwelling unit, it is anticipated that there would be a resident population of approximately 8,300 people in the re-developed Willets Point District. The daytime population would include office workers, shoppers, convention attendees and up to 900 school children and their teachers.

The National Fire Protection Association (NFPA) was established in 1896. Its mission is to reduce the burden of fire and other hazards on the quality of life by providing codes and standards for the operation of fire departments. The NFPA has more than 81,000 members and has developed and published more than 300 codes and standards to minimize the effects of fire and other risks.

The NFPA has prepared Standard 1710: Standard For the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations and Special Operations to the Public by Career Fire Departments. The current Standard 1710 was published in 2004.

Section 5.2.4.1.1 of Standard 1710 states: "The fire department's fire suppression resources shall be deployed to provide for the arrival of an engine company within a 4-minute response time...." Information provided by the Office of Management Analysis and Planning for the New York City Fire Department, and attached hereto as Exhibit 2, indicates that the current response time for a unit to respond to a non-structural fire in the Willets Point area is six (6) minutes and 21 seconds which is 63 seconds more than the average response time for the entire Borough of Queens at five (5) minutes and 18 seconds. For a structural fire, the current response time for a unit to respond in the Willets Point area is five (5) minutes and 52 seconds which is approximately 60 seconds longer than the average response time for the Borough of Queens of four (4) minutes and 58 seconds.

It takes even longer to provide an emergency medical services response in Queens. Fire Department statistics indicate that the current response time for an Emergency Medical Services (EMS) Unit to respond to a medical emergency in the Willets Point area is six (6) minutes and 16 seconds, which is 94 seconds longer than the average

current response time for a unit to respond to a medical emergency for the Borough of Queens of four (4) minutes and 42 seconds. These average response times do not meet the requirements of Section 5.3.3.4.2 of Standard 1710 which states: "The fire department's EMS for providing first responder with AED [*automatic external defibrillator*] shall be deployed to provide for the arrival of a first responder with AED company within a 4-minute response time to 90 percent of the incidents as established in Chapter 4."

In sum, not only are the average response times of the FDNY to either fire or medical emergencies in Queens approximately 120 seconds more than the response time contained in the NFPA Standard, it also takes between 60 seconds to 90 seconds longer to respond to fire or medical emergencies in the Willets Point area than it does in Queens generally. If developed as currently proposed, the Willets Point District will add almost 9,000,000 square feet of mixed residential, office and retail development, which will generally lengthen the Willets Point and other local response times even further. It is also expected that between 850 and 900 school children would attend the school proposed for the neighborhood. Thus, both the need for emergency services and the City's inability to provide them will markedly worsen as a consequence of the proposed development. That a detailed analysis of the future need for emergency services was not performed, and indeed was dismissed as not required, is a major omission.

**3. Poor Traffic Operating Conditions - Surface Roadway System** - The results of the capacity analyses performed for the DGEIS indicate that most of the intersections studied would experience significant impacts due to the development of the area. Of the 29 signalized and unsignalized intersections analyzed, significant impacts are anticipated at between 19 intersections and 23 intersections on a day that does not include a Mets home game. On a day when the Mets would play in the new CitiField, 24 of the 29 intersections analyzed would experience significant impacts.

Severe congestion and very long delays are expected at many of the intersections analyzed due to the amount of traffic generated by the development. In many cases, intersection delays well in excess of 120 seconds are expected. In the AM Peak Hour, these include the following eight intersections:

- Northern Boulevard at 114<sup>th</sup> Street will fail with delays greater than two minutes;
- 126<sup>th</sup> Street/GCP Ramp at 34<sup>th</sup> Avenue will fail with delays greater than two minutes;
- 114<sup>th</sup> Street at Roosevelt Avenue will fail with delays greater than two minutes;
- Prince Street at Roosevelt Avenue will fail;
- Main Street at Roosevelt Avenue will fail with delays greater than two minutes;
- Main Street at Kissena Boulevard will fail with delays greater than two minutes;
- Union Street at Sanford Avenue will fail; and,
- College Point Boulevard at Northern Boulevard Service Road will fail with delays greater than two minutes.

For the PM Peak Hour on a non-game day, an even greater number of intersections, a total of eleven, are expected to experience delays in excess of 120 seconds, considerable congestion and queues including:

- Northern Boulevard at 114<sup>th</sup> Street will fail with delays greater than two minutes;
- Union Street at Northern Boulevard will fail with delays greater than two minutes;
- 126<sup>th</sup> Street/GCP Ramp at 34<sup>th</sup> Avenue will fail with delays greater than two minutes;
- 114<sup>th</sup> Street at Roosevelt Avenue will fail with delays greater than two minutes;
- 126<sup>th</sup> Street at Roosevelt Avenue will fail with delays greater than two minutes;
- Prince Street at Roosevelt Avenue will fail with delays greater than two minutes;
- Main Street at Roosevelt Avenue will fail with delays greater than two minutes;
- Main Street at Roosevelt Avenue will fail with delays greater than two minutes;
- Union Street at Roosevelt Avenue will fail with delays greater than two minutes;
- Union Street at Sanford Avenue will fail; and,
- College Point Boulevard at Northern Boulevard Service Road will fail.

Even where the capacity analysis is discussed in the DGEIS, the full impact of the proposed development cannot be truly assessed. The Highway Capacity Software used for the analysis generates a value for the intersection delay. However when an intersection reaches a level of severe congestion, as encountered at many of the intersections in the study area, the analysis displays a value of 120+ seconds. It does not display the actual calculated delay value. To be able to assess the true change in the delay value from the No-Build condition to the Build Condition, and therefore understand the extent of the impacts, it is necessary that the actual delay values be calculated and reported. The actual delay values can be calculated using the formulae contained in the Highway Capacity Manual and a spreadsheet program. In the Willets Point area, with so many intersections already calculated to have delay values over 120 seconds, it is imperative that this extra step be taken so that the true traffic impacts of the development can be assessed.

The analysis of the proposed mitigation measures indicates that no attempt was made to take a "hard look" at any and all of the available measures that could be used to mitigate the traffic impacts of the development. None of the mitigation measures include the construction of additional travel lanes on any intersection approaches. Slightly under one-half (45 percent) of the intersections analyzed for a non-game day condition would not be mitigated. Almost half, up to 48 percent, of the intersections analyzed for game-day conditions would remain unmitigated. Leaving half of the intersections in the study area unmitigated is completely unprecedented. In this case, since the existing facilities will be removed and the DGEIS states that the grade for the District is to be raised by as much as six feet, providing the opportunity to construct the appropriate number of through and turn lanes needed to accommodate the anticipated traffic volumes, the decision to attempt to mitigate using only low-cost operational changes is a serious omission. It must be noted that the opportunity to mitigate is available, since, as noted on Page S-1 of the Executive Summary "...up to six feet of fill are required to raise the grade of the District so that it is out of the Federal Emergency Management Agency (FEMA) 100-year floodplain." Despite the 'clean slate' that would be provided by the changes in grade for the District, the City has chosen not to construct the appropriate number of roadway lanes necessary to mitigate the impacts of the project and the approximately 6,090 vehicles that would be generated during a non-game-day weekday PM Peak Hour but has instead chosen to leave unmitigated traffic impacts throughout the development and surrounding area.

Because the mitigation measures utilized for this study do not include the construction of additional travel lanes to accommodate the traffic that would be generated, but instead are limited to minimal operational changes such as adjusting the traffic signal timing or phasing at some intersections, the DGEIS indicates that there are nine intersections where the impacts from this project would be unmitigated during any of the seven peak hours analyzed (both game day and non-game day scenarios). They include:

- Northern Boulevard at 126<sup>th</sup> Street;
- Northern Boulevard at Prince Street;
- 34<sup>th</sup> Avenue at 126<sup>th</sup> Street;
- Roosevelt Avenue at 114<sup>th</sup> Street;
- Roosevelt Avenue at 126<sup>th</sup> Street;
- Roosevelt Avenue at College Point Boulevard;
- Roosevelt Avenue at Prince Street;
- Roosevelt Avenue at Main Street; and,
- New Willets Point Boulevard at 126<sup>th</sup> Street.

It is particularly noted that the four of the intersections cited above are located along 126<sup>th</sup> Street, the major north-south street in the proposed District, and is adjacent to the new Citi Field.

At the Public Hearing of the New York City Planning Commission for this project on August 13, 2008, a representative of the New York City Economic Development Corporation indicated that there had been "mitigation (*of the intersections studied*) where feasible." This is not the case. The mitigation measures that were included and evaluated as part of this study included operational changes to the traffic signal system, changes in parking restrictions, turn restrictions and the installation of traffic signals at one intersection. The construction of additional travel lanes were not considered as possible mitigation measures to accommodate the more than 6,000 additional vehicles that would be generated in the PM Peak Hour.

The representative of the New York City Economic Development Corporation also stated that the traffic operations of the development would be monitored in "real time" and that there would be a fund of \$5,000,000 established to be used for additional measures to mitigate. In view of the magnitude of the expected traffic impacts, no meaningful mitigation could be accomplished with this fund.

In addition, if there is to be additional mitigation of the numerous traffic impacts, that mitigation must be identified and evaluated now as part of the CEQR process. The only mitigation that would be feasible to accommodate the 6,000 new vehicles that will be generated in the peak hour will require the construction of additional travel lanes at intersections throughout the study area. Constructing these additional travel lanes at the beginning of the development process, when the land is available is the logical approach. It does not make sense to construct the development with the inadequate number of lanes provided at each intersection and, after monitoring continually deteriorating traffic operations until some unspecified future date, then attempt to acquire land that has recently been built upon and propose to demolish that property to finally construct the number of travel lanes that would be needed to accommodate the projected traffic volumes.

Placing a budget for mitigation following a monitoring program does not ensure effectiveness of the mitigation. Most importantly, the CEQR process demands that these evaluations must be performed before the project is in place, not afterwards.

**4. Poor Traffic Operating Conditions - Highways & Ramps** - Significant impacts will also occur on the highway network, resulting in much slower speeds and considerable bumper-to-bumper congestion conditions.

Level-of-Service "F" conditions will occur on the Van Wyck Expressway. On the northbound Expressway, traffic will slow to 21 miles per hour in the AM Peak Hour, a reduction in speed from 40 mph in the No-Build condition. During the midday period, speeds are expected to sink to 10.8 mph from 36 mph in the No-Build condition and in the PM Peak Hour would be reduced to 17.6 mph from 39 mph in the No-Build condition (a 55 percent reduction in calculated speeds). On Saturday, traffic in the northbound direction will travel at 13.4 mph as compared to a speed of 41 mph in the No-Build condition. Extremely slow speeds and heavy congestion are also expected on both directions of the Grand Central Parkway, the southbound Van Wyck Expressway and the southbound Whitestone Expressway.

The ramps connecting the various highway facilities will also suffer from bumper-to-bumper congestion. Single digit speeds of less than two mph are expected on the ramp from the westbound Northern Boulevard to the southbound Van Wyck Expressway for most of the day. In the midday peak hour a speed of 1.9 mph is expected, for the PM Peak Hour a speed of 1.4 mph is anticipated, and in the Saturday midday hour a speed of 1.6 mph is expected; these speeds represent a

significant reduction from the No-Build conditions where speeds of approximately 29 mph were calculated for the three time periods. Single-digit ramp speeds are expected on the ramp from the northbound Whitestone Expressway to the southbound Van Wyck Expressway in the PM peak Hour (2.8 mph from a No-Build speed of 32 mph) and the Saturday midday hour (5.0 mph speed from a No-Build speed of 34 mph), on the ramp from the eastbound Astoria Boulevard/Grand Central Parkway to northbound Whitestone Expressway/eastbound Northern Boulevard in the PM Peak Hour (a reduction to 7.0 mph from a No-Build condition speed of 36.2 mph) and on the ramp from southbound Whitestone expressway to westbound Northern Boulevard in the weekday midday hour (6.6 mph from a No-Build speed of 27.9 mph) and the Saturday midday hour a speed of 7.3 mph reduced from a speed of 27.8 mph in the No-Build condition). The congestion caused by these extremely low speeds will spill back onto the already overloaded highway network and the local streets.

**5. Questionable Ability to Construct the Ramp Improvements** - The DGEIS includes a proposal to construct a new exit ramp from the northbound Van Wyck Expressway to an intersection in the project site as well as a new ramp from the same intersection on Northern Blvd. onto the southbound Van Wyck Expressway.

From a procedural perspective, changes in access to the Interstate Highway System (the Van Wyck Expressway is part of the Interstate Highway System and designated as I-678) require the preparation of an Access Modification Report (AMR) by NYSDOT and the participation of and approval by the Federal Highway Administration. Information obtained from NYSDOT under the Freedom of Information Law indicates that there are considerable concerns whether the proposed ramp could accommodate the anticipated traffic volumes or whether there would be a significant queue spillback that would have an impact on the existing ramp system and the mainline of the Van Wyck Expressway. (See the spreadsheet attached hereto as Exhibit 3.) Given that the ramp would be "fit in" the area already containing the existing Van Wyck Exp./Whitestone Exp./Northern Blvd. Interchange, NYSDOT also has concerns as to whether adequate sight distance on the new ramp could be provided.

Operationally, a significant problem with the exit ramp from the northbound Van Wyck Expressway is that it is proposed as a left-hand exit ramp from an existing ramp complex that already includes right-hand exits onto both eastbound and westbound Northern Boulevard. Left-hand exit ramps are a bad idea.

The American Association of State Highway and Transportation Officials (AASHTO) is an association representing highway and transportation departments in the United States. Its primary goal is to foster the development, operation and maintenance of an integrated national transportation system. For more than 50 years, AASHTO has developed and continually updated recommended procedures for the engineering and design of streets and highways. The most recent update to the design procedures was published in 2004.

In Chapter 10 (Grade Separations and Interchanges) of A Policy on Geometric Design of Streets and Highways, AASHTO states: "Left-hand entrances and exits are contrary to the concept of driver expectancy when intermixed with right-hand entrances and exits. Therefore, extreme care should be exercised to avoid left-hand entrances and exits in the design of interchanges." AASHTO goes on to state that "Left-side ramp terminals break up the uniformity of interchange patterns and generally create uncertain operation on through roadways." Left-hand exit ramps are not expected by drivers, which can lead to confusion, delays and the increased potential for accidents.

NYSDOT agrees that left-hand exit ramps are a bad idea. In an e-mail from Peter King, Director of Program Planning and Management for the NYC Regional office of the New York State Department of Transportation, and dated, May 25, 2007, NYSDOT summarizes, in the spreadsheet attached hereto as Exhibit 3, all of the comments that NYSDOT has made to evaluate the proposed ramp improvements prior to a formal submission of comments to the EDC. The spreadsheet notes, as the first item of concern, that all of the proposed exit ramp alternatives require a left-hand exit ramp. Additional comments contained in the spreadsheet also note that "excessive turbulence" is possible on the existing exit ramp, that there would be "too many sign structures" and that there is also a "potential for queue backup on the mainline Van Wyck Expressway and Northern Boulevard."

It is also significant that the FHWA has not been involved in the review process of this proposed major change to the access from an Interstate Highway. At the Public Hearing held on August 13, 2008, a representative from the New York City Economic Development Corporation (EDC) indicated that they are using NYSDOT as a conduit for consultation with FHWA. The EDC representative also indicated that NYSDOT is currently preparing an Access Modifications Report (AMR) but that it will take at least one more year before the AMR will be ready to be submitted for review by FHWA.

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Discussions with FHWA engineers located in the New York Division Office, in Albany, indicate that the review of the AMR, once it is submitted by NYSDOT, may also require input from the engineers at FHWA Headquarters in Washington, D. C. which may entail a considerable length of time.

While it was announced at the Public Hearing that the City currently has set aside a total of \$50,000,000 to construct the proposed ramps to and from the Van Wyck Expressway, it is clear that the necessary plans and environmental studies (the AMR) will not be submitted to the FHWA until the end of 2009 and that a positive decision from FHWA will be some time after that, if at all.

Given the issues that were raised by NYSDOT concerning the proposed new ramp access and the uncertainty of the amount of time that will be needed for the review of the AMR by FHWA, there should be an extensive analysis of just how over 6,000 new peak vehicles would be able to enter or exit the district if the proposed ramps are not approved and cannot be constructed. Information contained in the Appendix of the DGEIS indicates approximately 2,800 vehicles would use the proposed new ramps to enter or exit the development in the PM Peak Hour. This represents just under one-half (46 percent) of the total site-generated traffic that is expected in the PM Peak Hour. If these ramps are not constructed, the traffic from the development would be forced to use the already overloaded local street network for access to the highway system at other portals.

Lastly, indications are that New York City plans to fund the proposed ramp construction activity for \$50,000,000 using only City funding sources and not by including this budget cost within the Transportation Improvement Program (TIP). This results in a startling lack of transparency concerning budgetary issues and required consultations with the Federal Highway Administration.

#### E. IMPACT ON PEDESTRIAN AND VEHICULAR SAFETY

The DGEIS contains a summary table with accident data obtained from the New York State Department of Transportation for 26 intersections for the period between July 1, 2004 and June 30, 2007. The analysis highlights three intersections which are high-accident locations for pedestrian and bicycle accidents and includes a discussion of measures, such as turn prohibitions, installing high-visibility crosswalks or constructing 'bulbouts' to mitigate pedestrian related accidents. However, there is no

identification of any intersections that are high accident locations for vehicular accidents, nor is any analysis provided. In the three-year period analyzed, there were a total of 52 reportable accidents at the intersection of 126<sup>th</sup> Street and Northern Boulevard, which is a major access/egress location for the Willets Point District. There were also 34 accidents at the intersection of Prince Street with Northern Boulevard, 30 reportable accidents at the intersection of Main Street and 25 accidents at the intersection of College Point Boulevard and Roosevelt Avenue in the three-year study period. There was a non-pedestrian related fatal accident at the intersection of 108<sup>th</sup> Street at Astoria Boulevard and another fatal accident, at the intersection of Prince Street and Northern Boulevard. The circumstances of either of the fatal accidents are not discussed in the DGEIS, therefore, there is also no discussion of mitigation.

The DGEIS indicates that the proposed development will generate a total of approximately 21,000 new person trips in the PM Peak Hour, with about 3,700 of these new trips involving walking only and about 4,400 new person trips to or from the subway system. There will also be approximately 6,100 new vehicles on the roadway system within the development in the PM Peak Hour. While it is generally not anticipated that the accident rates in terms of accidents per vehicle miles traveled (VMT) would increase, there will be an increase in both vehicular and pedestrian volumes, including the number of school children. Accordingly, there will also be a concurrent increase in the opportunities for vehicular and pedestrian conflicts in the study area and, therefore, a significant increase in the number and severity of the accidents in the area should be anticipated. The safety analysis in the DGEIS should acknowledge the increase in the accident potential and identify the corridors in the development where mitigation measures may be required.

#### F. IRREPARABLE HARM TO THE PUBLIC

Despite the obvious inadequacies of the DGEIS, a review of the proposed plan clearly indicates that, as proposed, there will be a substantial increase in pedestrian and vehicular traffic volumes. The increase in volumes will lead to increased conflicts and raise the number of accidents in the vicinity. The increase in pedestrian activities will include approximately 850 school children as well as visitors to the hotel and convention center.

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The New York State Department of Transportation (NYSDOT) also clearly feels that the proposed construction of the new exit ramp from the northbound Van Wyck Expressway represents a potential safety hazard. NYSDOT communications contain multiple comments and concerns that the proposed ramp will not have adequate sight distance. (See the spreadsheet attached hereto as Exhibit 3.) The Department is also concerned that the ramp may not have sufficient capacity to accommodate the potential traffic volumes which will lead to a significant queue spillback of traffic onto the northbound mainline of the Van Wyck Expressway, leading to more and severe accidents.

Information disclosed at the Public Hearing on August 13, 2008 indicated that the FHWA has not been involved in the required Access Modification Report process and may not receive the report from NYSDOT for at least another year. The analysis in the DGEIS assumes that the ramps will be constructed. If, however, neither NYSDOT nor FHWA approve the construction of the ramps, over 2,800 vehicles would use the already overcrowded local street network to find alternative routes to the Van Wyck Expressway, the Whitestone Expressway and other parts of the highway network, again leading to a significant increase in roadway accidents.

## G. CONCLUSIONS

Based on our review of the DGEIS, it is the considered professional opinion of **Adler Consulting** that, due to basic underlying errors and omissions, the conclusions of the transportation section are erroneous and incomplete and could not be used in making any decision upon the subject Application. It is also important to note that there is a complete lack of transparency of the transportation component of the DGEIS since it does not provide the technical analyses upon which the results and conclusions of the DGEIS are based.

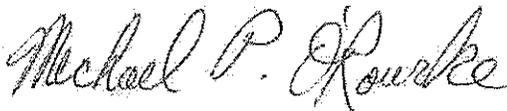
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Because the measures that were allowed to be considered to mitigate the traffic impacts did not include construction of additional through or turn lanes at critical intersections, multiple locations would experience significant impacts and nine intersections would remain unmitigated for all Build scenarios. It is the considered professional opinion of Adler Consulting that the Project, as proposed, will do irreparable harm to the well being and safety of the general public and, therefore, should be denied.

Sincerely,  
Adler Consulting,  
Transportation Planning & Traffic Engineering, PLLC



Bernard Adler, P.E.  
President  
New York State Professional Engineer No. 048373



Michael P. O'Rourke, P.E., PTOE  
Senior Associate  
New York State Professional Engineer No. 061375

(enclosures)



# EXHIBIT 1



**Adler Consulting,                      Transportation Planning & Traffic Engineering, PLLC**

**Bernard Adler, P. E., President**

**Professional Registration:**

Professional Engineer            - New York  
   - New Jersey  
   - Connecticut

**Education:**

Stevens Inst. of Technology	- Mgmt. Sciences, Postgraduate Courses	
Long Island University	- MS, Management Engineering	1970
Polytechnic Inst. of Bklyn.	- MSEE, Electrical Engineering	1966
City College of New York	- BEE, Electrical Engineering	1962

**Teaching:**

Adjunct Assistant Professor of Civil Engineering, Manhattan College, Bronx, New York, 1982, 1983.

**Professional Experience:**

**Principal, Adler Consulting, White Plains, NY, 1991 to present.** Mr. Adler is responsible for the all the quality control as well as client and government liaison facets of the Firm's operation. The Firm provides professional services in the areas of Transportation Planning and Traffic Engineering. **Adler Consulting** is currently providing traffic engineering services for the County of Westchester in the optimization of over 100 signals in Mount Vernon, NY. Efforts include traffic volume data collection and the creation of timing patterns for the AM and PM Peak Highway Hours, inventory of control equipment at each signalized intersection under study, creation of a SYNCHRO network, and analyses.

**Commissioner of Traffic, The City of White Plains, N.Y., 1979-1987.** During a period of major redevelopment, Mr. Adler: Managed the design, installation, maintenance and operation of all traffic control devices for the control of pedestrian and vehicular traffic, including signs, signals and pavement markings; Coordinated with other planning agencies of the City for traffic and transportation needs of the present and future; and, Advised the Mayor, Common Council and other agencies of the government as to the City's traffic requirements regarding the welfare of the public with respect to traffic.

From 1987 to 1991 Mr. Adler served as **Senior Vice President, Raymond Keyes Associates, Inc., Tarrytown, N.Y.** and from 1975 to 1978 he was **Manager of Intermodal Planning for the Tri-State Regional Planning Commission, New York, NY.**

Bernard Adler, P.E.

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**Professional Organizations:**

Fellow	Institute of Transportation Engineers (ITE)
Member	National Society of Professional Engineers
Member	Transportation Research Board: Motorists Services Committee, A3B05, 1970-1988 Advisory Panel on "Urban Pedestrian Traffic Control" (17-11)
Member	The Institute of Electrical and Electronics Engineers, Inc.

**ITE - METROPOLITAN SECTION OF NEW YORK & NEW JERSEY**

Director	1986, 1987
President	1985
Vice President	1984
Secretary/Treasurer	1983
Chairman	Equal Opportunity Program Committee, 1977
Chairman	School Coordination Committee, 1976

**ITE - INTERNATIONAL**

Member	Board of Direction, 1986-1989
General Chairman	57th Annual Meeting, New York City, August 1987
Chairman	Annual Meeting Committee, 1988, 1989
Member	Philanthropic Steering and Advisory Committee, 1990/91
Member	1992 Nominations Committee
Member	Annual Meeting Committee, 1987
Member	Budget Committee, 1989
Member	International Districts (7 & 8) Committee, 1987
Member	Transportation Achievement Award Committee, 1986
Chairman	Systems Planning Division, Department 6, 1985
Assistant Chairman	1979-1980
Editor	CCSAG Newsletter, Volume 2, Number 4, December 1979

**ITE - DISTRICT ONE**

Chairman	Annual Meetings Committee, 1984
Chairman	1983 Annual Meeting
Chairman	Career Guidance Committee, 1981
Chairman	Technical Committee, 1978-1979

**References**

Kevin Roseman: Traffic Engineer, County of Westchester, White Plains, NY (914) 995-4084  
Garo Garabedian, Traffic Engineer, Town of Greenwich, Greenwich, CT (203) 622-7760

**Adler Consulting,                      Transportation Planning & Traffic Engineering, PLLC**

**Michael P. O'Rourke, P. E., P.T.O.E., Senior Associate**

**Professional Registration:**

Professional Engineer                      New York, New Jersey  
Professional Traffic Operations Engineer      Trans. Prof. Certification Board, Inc.

**Education:**

Manhattan College                      B.E. (Civil Engineering)      May, 1976  
Polytechnic University                      M.S. (Transportation Plng & Trfc Engg)      May, 1977

**Professional Experience:**

**Senior Associate, Adler Consulting, White Plains, NY, 2000 to present.** Mr. O'Rourke is responsible for evaluation of traffic, parking and transportation impact analyses and mitigating measures associated with property/corridor development; design of impact mitigating measures; evaluation and deployment of ITS technology; and, administration within the Firm.

**Associate, Eng-Wong, Taub & Associates, New York, NY, 1989 to 2000.** Mr. O'Rourke supervised a team of engineers in performing: Environmental Impact Assessments; Transportation Planning Studies; Highway Design; and, Traffic Impact Studies. Some of Mr. O'Rourke's key assignments included:

Traffic Engineering "Call-In" Services for the Port Authority of New York & New Jersey; Newark Airport Landside Vehicular Traffic Surveys (1995, 1996, 1997, 1998 & 1999); Northern State Parkway Reconstruction; Routes 119 & 9A Highway Design Study; Cross Bronx Expressway Rehabilitation Study; Major Deegan Expressway Accident Analyses; Bronx and Northern Manhattan Arterials Study; White Plains Comprehensive Plan Update; Metro-North Commuter Railroad Parking Planning Services; Metro-North Commuter Railroad Strike Contingency Planning; Manhattan East Side Transit Alternatives Study; Hunters Point Waterfront Development Project EIS; Long Island City Local Network and Regional Access Transportation Study; Port Newark Signing Program - Stages I and II.

**Principal Engineer, The RBA Group, Morristown, NJ, 1987-1989.** Some of the projects in which Mr. O'Rourke was involved included: Newark Airport 2000 Data Collection Program; JFK 2000 Data Collection Program - Traffic and Travel Time Data Collection and Videotape Traffic Monitoring; Site Impact Traffic Evaluation -- IMTT-Bayonne; Review of

**Adler Consulting,                      Transportation Planning & Traffic Engineering, PLLC**

a Traffic Impact Statement for West Amwell Township; Site Impact Evaluation, Cranford Shopping Development; Washington Mews Planned Adult Citizen Community, Gloucester County, NJ; Mount Laurel Township Traffic Engineering;

**Senior Engineer, Storch Associates, Westbury, NY, 1985-1987.**

**Engineer, Edwards & Kelcey, Livingston, NJ & New York, NY, 1980-1985.**

**Transportation Planner, Capital District Transportation Committee (CDTC), Albany, NY, 1977-1980.**

**Publications:**

Co-authored "Status of Unsignalized Intersection Capacity Research in the United States", published in March 1988, at the International Workshop "Intersections Without Traffic Signals" in Bochum, West Germany.

**Professional Organizations:**

Fellow                      Institute of Transportation Engineers (ITE)  
President                  Met Section, 1995  
Chairman                  District One, 2000

Member                    American Society of Civil Engineers (ASCE)  
Transportation Group Executive Committee, New York-New Jersey Section

Member                    Transportation Research Board  
Committee A3A10 Highway Capacity and Quality of Service (Unsignalized Intersections Subcommittee and User Liaison Subcommittee)

**References**

Kevin Roseman: Traffic Engineer, County of Westchester, White Plains, NY (914) 995-4084

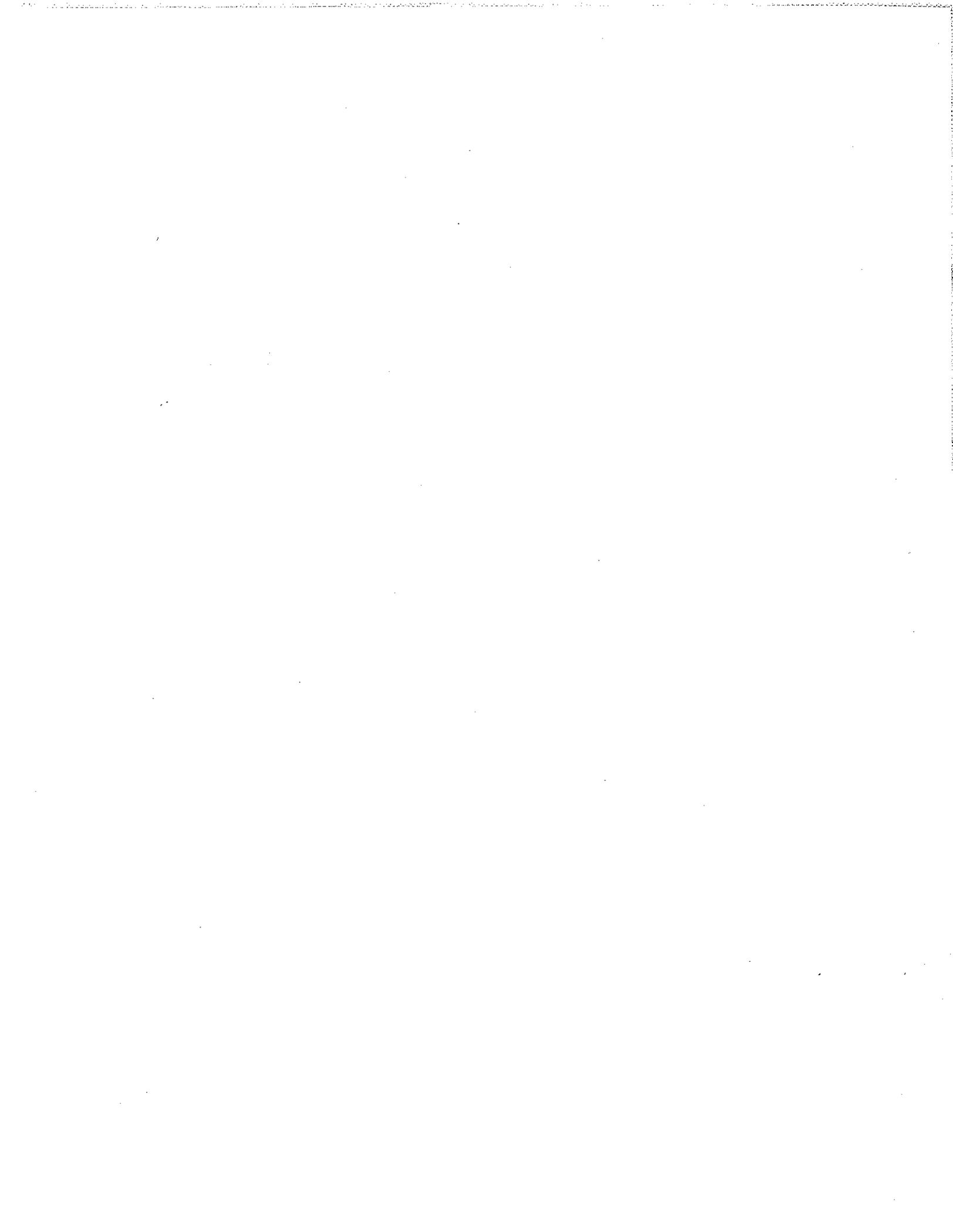
Thomas Soyk, P.E., Commissioner of Traffic, City of White Plains, NY (914) 422-1315

## EXHIBIT 2



WILLETS POINT RESPONSE TIME - JAN 2006 TO JUNE 2008

	Major Category Grp		
	Medical Emergencies	NonStructural Fires	Structural Fires
Willets Pt. (Jan '06 to Jun '08)			
INCIDENTS USED IN STATS	141	74	5
RESPONSE TIME	6:16	6:21	5:52
Queens (CY2007)			
INCIDENTS USED IN STATS	32,901	4,083	4,922
RESPONSE TIME	4:42	5:18	4:58



# EXHIBIT 3







B

Aldine THE Enviro-Tap™

MIXED SOURCES CO. INC. 5400 CLEVELAND AVE. S.W. ALBUQUERQUE, NM 87105



**PROJECTED FLOOD VULNERABILITY DUE TO CLIMATE CHANGE  
CIRCA THE YEARS 2050 AND 2090  
FOR THE WILLETS POINT AREA, QUEENS, NEW YORK**

**Prepared by:**

Linda Sohl, Ph.D.  
Mark Chandler, Ph.D.

**Prepared for:**

Arnold & Porter, LLP  
399 Park Avenue  
New York, NY 10022-4690

August 21, 2008

**Acknowledgments:**

Jessica Haller and Ken Mankoff also contributed to this report.

## **Executive Summary**

In order for the planned Willets Point Development District to be eligible for coverage under the National Flood Insurance Program, the City of New York requires that all new construction be built at an elevation that exceeds the current 100-year flood level as determined by the FEMA Flood Insurance Study (FIS) for the City of New York (2007). For the Willets Point tidal floodplain, the project sponsor estimates that an increase in elevation to approximately 14 feet above stillwater height (FEMA, 2007) is required. However, taking into account the possible impacts of future climate change on global sea level rise / local stillwater height, the estimated 100-year flood levels (and thus the minimum required elevation increase) for the Willets Point area are substantially greater, ranging from approximately 18 feet by the 2050s up to 24 feet for the 2090s. The generally understood impacts of global warming on sea level rise include contributions from thermal expansion of the oceans, melting of mountain (alpine) glaciers, and melting or other forms of mass loss from large-scale continental ice sheets. Other future flood hazards that are less certain, but which would increase storm surge heights further come from East Coast winter storms (nor'easters) and hurricanes, which some evidence already suggests could become more powerful as the Atlantic Ocean continues to warm.

This report outlines the analysis performed to reach these conclusions, summarized in Section 5.



## 1. Introduction

The City of New York plans to redevelop the Willets Point area of northern Queens County in order to create the 61-acre Willets Point Development District. The redevelopment would involve the conversion of industrial and commercial property to a mixed-use community through removal of the property from the current owners under eminent domain.

In order for the Willets Point Development District to be eligible for coverage under the National Flood Insurance Program, the City of New York currently requires that all new construction be built at an elevation that exceeds the 100-year flood level as determined by the current FEMA Flood Insurance Study (FIS) (2007). For the Willets Point area, which is on a tidal floodplain, the project sponsor estimates that this would require filling in the planned redevelopment area to an elevation of approximately 14 feet above the National Geodetic Vertical Datum of 1929 (stillwater height) (FEMA, 2007). At this time, FEMA determines the elevation of the 100-year flood level through an established methodology that does not include any projections of the possible impacts of future climate change, leaving open the possibility that the planned new local elevation of 14 feet above stillwater height will be inadequate to protect the Willets Point Development District from 100-year flood events in the coming decades.

At the request of our client, Arnold & Porter LLP, we have produced preliminary projections of the 100-year flood level for the 205s and 2090s in order to take into account the effects of global climate change, which is forecast to include an increase in global mean sea level. At a minimum, this increase in global mean sea level would be expected to raise both the stillwater height and the elevation of the 100-year flood level in the Willets Point area, as well as increase the impacts of storm surges produced by East Coast winter storms (nor'easters) and hurricanes.

## 2. The Willets Point Project Area and the FEMA Flood Insurance Study

The Willets Point project area is a broad, triangular-shaped district extending into the southern end of Flushing Bay in Queens, bordered in part by Flushing Creek and Flushing Meadows wetlands to the east and south (see Figure 1). Much of the area slated for redevelopment is a tidal floodplain, which means that the principal source of flooding in the area comes from storms such as hurricanes and East Coast winter storms (nor'easters), rather than as a result of overflow from Flushing Creek. Since the project area lies within a "drowned valley" that has been filling in with sediment only over the past several thousand years, the general elevation of the Willets Point area is quite low – less than 10 feet above the stillwater height – and the depth to the top of the water table is correspondingly very shallow.

The current 100-year flood level identified for Willets Point in the Flood Insurance Study (FIS), and on the Flood Insurance Rate Maps (FIRMs), is approximately 13 feet in elevation; the 500-year flood level lies at approximately 15 feet (FEMA, 2007) (see Figure 2). These flood levels are the product of separate hydrologic and hydraulic analyses of the impacts of fluvial (river) flooding, coastal flooding by hurricanes, coastal flooding by East Coast winter storms (nor'easters), and wave height analysis, all combined in a probabilistic sense for the original FIS for the City of New York, completed in 1983. The analyses were documented in a series of

reports prepared between 1979 and 1983 by the engineering firm Camp, Dresser and McKee (now called CDM; see FEMA, 2007 for a summary). Although the FIS has been updated in part several times since 1983, the only update impacting the Willets Point area is the latest revision (2007), for which the FEMA-designated 100-year and 500-year flood levels were re-delineated onto higher resolution topographic and base maps (at 1:1,200 scale, with 2-foot pixel resolution from photography dated 2004) provided by the New York City Department of Information Technology and Telecommunications (NYC DOITT).

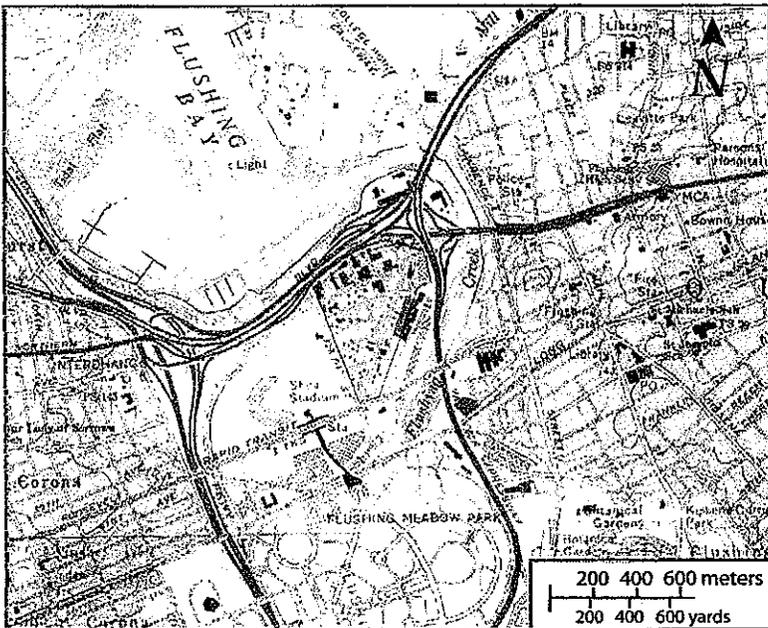
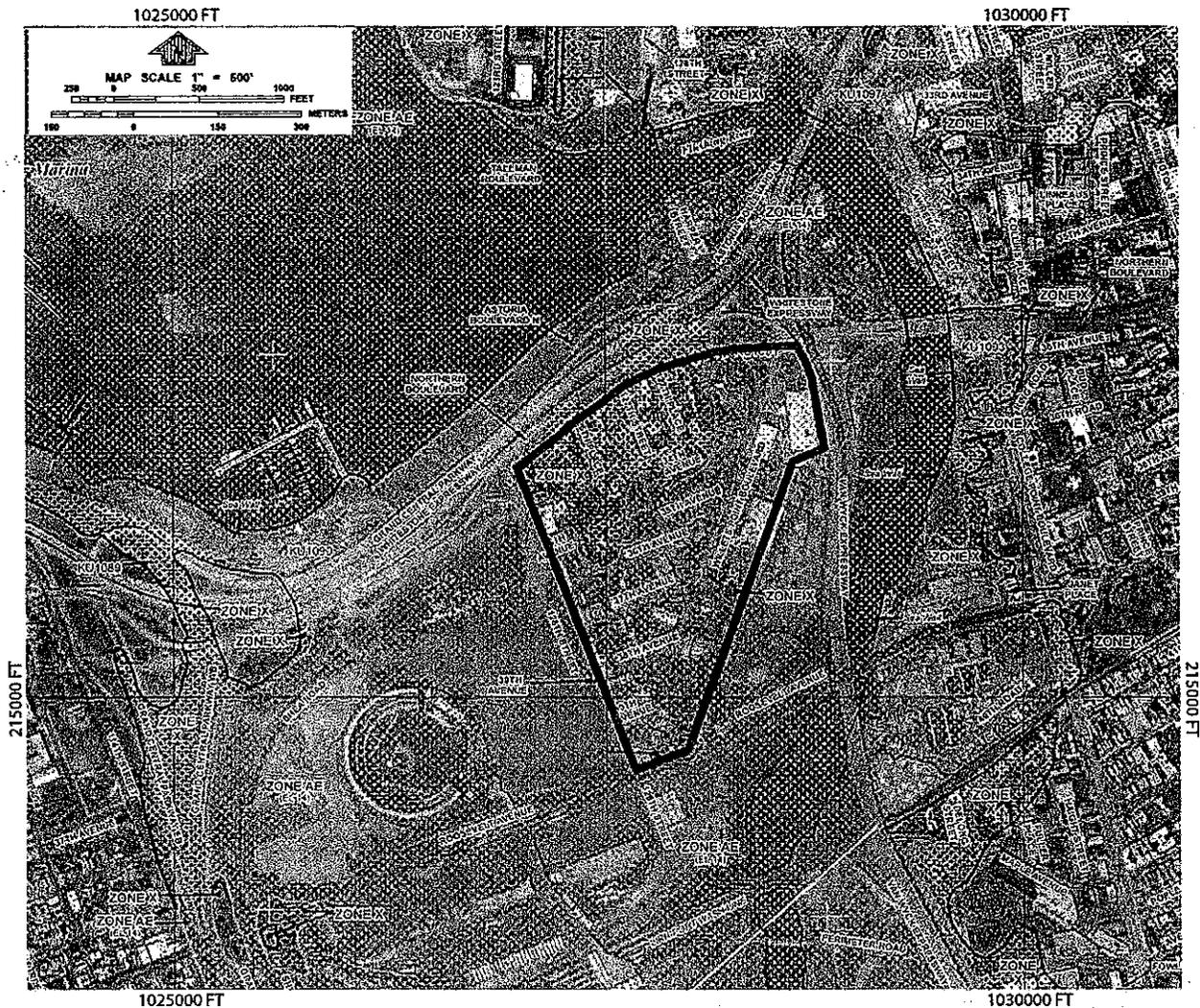


Figure 1. The planned Willets Point Development District is shown here shaded in green. Topographic base map is taken from the U.S. Geological Survey's Flushing, N.Y. 7.5' Quadrangle Map (scale 1:24,000); contour interval is 10 feet.

While the transfer of the flood level information to a higher resolution base map may provide some improvement in the community's understanding of possible flood risks, it is important to note that the 100-year and 500-year flood levels at Willets Point have not actually been reassessed by FEMA since 1983. The flood levels therefore do not reflect the results of newer, improved computer models simulating floods and storms surges, nor do they take into account more recent climatological information or projections of future climate change. Other, more recent assessments of various aspects of flood risk to the Willets Point area are available, and are discussed briefly below. However, since the National Flood Insurance Program relies up the information specified in the FEMA FIS, the general flood hazard being used as a guideline for the minimum elevation of new construction at Willet Point is likely an underestimate that will prevent the community from maintaining NFIP eligibility in the coming decades.

### 3. Projected Impacts of Global Climate Change on Flood Potential at Willets Point

The issue of global climate change may seem far removed from the immediate concerns of coastal flooding in the Willets Point area, especially since the primary emphasis in the popular media has been on increases in global average temperature, and large regional swings in precipitation patterns (e.g., the second occurrence of a "500-year flood" event in the midwestern states during the past 15 years, or extended drought in the southwestern U.S.). However, a



**DETAILS FROM FEMA FLOOD INSURANCE RATE MAP (FIRM) LEGEND**

	<b>SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD</b>
<p>The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Area AE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.</p>	
<b>ZONE AE</b>	Base Flood Elevations determined.
	<b>OTHER FLOOD AREAS</b>
<b>ZONE X</b>	Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood
	<b>OTHER AREAS</b>
<b>ZONE X</b>	Areas determined to be outside the 0.2% annual chance floodplain.
	1% annual chance floodplain boundary
	0.2% annual chance floodplain boundary
(EL 987)	Base Flood Elevation value where uniform within zone; elevation in feet *Referenced to the National Geodetic Vertical Datum of 1929
600000 FT	5000-foot grid ticks: New York State Plane coordinate system, Long Island zone (FIPSZONE3104), Lambert Conformal Conic projection

Figure 2. Flood levels in the Willets Point area. The Willets Point project area is outlined in black. Image is compiled from FEMA FIRMs 3604970113F and 3604970114F (2007).

Shown here are the current FEMA boundaries for the 100-year flood level, or 1% annual chance floodplain (Zone AE, in light aqua stippling) and the 500-year flood level, or 0.2% annual chance floodplain (Zone X, in black stippling).

globally warmer world does bring with it a phenomenon that manifests locally on all shorelines – specifically, an increase in mean sea level, or stillwater height.

Contributing factors to global sea level rise (SLR) as a result of an increasingly warm climate include:

1. *Thermal expansion of seawater* - The most certain least uncertain of these factors for future climate projections is the phenomenon of thermal expansion. The principle is straightforward and is drawn from basic physics: when the temperature of a given amount of water is increased, the water becomes less dense, so that the same amount of water now takes up more space. Contributions to SLR from thermal expansion as measured over the past decade (1993-2003) have been on the order of 1.6 +/- 0.5 mm per year (IPCC, 2007).
2. *Melting of mountain glaciers and ice caps* - While this phenomenon has been widely observed over the past decade, with mountain glaciers in North America, South America, Africa, Europe, and Asia rapidly retreating, the overall volume of water contained in these glaciers is not large by comparison with the major ice sheets of Greenland and Antarctica. Measured contributions to SLR over the past decade (1993-2003) are roughly half that of thermal expansion, on the order of 0.8 +/- 0.2 mm per year (IPCC, 2007); future projections suggest no contribution greater than ~5 mm by the year 2100 (Raper and Braithwaite, 2006).
3. *Melting and mass loss from large-scale continental ice sheets* - The contribution to SLR from the melting of the Greenland Ice Sheet and/or West Antarctic Ice Sheet over the course of this century could be considerable, although estimates of the rate at which these large ice sheets might decay are poorly constrained. The uncertainty lies in the poor state of scientific data regarding the behavior of ice sheet flow under extreme warming conditions; with incomplete knowledge of how quickly the margins of ice sheet may collapse, it is difficult to assess the potential contribution to mean sea level rise. Measurements of ice mass loss from the Greenland Ice Sheet between 1997-2003 (Alley et al., 2005) were equivalent to just 0.21 mm/year increase in sea level rise from that source. Estimates from a variety of models range from 24-108 cm (Gornitz et al., 2002) and 12 cm/century (Wild et al., 2003). Paleoclimate studies of two previous global warmings, however, show alarming loss of ice sheet mass (on the order of meters) under conditions that were no warmer than the best estimates of what global temperatures will be like by 2050.

The Fourth Assessment Report of the U.N. Intergovernmental Panel on Climate Change (IPCC) (2007) relies largely on thermal expansion for its projections of sea level rise by the year 2100, with estimates ranging from 30 to 80 cm (~1.0 to 2.6 ft). The IPCC explicitly did not wish to include other potential contributions to sea level change in their estimate, in an effort to raise the level of certainty of the overall assessment. However, the SLR estimates are, as a result, widely considered in the scientific community to be absolute minimum values (Hansen, 2007; Rahmstorf et al., 2007).

Projections based on past observations (Alley et al., 2005) and model results (e.g., Wild et al., 2003; Horton et al., 2008) generally assume that ice sheet behavior in Greenland and/or West Antarctica will remain “stable,” with no non-linear changes in the rate of ice sheet melting.

Many researchers agree however that if that assumption of no acceleration in the rate of ice sheet melt proves false, global SLR could increase quite rapidly. As a guide, Lenton et al. (2008) point out that the IPCC's projection of a 2-3°C increase in global average temperature is similar to conditions during the Last Interglacial, a period of climate amelioration during the last ice age (circa 115,000 – 130,000 years ago) when global mean sea level was several meters higher than at present. Lenton et al. therefore suggest that a contribution of up to 3 meters (9.8 ft) of SLR from both the Greenland Ice Sheet and the West Antarctic Ice Sheet under these temperatures over the course of this century is not unreasonable. Even larger values of sea level rise, up to 25 meters, are observed at similar temperature ranges during older time periods (~3 million years ago), but these are thought to represent longer response times than a single century.

#### **4. Current Estimates for Storm Surge Vulnerability at Willets Point**

In assessing the impacts of future climate change on the flood hazard at Willets Point, a compounding factor is the potential for greater storm surge heights from more powerful cyclonic storms such as hurricanes and nor'easters. The flood contribution from these storms is *in addition to* any increase in stillwater height via the mechanisms described above, and thus deserves very serious consideration as part of the development planning process (see, e.g., Nicholls, 2002; Wu et al., 2002; Kleinosky et al., 2007).

The angular shape of the New York Bight region (which includes, but is not limited to the City of New York, New York Harbor, and the western end of Long Island Sound) plays an important role in the determining the impacts of hurricanes and nor'easters, but that role is dependent in large part on the path of the storm. Since wind strength is highest on the right side of a counterclockwise-rotating cyclone in the North Atlantic basin (Donnelly and Webb, 2004), a storm that passes to the east of New York City results in a weaker wind field over the city, and the direction of the winds tends to push water away from the coast. However, a storm passing just west of New York City brings the full force of its winds to bear in driving water into New York Harbor and up the Hudson and East Rivers, resulting in major coastal flooding.

Though the North Shore of Long Island might at first blush be thought to be more protected from cyclone-driven seas, a storm path that hugged the coastline just west of New York City would also result in some of the cyclone's strongest winds funneling the waters of Long Island Sound westward into the narrower confines between Queens County to the south and Bronx County to the north, creating an enhanced coastal flooding response. Flushing Bay, at the far western end of Long Island Sound, could thus be expected to see significant storm surge heights with extensive damage from flooding (MNYHTS, 1995; MTA Task Force, 2007).

##### *a. Hurricanes*

In a 1995 report by the U.S. Army Corps of Engineers, FEMA, the National Weather Service, and the NY/NJ/CT State Emergency Management offices (MNYHTS, 1995), the NOAA SLOSH (Sea, Lake and Overland Surges from Hurricanes) computer model was used to project the maximum storm surge heights anticipated for hurricanes ranging from 1 through 4 on the Saffir-Simpson Hurricane Intensity Scale. The SLOSH model, which is run by the National Hurricane

Center to predict storm surges for active storms, can also be used to estimate maximum storm surge heights resulting from historical or hypothetical hurricanes by taking into account several storm characteristics: atmospheric pressure at the center of the storm (an indicator of storm strength), the size of the hurricane, its forward speed, the path of the storm, and hurricane wind speed and direction. These maximum surge heights are considered accurate within +/- 20%, as the actual storm surge will depend on the timing of storm passage with respect to astronomical tides. For example, storm surges would be enhanced by a storm's arrival at high tide, and lessened if their arrival is at low tide.

**Table 1.** Hurricane storm surge projections for Willets Point, Queens, New York (based on MNYHTS, 1995)

<b>Saffir-Simpson Hurricane Scale</b>	<b>Storm Surge Peak Heights Projected by SLOSH</b>	<b>Range of Peak Storm Surge Heights</b>
Category 1 (74-95 mph)	6.3 ft	5.0 to 7.6 ft
Category 2 (96-110 mph)	11.4 ft	9.1 to 13.7 ft
Category 3 (111-130 mph)	18.3 ft	14.6 to 22.0 ft
Category 4 (131-155 mph)	23.0 ft	18.4 to 27.6 ft

The ranges of projected storm surge heights for Category 3 and 4 hurricanes already exceed the current 100-year flood level at Willets Point of approximately 13 feet, and the proposed new elevation for the redeveloped Willets Point area of approximately 14 feet.

What events of this magnitude have occurred in the past?

Since 1900, there have been nine hurricanes with significant impacts on the New York City metropolitan area, of which four reached Category 3 status. Only one of these, the Great Hurricane of 1938 (the "Long Island Express"/New England Storm), was still a Category 3 storm as it crossed Long Island, some 40 miles east the New York City. The other Category 3 storms (Hurricane Carol, 1954; Hurricane Donna, 1960, and Hurricane Gloria, 1985) had already begun to weaken, or had moved further eastward when their effects were felt in the NYC area. As a result, Carol, Donna and Gloria produced significant wind and flood damage owing to strong gusts and heavy rains, but with limited storm surge impacts (generally under 7 feet, although a surge of 11 feet was recorded for Donna at the Battery in lower Manhattan) (Blake et al., 2007; MTA Task Force, 2007).

Prior to 1900, there are historical records of major storms striking the New York City. While the extensive damage described was suggestive of larger storms, it is difficult to evaluate quantitatively, and from available records, what the individual storms may have been like in terms of intensity. To address this issue Scileppi and Donnelly (2007) used the sedimentary record of storm deposits swept over and behind the barrier islands of Long Island's South Shore (e.g., Long Beach Island) to reconstruct a history of the most severe hurricanes and winter storms to have struck western Long Island. The data they recovered highlighted a total of seven hurricanes and 15 winter storms between the years 1693-1996, with just four hurricanes (1693,

1788, 1821, and 1893) reaching Category 2 or higher on the Saffir-Simpson scale of hurricane intensity, and exceeding an estimated minimum 8 to 10 feet (2.5 to 3 meters) of storm surge. These estimates are constrained by the current elevation of the barrier islands, which is assumed not to have changed significantly over time. The authors of this study do point out, however, that the sites examined may be somewhat insensitive with respect to the full magnitude of older hurricane events, in part due to the migration and changes in shape of the barrier islands through erosion. Such changes in position and shape of the islands can influence the extent to which storm deposits are distributed and preserved, and accordingly our perception of the magnitude of past storms.

*b. East Coast Winter Storms (Nor'easters)*

While hurricanes have the potential to drive higher storm surges, they tend to move swiftly along their paths, so their surges are short-lived. In contrast, major winter storms, though less intense at their centers, are much larger in scale, and are slower-moving systems that typically produce storm surges persisting over several days, thereby increasing their potential for damage (Hill, 2008).

Given the focus of the MNYHTS (1995) report on hurricanes, projected maximum storm surge heights for major winter storms (commonly known as nor'easters) were not calculated, though they have the potential to cause similar amounts of damage. These storm events have achieved wind gusts of as much as 90 miles per hour in the New York region and even greater wind speeds in more southerly (warmer) states. This would place them in the same range as Category 1-2 hurricanes with respect to anticipated storm surge heights (Scileppi and Donnelly, 2007; MTA Task Force, 2007; see also Table 1). The March 1993 "storm of the century" had a central pressure that reached a low of 960 mb, similar to a Category 2 or 3 hurricane. Overall the frequency and strength of nor'easters has increased during the past 50 years (MTA Task Force, 2007). Climate change, particularly warming ocean temperatures, could accelerate this trend; if the result is further intensification of nor'easters, then the storm surge and flooding impact of these events could increase markedly. Given that they are the most common type of severe storm to effect the New York City metropolitan region, further analysis of the future impact of nor'easters is warranted.

## **5. Implications of Global Sea Level Rise and Storm Frequency on the 100-Year Flood Level and Storm Surge Heights at Willets Point**

In their analysis of climate change impacts on the New York Metropolitan area, Gornitz et al. (2002) used global climate model results to suggest that 100-year flood events could increase in height from the current ~3 meters (9.8 ft) to as much as 3.8 meters (12.5 ft) by the 2050s and up to 4.2 meters (13.8 ft) in the 2090s. To arrive at these estimates, they look at a two-decade average of the effects of thermal expansion in global warming computer simulations projecting climate impacts out to the year 2100. (For the 2050s, they averaged the simulation years 2040-2059; for the 2090s, they averaged the years 2070-2099). Note, however, that these projected 100-year flood levels did not include any contribution from ice sheet melt to SLR (Gornitz et al.,

2002), so they must be considered minimum estimates for any expected increase in 100-year flood height.

Studies over the past few years have shown an accelerating pace of ice sheet melting in both Greenland and Antarctic, aided in part by new data from NASA's Gravity Recovery and Climate Experiment (GRACE) and by climate modeling studies (e.g., Overpeck et al., 2006; Velicogna and Wahr, 2006; Joughin et al., 2008). Based on these and similar studies, it appears reasonable that ice sheet melting rates could accelerate, increasing sea level by perhaps as much as 4-5 feet by 2050, and as much as 8-10 feet by 2090, as per Lenton et al. (2008). If we include the contribution of ice sheet melting along with and the 100-year flood level for Willets Point could easily reach 18 ft in the 2050s, and as much as 24 ft by the 2090s. It follows that the planned Willets Point Development District would need to be elevated to a minimum of 18 feet above stillwater height in order to remain eligible for the NFIP over the next few decades.

To arrive at a more comprehensive assessment of how the planned Willets Point Development District might be impacted by future climate change, we need to take into account all the factors that could contribute to flood risk. If we consider the maximum reasonable SLR as determined by Global Climate Model simulations (MTA Task Force, 2007), in conjunction with the upper range of expected storm surge heights at Willets Point (MNYHTS, 1995) and plausible estimates for the contribution of Greenland and West Antarctic ice melt to SLR (Lenton et al., 2008), we find that by the year 2100, the storm surge heights of even Category 1 hurricanes (and nor'easters similar in strength) exceed the current 100-year flood level at Willets Point of ~13 feet by a significant amount (see Table 2; Figures 3 and 4). Considering the additional potential for increasing storm intensity, approximating category 2-3 hurricane force storms, these levels could climb even higher.

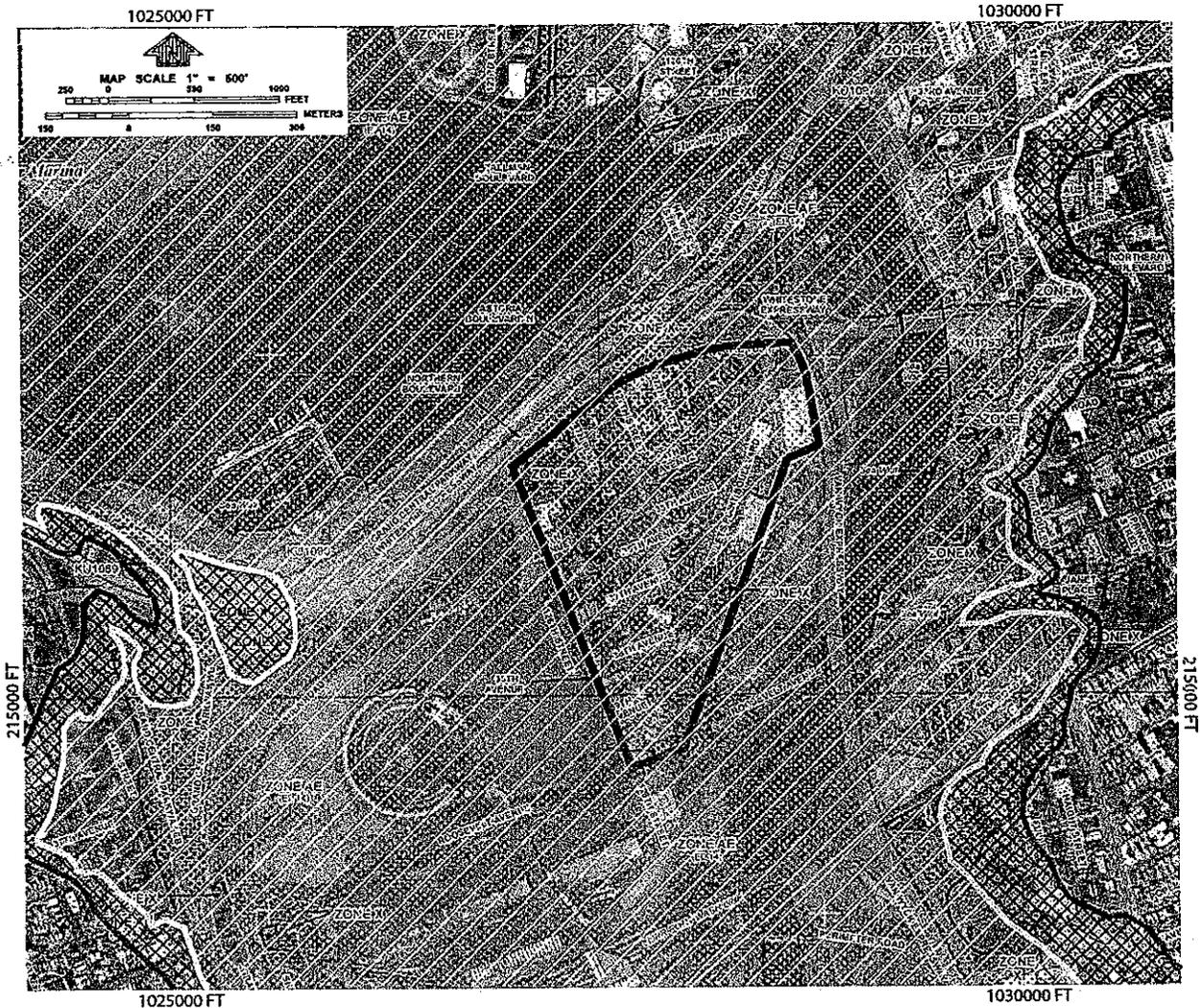
**Table 2.** Estimated increase in projected storm surge heights for Willets Point, Queens, New York circa 2050 (2090) in the future

Saffir-Simpson Hurricane Scale	Range of Peak Storm Surge Heights from SLOSH*	Sea Level Rise Via Thermal Expansion†	Sea Level Rise via Ice Sheet Melting ‡	Total Estimated Increase in Range of Storm Surge Height
Category 1 (74-95 mph)	5.0 - 7.6 ft	0.9 ft (1.6 ft)	4.9 ft (9.8 ft)	10.8 - 13.4 ft (16.4 - 19.0 ft)
Category 2 (96-110 mph)	9.1 - 13.7 ft	0.9 ft (1.6 ft)	4.9 ft (9.8 ft)	14.9 - 19.5 ft (20.5 - 25.1 ft)
Category 3 (111-130 mph)	14.6 - 22.0 ft	0.9 ft (1.6 ft)	4.9 ft (9.8 ft)	20.4 - 27.8 ft (26.0 - 33.4 ft)
Category 4 (131-155 mph)	18.4 - 27.6 ft	0.9 ft (1.6 ft)	4.9 ft (9.8 ft)	24.2 - 33.4 ft (29.8 - 39.0 ft)

\* Ranges as given in Table 1.

† Sea level rise determined relative to 2000-2009 via the GISS GCM for 2050's (2080's) (MTA Task Force, 2007, Appendix 2).

‡ Based on estimates of Greenland Ice Sheet and West Antarctic Ice Sheet possible losses with a 2-3°C global average temperature increase by the year 2100 (Lenton et al., 2008).



**DETAILS FROM FEMA FLOOD INSURANCE RATE MAP (FIRM) LEGEND**

**SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD**

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Area AE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

**ZONE AE** Base Flood Elevations determined.

**OTHER FLOOD AREAS**

**ZONE X** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood

**OTHER AREAS**

**ZONE X** Areas determined to be outside the 0.2% annual chance floodplain.

1% annual chance floodplain boundary  
 0.2% annual chance floodplain boundary

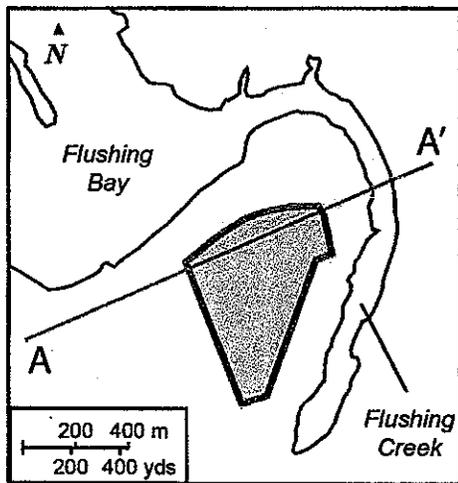
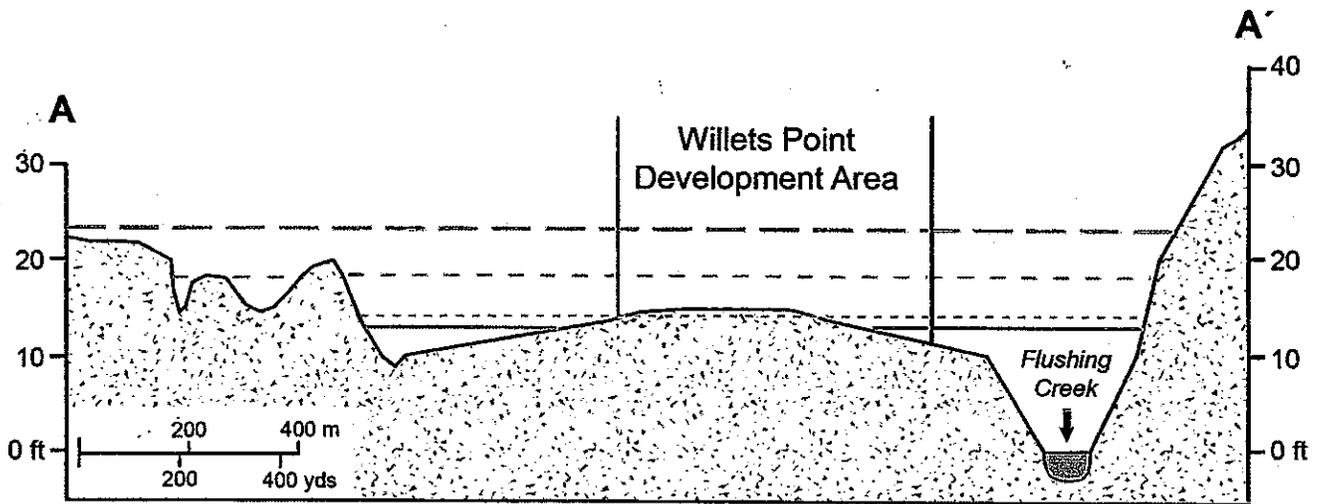
(EL. 987) Base Flood Elevation value where uniform within zone; elevation in feet\*  
 \*Referenced to the National Geodetic Vertical Datum of 1929

800000 FT 5000-foot grid ticks: New York State Plane coordinate system, Long Island zone (FIPSZONE3104), Lambert Conformal Conic projection

- Explanation (This Study)**
- Area subject to 100-year flood event circa 2050 (this study)
  - Additional area subject to 100-year flood event circa 2090 (this study)

Figure 3. Flood levels in the Willets Point area. The Willets Point project area is outlined in black. Image is compiled from FEMA FIRMs 3604970113F and 3604970114F (2007).

In addition to the current FEMA boundaries for the 100-year and 500-year flood levels (1% and 0.2% annual chance floodplains; see also Figure 2), the projected 100-year flood levels for 2050 and 2090 are shown by the yellow hatching and blue cross-hatching, respectively. Projected flood levels take into account estimates of sea level rise as a result of global climate change. Boundaries shown are approximate.



#### Explanation

- Current 100-year flood level (FEMA)
- - - - - Planned elevation of Willets Point Development District
- - - - - Projected 100-year flood level at 2050 (this project)
- - - - - Projected 100-year flood level at 2090 (this project)

Figure 4. Schematic cross-section A - A' of the elevation across Willets Point and the surrounding area, showing the relative heights of the current 100-year flood level, the planned new elevation of the Willets Point Development District, and the projected 100-year flood levels for the years 2050 and 2090 from this study. The location of the cross-section with respect to the Willets Point Development District (shaded gray) is shown on the inset map. Elevation is exaggerated 2X for clarity.

Note that even though part of the Willets Point Development District is at an elevation above the current 100-year flood level defined by FEMA, the entire district lies below the projected 100-year flood level for the year 2050.

A correlative issue is of course the question of what frequency we can expect such major storm events to strike the New York City metropolitan area over the next century. Projecting future changes in hurricane or extratropical cyclone intensity is difficult, because any such projections have to be able to include some element of predicting storm paths that could impact New York specifically, and not just the North Atlantic ocean basin in general. In their analysis of future sea level rise impacts on New York City, Gornitz et al. (2002) utilized Global Climate Model simulations of various future climate warming scenarios to assess changes in 100-year flood event levels and frequency of occurrence. They suggest that the recurrence time for 3-meter flood events, currently the average height of a 100-year event, will recur once every 19 years by the 2050s, and by the 2090s, once every four years on average for the most extreme projections of sea level rise associated with a Global Climate Model simulation (their CCGG scenario; Gornitz et al., 2002).

The frequency of hurricane events in a warmer world continues to be the source of considerable general debate. Some researchers have argued that increased warmth in the surface ocean, as a direct result of global warming, would fuel more and/or more frequent hurricanes in the North Atlantic ocean basin (e.g., Gray et al., 2008). Such projections have been based largely on statistical relationships between historical storms and sea surface temperatures in the tropical Atlantic ocean (e.g., Mann and Emanuel, 2006). In contrast, Knutson et al. (2008) have argued that a global average temperature increase would drive changes in the upper level winds of the troposphere, producing increased wind shearing at altitude that would effectively "behead" cyclonic storms before they had a chance to grow to significant size, despite the warmth of the surface ocean. These authors admit, however, that their model for hurricane formation is insufficient to handle the simulation the most intense hurricanes, nor the strong dependence of those most intense storms on warmer sea surface temperatures. It is thus quite possible that if hurricanes manage to survive having their tops sheared by strong upper level winds, they would be more likely to become more powerful storms (perhaps Category 3 or higher) with storm surge heights well in excess of the planned elevation increase of Willets Point to 14 feet above the current stillwater height.

## **6. Summary and Recommendations for Revisions to the 100-Year Flood Level at Willets Point**

The current 100-year flood level in the Willets Point area, as marked on FEMA Flood Insurance Rate Maps and described in the City of New York FIS (FEMA, 2007), is based upon a previous generation of computer models and some outdated information, and likely represents an underestimate of that elevation. It therefore follows that the project sponsors' estimate of an increase to the 14-foot elevation mark is also an underestimate, especially considered in the light of the range of possible changes introduced also by global climate change in the stillwater elevation and storm frequency. Based on our review of the literature, we suggest that a minimum base elevation of approximately 18 to 24 ft above the current stillwater height is advisable to adequately protect the planned Willets Point Development District from 100-year flood events over the coming decades.

We note, however, that even the more recent SLOSH analyses of the flood hazard at Willets Point (MNYHTS, 1995) we incorporated into our minimum elevation estimates are based in part on climatological data that do not capture the currently changing local climate trends. The IPCC climate scenarios (2007) used to drive the Global Climate Model estimates of sea level rise will themselves soon be outdated, as the current rate of atmospheric CO<sub>2</sub> increase is now exceeding even the "business as usual" scenario (A1FI) that assumed no reduction in greenhouse gas emissions (Raupach et al., 2007). We recommend that a reanalysis of the flood hazard at Willets Point be undertaken, using a current generation state-of-the-art Global Climate Model in combination with a downscaled regional climate model, such as WRF, which can in turn be used to provide input for a coastal flood model like ADCIRC. Reanalysis can also factor in the most up-to-date climatological data with projected sea level increases and coastal flooding models to produce a more accurate portrait of the flood risk at Willets Point.

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### PROFESSIONAL AND RESEARCH EXPERIENCE

***Svante Scientific, Inc., New York, New York.*** This private sector initiative seeks to deliver customized climate projections, datasets and analyses to the public and private sectors as an aid in planning mitigation and adaptation responses to future climate change.

Director of Client Development / Climate Scientist, 2008-present

- Identify possible climate-related vulnerabilities and opportunities for clients.
- Assess specific client needs and determine the appropriate data/model strategies for further exploration.
- Conduct data/model comparisons to validate computer climate simulations.
- Evaluate climate simulation results for broader environmental impacts on both natural and human-influenced systems.

***Center for Climate Systems Research, Columbia University, and NASA/Goddard Institute for Space Studies, New York.*** This center has the objective of providing an enhanced understanding of the Earth's climate sensitivity and variability, as well as the various mechanisms that control them.

Associate Research Scientist, 2005-present

- Investigate the mechanisms driving extreme warm and cold climates in Earth history, as well as periods of rapid climate transition.
- Validate numerical climate model output through the use of both geological field data and computer climate simulations.

***La Porta & Associates, LLC, Warwick, New York.*** This consulting firm provides geological and archaeological expertise for cultural resource management investigations.

Geologist / Project Manager, 1997-2005

- Reconstructed historic and prehistoric landscapes through the characterization of soil profiles and past signs of human occupation.
- Mapped and analyzed prehistoric mining impacts on the environment.
- Co-author and/or editor on over 40 geoarchaeological reports for cultural resource management surveys conducted in the northeastern United States.

***Matthew Bender & Company, New York, New York.***

Writing Associate, 1989-1993 (Copy Editor, 1988-1989)

- Provided editorial support for publications on business law, labor law and intellectual property; researched federal regulations and case law to ensure that publications remained current.

### ACADEMIC APPOINTMENTS

- 2007- Lecturer, Department of Earth and Environmental Science, Columbia University, New York (Undergraduate classes taught: The Climate System [Fall 2007]; Frontiers of Science [Spring/Fall 2008])
- 2003-2005 Adjunct Associate Research Scientist, Lamont-Doherty Earth Observatory of Columbia University, Palisades, New York
- 2000-2003 Postdoctoral Research Scientist, Lamont-Doherty Earth Observatory of Columbia University, Palisades, New York
- 1997 Sedimentologist, Ocean Drilling Program Leg 174A: Continuing the New Jersey Mid-Atlantic Sea-Level Transect.
- 1993-1999 Graduate Research Associate, Lamont-Doherty Earth Observatory of Columbia University, Palisades, New York

### PROFESSIONAL / ACADEMIC ACTIVITIES

- 2007- Team Leader, NASA New York City Research Initiative. The NYCRI provides high school / undergraduate students and high school teachers the opportunity to participate in a scientist's active research project. Supervised two teams in conducting climate change research projects, which in turn have supported the development of research proposals and educational materials.
- 2005- Science and Content Editor, The Educational Global Climate Modeling Cooperative Project at Columbia University (The EdGCM Project). The EdGCM project makes global climate modeling accessible to students, teachers, and undergraduate professors through user-friendly software, educational materials, professional development workshops, and on-site training. Created software manuals and associated web content.
- 2002- Member, Volunteer Language Editor Program, American Geophysical Union. This program provides free editorial assistance to non-native English speakers seeking to publish in scientific journals published by the American Geophysical Union.

### EDUCATION

- 2000 Ph.D. in Earth & Environmental Science, Lamont-Doherty Earth Observatory of Columbia University, Palisades, New York (M.A. 1995, M.Phil. 1999)
- 1993 B.A. in Geology, Hunter College of the City University of New York
- 1987 B.A. in Communications, Fordham University, Bronx, New York

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### **CURRENT PROFESSIONAL AND ACADEMIC POSITIONS**

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***Svante Scientific, Inc., New York, New York.*** This private sector initiative seeks to deliver customized climate projections, datasets and analyses to the public and private sectors as an aid in planning mitigation and adaptation responses to future climate change.

#### **President / Principal Climate Scientist**

- Direct in-house research and development projects.
- Identify possible climate-related vulnerabilities and opportunities for clients.
- Design and implement custom climate model simulations.
- Provide quality assurance for climate model output and analysis.

***Center for Climate Systems Research (CCSR) at Columbia University, New York.*** This center is designed to improve the collaboration between Columbia University researchers and climate research facilities at NASA'S Goddard Institute for Space Studies, with the objective of providing an enhanced understanding of the Earth's climate sensitivity and variability, as well as the various mechanisms that control them.

#### **Principal Investigator / Associate Research Scientist**

- Co-founded CCSR in 1992 by securing a cooperative agreement with NASA.
- Hold joint appointment with NASA Goddard Institute for Space Studies (GISS).
- Provide oversight for over 30 scientists, students, and programmers and an annual budget of approximately \$3.7 million/year.
- Managed over \$15 million in grants from NASA, the National Science Foundation and other sources to support CCSR research investigating the impacts of past and future climate change since 1992.

***The Educational Global Climate Modeling (EdGCM) Cooperative Project at Columbia University, New York.*** The EdGCM project is a software development / NASA technology transfer venture aimed at improving the general public's access to complex computer simulations for climate change impact assessments. Since its first release to the public in January 2005, EdGCM has gained over 40,000 users on 7 continents.

#### **Project Director / Founder**

- Designed and supervised the development of an easy-to-use graphical user interface for a NASA global climate model.
- Created partnerships with instructors at both the high school and university levels to design laboratory exercises and full-semester courses using EdGCM.
- Leader of over 50 professional development workshops on EdGCM use for educators.

## OTHER ACADEMIC APPOINTMENTS

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- 2005- Honorary Faculty Fellow, University of Wisconsin, Department of Atmospheric, Oceanic, and Space Sciences (also 1995-2000)
- 1993-1995 Adjunct Associate Research Scientist, Lamont-Doherty Earth Observatory of Columbia University, Palisades, New York
- 1991-1994 Postdoctoral Fellow, NOAA & University Corporation for Atmospheric Research (UCAR), Boulder, Colorado
- 1987-1992 Graduate Research Assistant, Lamont-Doherty Earth Observatory of Columbia University, Palisades, New York
- 1984-1987 Graduate Research Assistant and Teaching Assistant, Department of Geological Sciences, University of Texas at Austin

## PROFESSIONAL ACTIVITIES

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- Contributing Author, IPCC Fourth Assessment Report, *Working Group I Report "The Physical Science Basis,"* Chapter 6, "Palaeoclimate" (2007)
- Steering Committee member, National Research Council Panel on Deep-Time Geologic Records for Understanding Climate Change (2007- )
- Steering Committee member, National Science Foundation Geosystems Initiative (2002- )

## PUBLICATIONS AND PRESENTATIONS

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*Sole or co-author on over 30 peer-reviewed publications, and presenter of hundreds of talks on issues related to climate change. Representative examples include:*

- Chandler, M.** (1995). "Global Warming." In S. Schneider, ed., *Encyclopedia of Climate and Weather*. Oxford, Oxford University Press.
- Chandler, M.A.** (2007). EdGCM: Providing access to climate simulation capabilities for educators, students and the general public. Geological Society of America Annual Meeting, Abstracts with Programs, vol. 39(6), p. 254.
- Chandler, M.A., J. Haller, K. Mankoff, A. McKeon, and L.E. Sohl** (2008). Acting on inevitable climate change: How should scientists participate? Geological Society of America Annual Meeting, Abstracts with Programs.
- Hansen, J., M. Sato, R. Ruedy, L. Nazarenko, A. Lacis, G.A. Schmidt, G. Russell, I. Aleinov, M. Bauer, S. Bauer, N. Bell, B. Cairns, V. Canuto, **M. Chandler**, Y. Cheng, et al. (2005). Efficacy of climate forcings. *Journal of Geophysical Research*, 110(D18), 104, doi:10.1029/2005JD005776.
- Soreghan, G.S., T.J. Bralower, **M.A. Chandler**, J. Kiehl, M. Lyle, T.W. Lyons, C.G. Maples, I.P. Montañez, and B.L. Otto-Bliesner (2005). *GeoSystems: Probing Earth's Deep-Time Climate & Linked Systems*. Report of a workshop sponsored by the National Science Foundation (NSF), September 9-11, 2004, Arlington, VA, 35 p.

## EDUCATION

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<i>Undergraduate Institution</i>	<i>Major</i>	<i>Degree/Year</i>
University of Wisconsin-Madison	geology & geophysics	B.S. 1983
<i>Graduate Institutions</i>	<i>Major</i>	<i>Degree/Year</i>
University of Texas-Austin	geology	M.S. 1986
Columbia University, New York	earth & atmospheric sciences	Ph.D. 1992

FPM Group, Ltd.  
FPM Engineering Group, P.C.  
formerly Fanning, Phillips and Molnar

CORPORATE HEADQUARTERS  
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831/737-6200  
Fax 831/737-2410

August 22, 2008

Asma Syed, Planner  
NYC Economic Development Corporation  
110 William Street  
New York, NY 10038

**Re: Willets Point Development Plan**

Dear Ms. Syed:

FPM Group (FPM), on behalf of our client Willets Point Industry and Realty Association, has performed a review of the April 2008 Draft Generic Environmental Impact Statement (DGEIS) and associated documents for the Willets Point Development Plan focusing on hazardous material impacts to surface and groundwater resources. Statements of our qualifications are enclosed with this letter.

We have several concerns with the DGEIS, some of which were already pointed out in our August 13, 2008 oral statement. Enclosed herewith is our written statement which reiterates these points as well as additional concerns with the DGEIS.

**Additional Site Characterization Required**

The DGEIS and/or supporting documentation state that the site has a long history of contamination, including the site being used as an ashfill, violations for illegal dumping of vehicle fluids, and observations of discolored soils and pooled automotive fluids. Sampling undertaken as part of the Phase II ESA shows only minor contamination is present. Indeed sampling did not identify any petroleum contamination in soils even though the Phase II identified multiple discharge violations recorded in 2001 in the District and found unregistered UST's and additional UST's in the District whose whereabouts remain unknown. Therefore the only conclusion that can be drawn from the sampling data collected is that it is not representative of the site. Past practices of the site suggest that large areas of contamination were "missed" in the Phase II. Perhaps this was due to the bias nature of the sampling network which included only sampling locations under sidewalks and streets. Selecting only impervious areas is unlikely to show contamination and renders these locations unrepresentative of the District. Consider the statement in the Phase II ESA "...given the history of uses within the district other potential contamination is expected to be widespread". By its own admission, the DGEIS does not describe the environmental conditions representative of the area and therefore the project should not be allowed to continue without a complete characterization of the site.

The Phase II ESA states it "was only a limited preliminary subsurface investigation". We believe that additional deeper sampling needs to be performed across the entire site to fully characterize the vertical and horizontal extent of contamination in areas of concern in soil and groundwater to assess its associated impacts. Note: sampling in historical areas of concern is likely to result in more contamination, but a representative site characterization needs to be

performed to confirm this. Contaminants such as dense non aqueous phase liquids (DNAPLs) (e.g., chlorinated solvents) need to be targeted as they sink and contaminate the groundwater column as they migrate downward. They can also collect on a low permeable/confining layers (e.g., clay) and follow the slope of the confining layers regardless of the groundwater flow direction to other areas and through confining layers through preferential pathways. In addition to determining the vertical extent of contamination, the deep borings on the site need to characterize the geology beneath the site (e.g., thickness of clay layer) and methane levels. The vertical sampling at the site needs to recognize this and characterize the vertical column of soil and ground water for the full length of compressible soils since these soils have the potential of releasing pore water when fill is placed on this site.

Groundwater contamination will result in impacts to water supply, surface water bodies and aquatic resources, worker exposure and the environment during construction, as well as dictating appropriate remedial measures and costs (e.g., removal, in-situ treatment, capping etc).

### **Groundwater Impacts**

The site lies above a sole source aquifer which is used for water supply by NYC. As shown in Figure 1, DEP maintains a number of active and inactive pumping wells for water supply in Queens. As shown in Figure 3-3 of the Phase II ESA for the DGEIS (attached), there is a hydraulic connection to the Brooklyn Queens aquifers (i.e., Glacial, Magothy, and Lloyd) and active or potentially active existing NYCDEP water supply wells (formerly Jamaica Water Supply Company) in Queens which utilize them. Additional water supply wells are also being proposed/implemented as part of the Brooklyn Queens Aquifer Study which is seeking ways to utilize the Brooklyn Queens Aquifer during droughts and other water emergencies. The March 1999 Feasibility Study for Use of the Brooklyn/Queens Aquifer as an Additional Potable Water Supply details three (3) groundwater pumping scenarios utilizing the network of 53 existing NYCDEP wells and new proposed wells in Queens/Brooklyn. Scenario 1 involves the withdrawal of groundwater at a rate of 100 million gallons per day (mgd) over a 10 month period utilizing existing wells and 15 new wells. Scenario 2 involves the withdrawal of groundwater at a rate of 150 million gallons per day (mgd) over a 6 month period utilizing existing wells and 40 new wells. Scenario 3 involves the withdrawal of groundwater at a rate of 225 million gallons per day (mgd) over a 4 month period utilizing existing wells and 75 new wells. If significant contamination is present as discussed in the Phase II ESA and identified through additional sampling, this contamination could negatively impact the aquifers and these water supply wells which utilize them. These impacts need to be fully evaluated in the DGEIS.

In addition, the redevelopment plan proposes adding up to 6' of fill to raise the grade above the present 100-year floodplain. The redevelopment plan does not specify how much fill will be necessary to accomplish this, but if the entire site (61.4 acres) is covered with 6' of fill, the fill would amount to approximately 16 million cubic feet (600,000 cubic yards). This enormous amount of fill would require nearly 20,000 truck trips even if large-capacity trucks are used.

The actual amount of fill would exceed these estimates, however. Additional fill would be needed to compensate for compaction both of the fill itself and the underlying non-homogeneous highly compressible soils. Additional fill also would be needed to take proper account of sea level rise, as discussed in the accompanying report by Svante Scientific. Nowhere does the DGEIS discuss the amounts of fill needed or the impacts of excavating and transporting it.

More importantly, nowhere does the DGEIS discuss the environmental impacts of placing this fill on the site. Even if one assumes that the amount of fill is only 600,000 cubic yards, the weight of this fill will likely range from approximately 800,000 to 960,000 tons depending on the type

and density of the fill used (100 – 120 pounds /cubic foot). Additional fill as required for consolidation and sea level rise will add even more weight. This weight will cause the subsurface compressible layers under the site to consolidate, squeezing contamination from the subsurface soil and groundwater into the surrounding portions of the aquifer. The contamination can then possibly travel to and impact local DEP water supply wells. This is a critical omission in the DGEIS.

#### **Surface Water Impacts**

If significant contamination is present, surface waters and associated aquatic resources can be impacted from the proposed development. In addition to traveling to DEP water supply wells, soil and groundwater contamination squeezed out from the consolidated soils can also migrate to the nearby Flushing River and Flushing Bay affecting aquatic resources. The water quality as well as habitat for aquatic species could be compromised. The affects of this contamination and potential impacts on tidal marshes, wetland habitat, fish, and benthic resources is not evaluated in the DGEIS and is a critical omission.

#### **Construction Impacts**

If significant chemical contamination is present, impacts to worker health and safety during construction as well as engineering/institutional controls for mitigating contaminant exposure to occupants of the new buildings need to be further evaluated in the DGEIS. Another concern for worker exposure and building occupancy is high methane levels. As stated in the DGEIS, "methane levels were significantly elevated with levels in soil gas above the 5 percent lower explosive limit (LEL) in half of the locations sampled." Additional sampling for methane across the entire site needs to be performed to determine resultant impacts and what health and safety measures need to be employed during construction and engineering controls employed post-construction.

#### **Remedial Measure and Cost Impacts**

The DGEIS generally discusses that the proposed plan would include remedial strategies such as removal and/or capping of remedial soils. If significant contamination is present in the soils, significant soil removal or other treatment options would be required which should be provided in the DGEIS. In addition, if significant groundwater contamination is identified, groundwater treatment would be required to prevent contaminant migration which will greatly impact project costs. This needs to be further evaluated in the DGEIS.

#### **Infrastructure Impacts**

As previously discussed, at least 6' of fill and likely more will be required to raise the site out of the present 100 year floodplain. The addition of this fill and the resulting differential settlement and potential lateral movement will impact current and future subsurface utilities (e.g., gas, sanitary sewer, storm sewer, electric, and oil lines), underground storage tanks, parking lots and structures in the area. This fill will settle unevenly causing utilities and surrounding pavements to settle independently of one another and buildings, potentially causing leaks from known and unknown underground tanks and gas, oil and sewer lines and further soil and groundwater contamination. An engineering analysis of differential settlement on utility lines and the buildings themselves needs to be performed. Questions such as how fast will the fill settle as well as how much it will settle needs to be studied and discussed in the DGEIS. This is a critical omission and is not even recognized as an impact in the DGEIS.

### Soil Erosion and Stormwater Impacts

As fill is added initially and likely in the future, impacts to the surrounding area from site soil erosion need to be assessed. In particular, sediment transport to nearby water bodies and appropriate mitigation measures need to be further discussed in the DGEIS.

Stormwater controls and associated site grading need to be fully addressed in the DGEIS especially considering the site elevations and grades will change with likely uneven settlement and compression of the subsurface. Note: the site does not necessarily have to be raised in order to have workable storm and sanitary sewers [i.e., workable storm and sanitary systems can involve the use of a pumping station(s)].

Very truly yours,



Kevin F. Loyst, P.E.  
Senior Environmental Engineer  
Department Manager



Kevin J. Phillips, P.E., Ph.D.  
Principal  
FPM Group

KJP:kfi  
Attachment

cc: Mike Gerrard, Esq.  
Nelson Johnson, Esq.

S:\Wetlands Point Industry & Realty Assets\Final\WrittenStatement.doc

# Figure 1





WILLETS POINT DEVELOPMENT	
DATE	1954
SCALE	AS SHOWN
DATE FOR RECORD	NOVEMBER 1954
PROJECT	EXISTING AND WATER SUPPLY WELLS IN QUARTERS
GROUP	PPM GROUP

**LEGEND:**

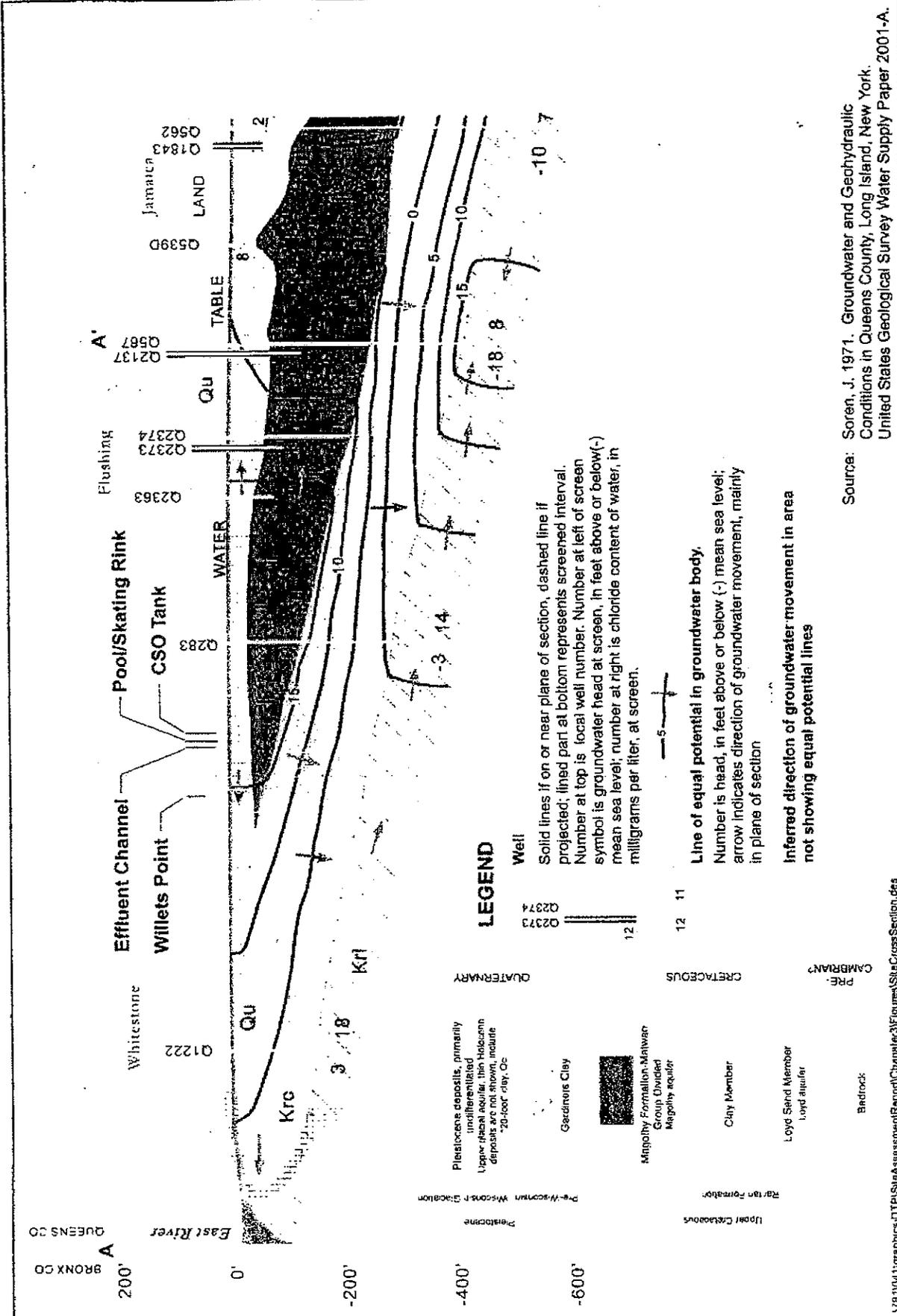
- 26 - LOCATES WELLS IN SERVICE
- 27 - LOCATES WELLS OUT OF SERVICE DUE TO WELLS CONTAMINATED
- 28 - LOCATES WELLS PUMPING TO WASTE
- 29 - LOCATES WELLS OUT OF SERVICE PENDING REPAIRS

**SOURCE:**  
WELL LOCATIONS AND OPERATING STATUS FOR WILLETTS POINT QUARTERS WATER SUPPLY SYSTEM AS OF NOVEMBER 1954. THIS SUPPLY LISTED MAY BE MAINTAINED OR CHANGED BY WELLS SUPERVISOR.



## Figure 3-3



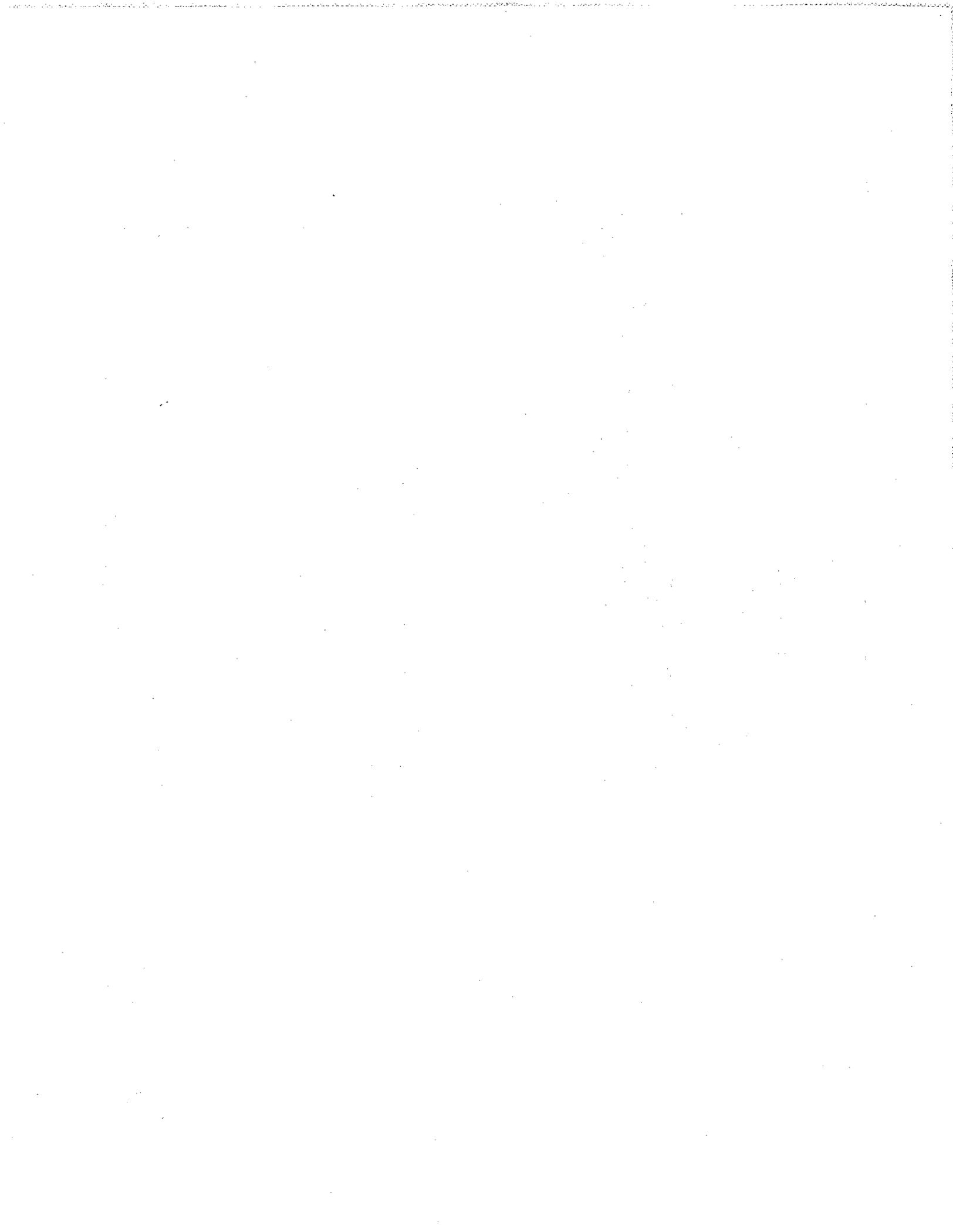


**Figure 3-3**

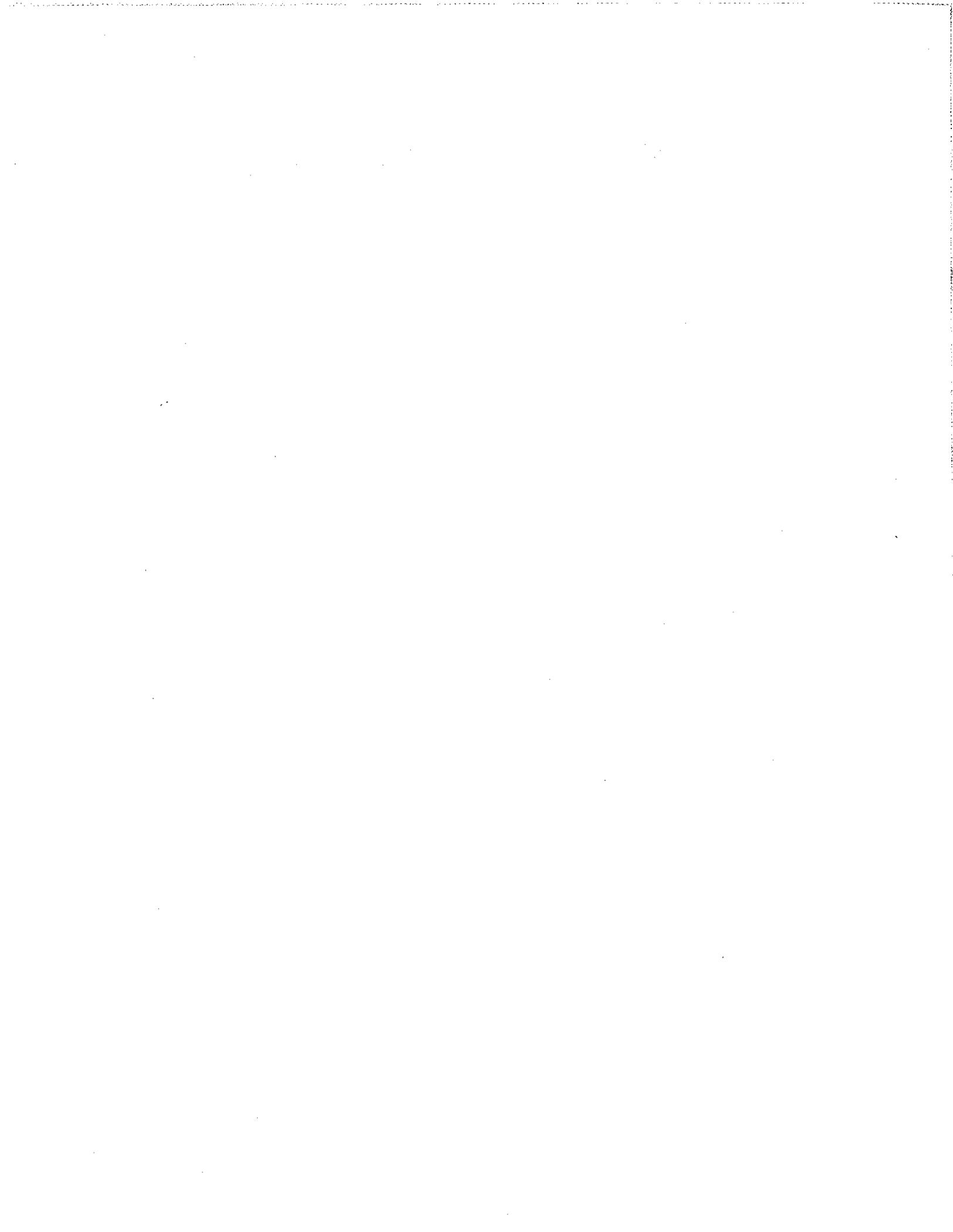
**Regional Geologic Cross Section**

**WILLETTS POINT • ENVIRONMENTAL SITE ASSESSMENT**

Source: Soren, J. 1971. Groundwater and Geohydraulic Conditions in Queens County, Long Island, New York. United States Geological Survey Water Supply Paper 2001-A.



**Kevin J. Phillips, P.E., Ph.D.**





Dr. Phillips has over 30 years of experience in geohydrology and environmental engineering, involving such activities as RCRA Hazardous Waste Audits, design and treatment, ground and surface water quality analysis, water quality modeling, environmental impact assessment, 201 facilities planning, 208 area-wide wastewater management, 303e basin planning, industrial waste surveys, industrial waste treatment, and teaching four graduate courses at Polytechnic Institute of New York and two courses at SUNY at Stony Brook.

Functional Role	Title	Years of Experience
Principal/Project Manager	Principal	30+

**Personal Data**

**Education**

Ph.D./1978/Environmental Engineering, PINY  
 E.E./1973/Water Resources, MIT  
 M.S./1972/Hydrodynamics, MIT  
 B.C.E./1970/Civil Engineering, CCNY

**Registration and Certifications**

Professional Engineer NY, NJ, PA, CT, MD, MA, AL, GA, TX  
 OSHA - approved 40 hour Health and Safety Training Course  
 OSHA - approved 8 hour Health and Safety Refresher Certified - Subsurface Underground Storage Tanks, NJ  
 Past Diplomat of the American Academy of Environmental Engineers

**Publications**

Dr. Phillips has published over 15 articles in professional journals ranging from "Least Cost Optimization in Area Wide Wastewater Management Using Mixed Integer Programming" to "Design Factors for a Seepage Treatment Facility" and Dr. Phillips latest publication, "Handbook of Complex Environmental Remediation Problems", McGraw Hill, "Chapter One "Groundwater".

**Technical Seminars**

Water Well Hydraulics; Dewatering Technology; Groundwater Pollution Modeling Course; Water Quantity Management for Long Island Today and Tomorrow; Corrective Action for Containing and Controlling Groundwater Contamination; Eleventh Annual Research Symposium on Land Disposal; Second Annual Environmental Expo for Business & Industry; Hazardous Waste Disposal Management; Underground Storage Tank Management; Tunnel/Underground Construction; Aquifer Remediation Using In Situ Bioreclamation; Introduction to Groundwater Geochemistry; Region II Environmental Regulation Conference; Sixth Annual Summer Institute in Risk Management in Environmental Health & Protection; ECRA Triggers and Transactions; ECRA Process; Sampling and

Cleanup Plans; Haz Mat International '88; HELP's Modeling Workshop; Pollution Insurance Coverage and Environmental Claims Management; Industrial Hygiene Practice Course; Haz Mat International '90; Municipal Solid Waste Landfills - Design, Operation and Management; Aquifer Reclamation and Source Control; Asbestos Inspector; MODFLOW for Simulation of Ground Water Flow and Advective Transport; Implementing the 1990 Clean Air Act - EPA Speaks; Defense Cleanup Contracting Opportunities; Avoiding the Most Common Mistakes Under RCRA and RCRA Land Disposal Restrictions - Step-By-Step Compliance; HEC-RAS - Hydrologic Engineering Center - River Analysis System; AF Environmental Restoration Training. The Municipal Art Society of New York, Panelist, Climate Change in NYC: Designing and Building for What's to Come (6-11-07).

**Detailed Experience**

**Air Resources**

- **Title V - Air Permit for Uniflex.** Heat sealing operations for polyethylene sheets into plastic bags, gravure printing, catalytic incineration.
- **Title V - Air Permit for Poly-Pak.** Emissions inventory for entire industry.
- **Title V and Air Pollution Remediation** for NTU circuits. Various mass ballace calculation and installation of air remediation technology at this major printed board manufacturer in NY.
- **Title V and Air Pollution Compliance Monitoring at MicroContacts,** a printed circuit board manufacturer in NY.
- **Title V and numerous Air Pollution Compliance and Mass Ballace Calculations** for a multinational firm in five locations throughout the United States and Canada.
- **Title V Air Permitting** at the Brooklyn VA Medical Center. The scope of work involved four boilers and three internal combustion engines.
- **Title V Air Permitting** at McGuire AFB. This project combined the new design of boilers 2, 3, and 4 and the Title V permit associated with the design.

# FPM group

## \* Geohydrology and Hydrology Studies

- Hundreds of geohydrology and hydrology studies for the NYCT as their consultant hydrologist from 1982 to 2004.
- Surface Water Impacts to Long Island Sound from Pesticide Spraying
- Stormwater Analysis for Flood Determination for Town of Greenburgh
- Stormwater Analysis for Town of Huntington
- Stormwater Analysis for Culvert Analysis/Design Town of Babylon
- Hillside Avenue Flooding Analysis for NYCT
- Hydrologic and Inflowmeter Studies of Kingsbridge Bus Depot NYCT
- Stormwater Analysis Archer Avenue Subway Flooding
- Long Island Areawide Wastewater Management Study; Non Point Source Analysis
- Long Island Nationwide Urban Runoff Study
- AFCEE - PIC of UST Investigation, Plattsburgh, NY
- AFCEE - PIC of Basewide Hydrology Study, Barksdale AFB, LA
- AFCEE - PIC of RCRA Facility Investigation Study, Barksdale AFB, LA
- AFCEE - Water Tower Study, Barksdale AFB, LA
- Savannah River Hydrological and Seismological Investigation, Savannah River, Georgia
- Physical Modeling, Groundwater Contaminant Transport, Long Island
- Mathematical Modeling Groundwater, Long Island Nassau/Suffolk Areawide Wastewater Management "208" Study
- Consultant Hydrologist #1, Water Supply Study - NYC Transit Authority
- Groundwater Investigation of Landfill Impacts of Groundwater Quality
- Jamaica Yard Stabilization Project, NYCTA
- NYC Transit Authority - Two Year Consultant Hydrologist
- Groundwater Investigation of the Oceanside & Merrick Landfills, New York
- Army Corps of Engineers (NE Water Supply Study)
- Upzoning the Payson Whitney Estate
- MEK Spill/Aquifer Restoration, Hicksville, NY
- TCE and DCE Aquifer Investigation, Metex Corp.
- Environmental Audit and Site Evaluation, Metex Corporation
- ECRA Parts 1 and 2 Submission, Metex Corp.

- Legal Defense of Upzoning, Village of Lake Success
- Geohydrological Investigation for Sports Complex in Flushing, UDC
- Geohydrologic Investigation, Hub Truck Rental, Farmingdale
- Geohydrology, Jerry Spiegel Associates
- Geohydrology, Air National Guard
- Geohydrologic Investigation, Automatic Connectors, Inc.
- Consultant Hydrologist #3 NYC Transit Authority
- T.V. City, The Trump Organization
- Water Resource Impact, Central Islip, Parr Develop.
- RCRA Tank (UST), Shorewood Packaging Corporation, Farmingdale
- Site Contamination Investigation, Anorad, Hauppauge, New York
- Environmental Investigation and Proposed Cleanup Plan, Shorewood Packaging Corp.
- Water Supply Survey, Metex Corporation
- 360 Permit Closure/Inactive Hazardous Waste Site Investigation, Phase II, Montauk Landfill, Town of East Hampton
- Uniondale Private Landfill, Phase II, Uniondale Realty Associates, New York
- Phase II Soil and Groundwater Screening Investigation, NYC Transit Authority
- Phase I and II Site Contamination Investigation, Anorad Corp., Hauppauge, New York
- Phase I and II Geohydrologic Investigation, Automatic Connectors, Inc., Hauppauge

## \* Hazardous Wastes/RCRA Audits

- Hazardous Waste Recycling Center
- Genzale Plating Company
- Petroleum Tank Cleaners
- Irwin Measuring Tool Company
- Metex Corporation, 206 Talmadge Road, NJ
- Westbury Refining Corporation
- Mill-Max Manufacturing Corporation
- Metex Corporation, 970 New Durham, New Jersey
- Air, Water and RCRA Audit, L.T. Heat Treating, Inc.
- Hazardous Materials and Wastes Analysis and Design of Hazardous Storage Building, LORAL
- Waste Stream Evaluation, Shorewood Packaging Corporation, New York
- RCRA Seminar, Shorewood Packaging Corporation, New York
- Industrial Waste Underground Storage Tank Abandonment, New York
- Isopropyl Alcohol Underground Storage Tank Removal, Shorewood Packaging Corp.

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- Facility Compliance Audit, Shorewood Packaging Transport, Virginia
- Rag Recycling Center, Shorewood Packaging Corporation, New York
- RCRA Audit, Shorewood Packaging Corp., Georgia
- Lyons Ventures, Inc., Herzog Law Firm, New York
- Hazardous Survey, Nardy Pontiac Honda, New York
- Investigate 30 UST & 4 Aboveground Tanks, Remove & Design Replacement - Air National Guard
- Dorne & Morgolin Multimedia Audit
- Amsterdam Color Works, New York Multimedia Audit
- L.T. Heat Treatment, New York Multimedia Audit
- Hemingway Printing Co., Connecticut
- TSD Closure Plan, Shorewood Packaging Corp., Georgia
- TSD Closure Plan, Irwin Measuring Tool Corp., NY

## ■ Environmental Audits

- Riverhead Shopping Center, Realco
- American Cancer Society
- Metex Corporation
- Westbury Refining Corporation
- Environmental Audit, Mill-Max Mfg Corporation
- Environmental Site Audit, Mill-Max Manufacturing Corporation
- Panel Realty/Philips International
- Hub Truck Rental, Farmingdale
- Realco at Uniondale, Long Beach, Merrick, Riverhead, NY, Columbus, GA, and Lafayette, IN
- Pierpoint-on-the-Hudson
- Delta Realty, Haverstraw, New York
- Parr Development, Tech Park Site
- Parr Development, 58.2 Acre Parcel for Residential Development
- Asbestos Survey at Buildings Located at Central Islip Parr Development
- N. Racanelli Associates, Holtsville
- Trump Organization
- Goldstein & Rubinton
- Gus Schad
- Polimeni Enterprises, Bohemia
- Neil Buick Corporation, Port Jefferson Station
- N. Racanelli Associates, Smithtown
- Phase I, Webster & Sheffield
- Phase I, Parr Development Company, Yaphank

- Rosenman & Colin
- Crosstown Syndicate, TGI Friday's, Huntington, New York
- Cibro Group, Phase I and II, Environmental Site Assessment
- Cibro Group, Environmental Assessment

## ■ Superfund

- Remedial Investigation and Feasibility Study for SJ&J, NY
- Remedial Investigation for Grucci Site, NY
- Syosset Landfill - Soil and Groundwater Sampling, Syosset, New York
- Sheridan Industrial Waste Oil - Construction of Gas Strippers, NY
- Investigation of Groundwater Quality, NTU Circuits, NY
- Denton Avenue Landfill - Sampling & Analysis of Septage Lagoons, NY
- Montauk Landfill, Geohydrologic Investigation, Town of East Hampton, NY
- Town of Mamakating, Town Landfill, Geohydrologic Investigation, NY
- Garvies Point Landfill, Old Stone Development Corporation, NY
- Environmental Engineering/ Geohydrology, Genzale Printing, Franklin Square, New York, NY
- Phase II Environmental, Strober Realty, Brooklyn, New York
- Phase II Study, Uniondale Shopping Center, NY
- Tres Bon Cleaners, NY
- IWI Industries, NY
- Arkwin Industries, NY
- Cardwell Condenser Industries, NY
- Broadcast Cleaners (VCP Site), NY
- Harder Tree Service, NY
- East River Plaza (Brownfields Site), NY
- Win Holt (VCP Site), NY

## ■ Industrial Wastewater Treatment Design

- Geometric Circuits, Inc.
- NTU Circuits, Inc.
- Heartland Industrial Park
- Sixty Minute Photo
- Mill-Max Manufacturing Company
- Irwin Measuring Tool Company
- Shorewood Wastewater Treatment Plant



■ **Industrial Waste Surveys**

- USEPA Effluent Guidelines - Explosive Industry
- USEPA Effluent Guidelines - Photo Processing Industry
- USEPA Effluent Guidelines - Hospitals
- Nassau-Suffolk 208 - Long Island Regional Planning Board
- Major Waste Oil Reprocessing Plant, Brookhaven, New York

■ **Landfills**

- Town of East Hampton - Montauk Landfill
- Town of East Hampton- Springs-Fireplace Road Landfill
- Town of Mamakating
- The Trump Organization
- Envirofil, Inc., Macomb, Illinois
- Parr Development Company
- Parsons/Wittermore, Oceanside Landfill
- Long Island Ashfill Study
- Uniondale Realty Associates
- Parsons/Wittermore, Merrick Landfill
- Nassau County Department of Health, Denton Ave.
- Nassau County Department of Health, Syosset
- Town of Babylon, Babylon Landfill
- Envirofil, Inc., Harland, Michigan
- Envirofil, Inc., Kelly Run Sanitation, Inc., Elizabeth, Pennsylvania

■ **Federal Government Environmental Experience**

Program Manager on a 2.0 Million dollar IDIQ contract for the NY District Army Corps of Engineers for environmental, cultural, and biological studies. Thirty one Task Orders were accomplished over a 2 year period. Typical Task Orders are as follows:

- HTRW - South River, NJ
- Archaeological data recovery - revolutionary war resources. Stony Lonesome. II US Military Academy, West Point, NY
- Asbury Park to Manasquan, NJ, Beach Erosion Control project - Biological Resource Assessment
- HTRW NY Harbor
- SPCC Fort Hamilton & Fort Totten, NY
- Vegetative mapping of barrier islands, Fire Island, NY using infrared photography
- EIS - Deepening of the Arthur Kill/Howland Hook Navigation Channel

Program Manager on a \$2.5 million dollar IDIQ contract for the Northeastern District of the FAA

covering environmental services at airports throughout the Northeast United States. Forty Task Orders were accomplished over a nine year period. Typical Task Orders are as follows:

- Environmental Assessments and Environmental Due Diligence Audits for six automated flight service stations (AFSS) at six different airports in Pennsylvania, New Jersey, Virginia, New York and West Virginia.
- Noise impact analysis of new runway at Teterboro Airport, NJ using FAA noise model.
- Ten environmental assessment and environmental due diligence reports for MALSR facilities.
- Fifteen asbestos investigation studies for various buildings in New York and New Jersey airports.
- Five soil gas and sub-surface soil analyzing (Phase II).
- Environmental due diligence studies at nine potential sites for screening for Air Traffic Control Center in Virginia and southern Maryland.

Program Manager on a \$25 million preliminary assessment, site investigating RI/FS, RCRA FA/FI, and remedial design (Title I and II) for the Air Force Center for Environmental Excellence (AFCEE). Thirty-nine Task Orders were accomplished totaling \$17 million at the following bases: Griffiss (NY), Plattsburgh (NY), Roslyn (NY), Barksdale (LA), Carswell (TX), Randolph (TX), Lackland (TX), Scott (KY), McCord (WA), Fairchild (WA), Edwards (CA) and Cavalier (ID).

All of the services of these projects were in the Installation Restoration Program (IRP) or The Compliance Program.

Program Manager GSA Environmental Schedule Contract. Managed \$2 million worth of contracts and completed ten Task Orders. Examples include:

- Sampling for Anthrax bacteria at IRS Beckley Finance Control Center in Andover, MA - IRS
- Plum Island Animal Disease Center demolition, recycling and waste removal project - Dept. of Homeland Security.
- Evaluation and implementation of the BEAL Laboratory at Edwards AFB.

Program Manager for an eight-year \$1.1 billion contract with the Air Force Center for Environmental Excellence (AFCEE) for environmental restoration, conservation, planning, compliance and pollution prevention. In addition, it includes traditional A&E services for design and construction of military family housing and MilCon.

To date, twenty-eight Task Orders have been issued at the following bases: Edwards (CA), Tinker (OK), Myrtle Beach (SC), Griffiss (NY), Barksdale (LA), Lackland (TX),

## **FPM** group

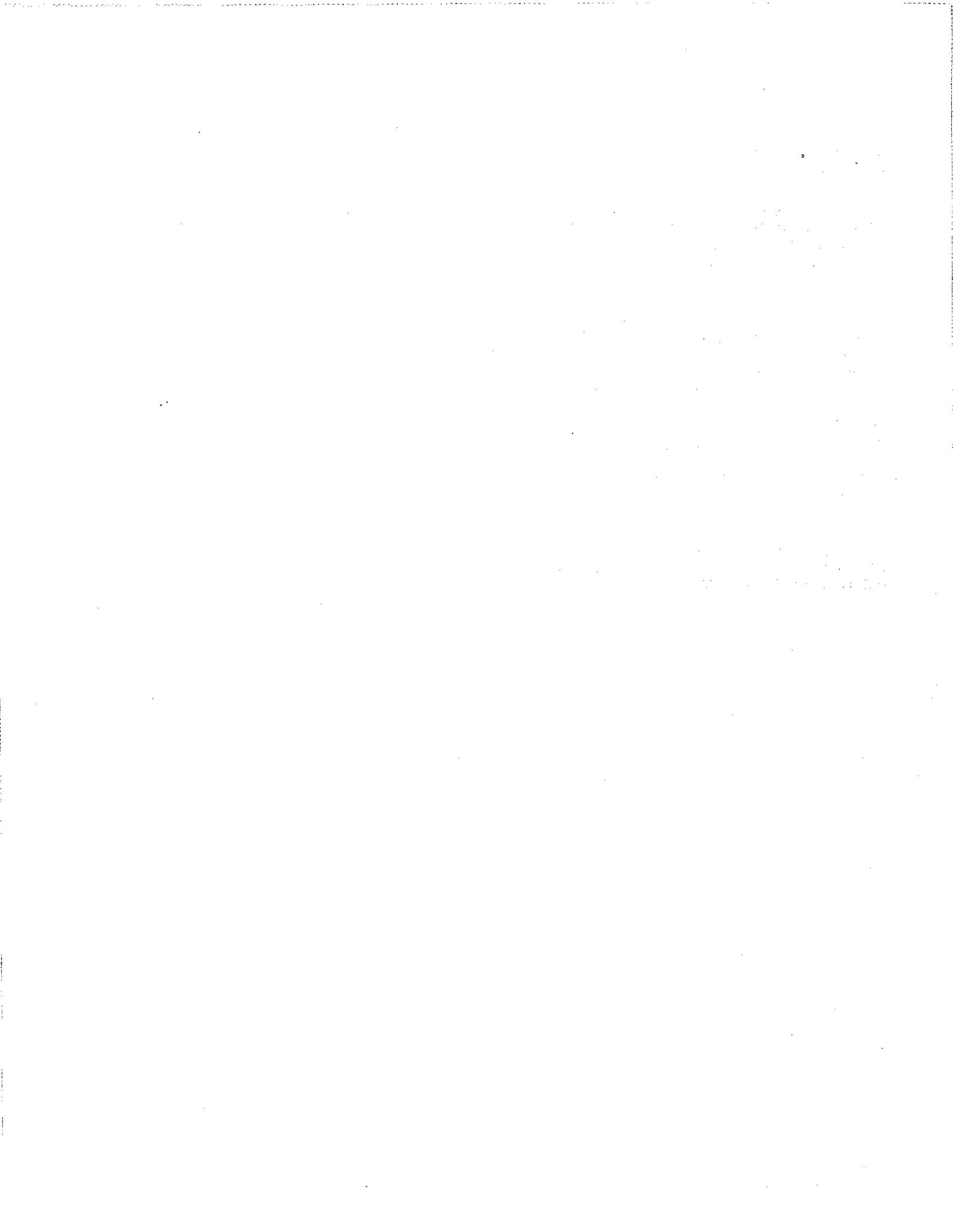
Altus (OK), Fairchild (WA), Plattsburgh (NY), Nellis (NV) and Los Angeles (CA):

Program Manager for the US Army Corps of Engineers Kansas City District. Ten million dollar IDIQ contract for miscellaneous military and civil hazardous waste clean-up projects and related work assigned to USEPA Region II and VII.

To date, 25 delivery orders and modifications have been accomplished. A large portion of this contract was used by the OMAHA Corps to support projects at Nellis AFB. The rest of the contract is being used at Griffiss to support their long-term monitoring program.

Program Manager for The Air Force Center for Environmental Excellence (AFCEE) Worldwide Environmental Restoration and Construction Contract (WERC). This is a \$4 billion, eight-year contract for environmental remediation and traditional construction, especially design build.

Presently six Task Orders are in various stages of development at the following bases: Edwards (CA), Nellis (NV) and Tinker (OK).



**Kevin F. Loyst, P.E.**



**FPM** group



Mr. Loyst has over 15 years of experience in environmental and civil engineering involving areas such as regulation compliance/permitting, environmental impact analysis, solid waste management, site investigations, remediation, hydrology, design, and feasibility studies.

Functional Role	Title	Years of Experience
Environmental/Civil Engineer	Department Manager - Environmental Engineering	19

**Personal Data**

**Education**

- M.S./1997/Environmental Engineering- Brooklyn Polytechnic University
- B.S./1989/Interdisciplinary Engineering & Management- Clarkson University
- B.S./1988/Civil and Environmental Engineering- Clarkson University

**Registration and Certifications**

- Licensed Professional Engineer in State of New York
- OSHA - approved 40 hour Health and Safety Training Course and 8 hour refresher training
- Asbestos Project Designer
- OSHA 8-hr HAZWOPER Supervisor

**Societies/Associations**

- Chi Epsilon - National Civil Engineering Honor Society
- American Society of Civil Engineers

**Employment History**

- 1992 to Present FPM Group
- 1989-1992 Westinghouse Electric Corp.

**Technical Seminars**

- Hazardous Waste/RCRA, Emergency Planning & Community Right-To-Know (EPCRA), Environmental Impact Analysis/NEPA/EIS/EA, Air/CAA, Stormwater, Soil Erosion & Sediment Control, Soil Remediation, Asbestos Abatement

**Detailed Experience**

■ **Regulation Compliance/Permitting**

- Client List: Governmental -US Postal Service, US Army Corps of Engineers, US Air Force, Veterans Administration, NYS Office of General Services (NYSOGS), NYS Parks, NYS Corrections, NYS Department of Transportation; Private/Industrial- numerous.

- Quarterly and semi-annual monitoring and reporting in accordance with NYSDEC Part 360 regulations for several landfills in Long Island.
- Environmental compliance audits covering the Clean Air Act (CAA), Resource Conservation and Recovery Act (RCRA), Clean Water Act (CWA), Emergency Planning and Community Right to Know Act (EPCRA), and local regulations involving areas such as hazardous material storage.
- Air permitting and associated reporting including Title V and 76-19-3 air permits; new source review; seasonal variance applications; BACT analysis; emission statements; annual and semi-annual compliance certifications; Air Guide 1 and Screen 2 modeling; Air Facility Registrations; air quality assessments; emission reduction credits, and stack testing.
- Performed RCRA compliance activities involving waste stream characterizations; waste minimization; pollution prevention; manifest tracking; preparation of quarterly, annual, and bi-annual reports; and training.
- Prepared hazardous waste closure plans in accordance with 6NYCRR 373-3 and implemented closure of hazardous waste management areas in accordance with 6NYCRR 373-3.7(c).
- Expert witness testimony for hazardous waste disposal matters.
- Performed EPCRA/Sara Title III audits, reporting and investigated administrative complaints.
- Suffolk County Department of Health Services (SCDHS) Article 12 and Nassau County Department of Health (NCDOH) Article 11 Toxic and Hazardous Material Storage Facility Permits.
- Prepared, reviewed, and certified numerous Spill Prevention Control and Countermeasure Plans (SPCCPs) in accordance with 40 CFR Part 112.

## **FPM** group

- UST compliance inspections in accordance with NYSDEC - Petroleum Bulk Storage (PBS) and Chemical Bulk Storage (CBS) regulations; SCDHS Article 12; NCDOH Article 11; and National Fire Protection Agency (NFPA) codes.
  - NYS Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) permits for industrial and stormwater discharges.
  - Baseline and semi-annual monitoring, BMR and SMR reporting, and sampling for wastewater discharges for compliance with NYCDEP and SCDPW requirements.
  - Performed health and safety monitoring at investigation and remediation sites during intrusive activities. Monitoring included calibration and operation of photoionization detector (PID) and flame-ionization detector (FID) for organic vapors and combustible gas indicator (CGI) for methane. Compared results to applicable action levels and took preventative/protective measures as necessary.
  - Site Specific Health and Safety Plans (HASPs).
  - Sound level studies to determine compliance with local noise ordinances.
- **Environmental Impact Analysis**
- Client List: Governmental-Federal Aviation Administration, US Army, US Army Corps of Engineers, US Department of Agriculture (USDA)
  - Environmental Assessments for Federal Aviation Administration (FAA) navigational aid projects at numerous airports in the northeast region in accordance with the National Environmental Policy Act (NEPA) and FAA order 1050.1D Policies and Procedures for Considering Environmental Impacts. Airport projects included Instrument Landing Systems (ILS), Approach Lighting Systems, Remote Transmitters, Doppler Equipment, Air Traffic Control Towers and Air Route Traffic Control Centers. Airports and support areas included Teterboro, Richmond Intl, Baltimore Washington Intl, Syracuse-Hancock Intl, Newark Intl, Stewart, Philadelphia Intl, LaGuardia, and Leesburgh.
  - Environmental assessments for the Army and Air Force Exchange Service (AAFES) at bases in Oahu, HI in accordance with NEPA, AR-200 Environmental Effects of Army Actions and DOD Directive 6050.1 Environmental Effects in the US of DOD Actions. Projects included capital improvement projects at Schofield Barracks, Helemano Military Reservation, Aliamanu Military Reservation, and Bellows Air Force Base.
  - Coastal/Biological Monitoring Program components for the US Army Corps of Engineers (USACE), New York District Beach Erosion Control Projects including intertidal ichthyoplankton studies, intertidal offshore finfish studies, nearshore and offshore benthic sampling, water quality analysis, and creel census.
  - Cultural resource projects for USACE and FAA in the northeast region including cultural resource surveys; cultural resource assessments; underwater archeology surveys; and recordations.
  - Wetland Delineations and Biological Surveys (Grassland Birds) in support of FAA EAs at Teterboro Airport.
  - Historic Preservation Plan for Plum Island NY and Historic Structure Report for Plum Island Light Station, Plum Island Animal Disease Center, NY.
  - Environmental Scoping Document and presentation agenda for the District's Atlantic Coast of Long Island Fire Island Inlet to Montauk Point, NY Storm Damage Reduction Reformation Study.
  - Preliminary Environmental Assessment (PEA) Reconnaissance Studies for USACE Flood Control and Shore Protection Projects in South River, Raritan River Basin, NJ and Cliffwood Beach, NJ.
  - Environmental assessment and architectural and historical study for a USMA historical building/site at West Point, NY.
  - Draft Supplemental Environmental Impact Statement (EIS) Limited Reevaluation Study for the Deepening of the Arthur Kill/Howland Hook Navigation Channel in NY/NJ.
- **Solid Waste Management**
- Client List: Governmental- USDA, NYSOGS, Municipalities – Town of Riverhead
  - Performed site reconnaissance, surveying, identification, and enumeration activities to develop plans, specifications, and environmental permitting for NYSOGS for processing waste tire materials into beneficial shred material to be used by the New York State Department of Transportation (NYSDOT) in road construction projects. Following the development of plans and specifications, FPM assisted NYSOGS with bidding phase services including contractor award and construction/remediation/restoration/ oversight. In total approx. 4 million tires were recycled at four sites across New York State.

# FPM group

- Removal, recycling, and disposal of over 10,000 cy of construction and demolition debris at various waste management areas on Plum Island, NY involving plans, specifications, cost estimating, and construction oversight for USDA.
- Estimated the remaining volume and footprint for the Youngs Avenue Landfill, Riverhead, NY which currently was in a full scale reclamation mode. Prepared and implemented a boring and excavation plan involving numerous deep borings and shallow test pits and used topographic surveys/landfill maps to estimate footprint boundaries and landfill volume. Based on the results, approximately 2m cy were estimated to be remaining or approximately four to five times the estimated amount. Riverhead Town then put the reclamation project on hold while it evaluated other options including capping. Assisted the Town with capping estimates, feasibility study for reclaiming and capping a reduced landfill and engineering reviews for a full Part 360 landfill cap design.

## ■ Site Investigations

- Client List: Governmental-US Army Corps of Engineers, NYS Office of General Services, NYS Dept. of Corrections, Internal Revenue Service; Municipalities-Town of East Hampton; Private- numerous
- ASTM Phase I Environmental Assessments for property transactions in Suffolk, Nassau, and the five boroughs of New York.
- Sampling and Analysis Plans for Phase II investigations in Long Island and NYC.
- Groundwater, soil, and air sampling at numerous sites on LI and NYC for landfill closures, remedial investigations, and petroleum spills.
- Petroleum Spill Investigations (gasoline, diesel, No. 2 and 6 fuel oil) and associated closure work for tanks and other types of discharges in the metropolitan and upstate NY regions.
- Hazardous, Toxic, and Radioactive Waste (HTRW) Preliminary Assessments in NY and NJ.
- Polychlorinated Biphenyl (PCB) basewide (3500 acres) evaluation of electrical equipment at Griffiss Air Force Base.
- Anthrax sampling for several IRS mail sorting facilities.

## ■ Remediation

- Client List: Governmental-US Air Force, NY SOGS; Private/Industrial-Star Corrugated Box Co., Shorewood Packaging, Metex Corp.
- Remediation of lead contaminated soil at four water tower sites at Barksdale Air Force Base, LA via excavation/disposal. Feasibility studies, work plans, Health and Safety Plans, Closure Reports, and No Further Response Action Planned Memorandums were prepared in conjunction with the remediation.
- In-site soil remediation of VOCs through vapor extraction and soil aeration techniques at LI and NJ contaminated sites.
- Removal of contaminated soil associated with petroleum spills and tank issues at LI, NYC, and upstate facilities.
- Identification, characterization, and removal of hazardous material and hazardous waste at industrial facilities and psychiatric centers in LI and NYC.

## ■ Hydrology

- Client List: Governmental-New York City Transit, Palisades Interstate Park Commission; Municipalities-Town of Greenburgh; Private-Sweezy's, various town residents.
- Hydrologist consultant to New York City Transit (NYCT) involving numerous drainage studies and investigation of mitigation measures for stormwater and groundwater issues at bus depots, train yards, and subway stations.
- Performed dye-testing studies at several NYCT facilities in NYC, Grand Central Terminal, and La Salle Military Academy to identify discharges and remedies.
- Hydrologist consultant to Town of Greenburgh involving the review of EIS documents, Stormwater Management Plans, Soil Erosion and Sediment Control Plans, drainage calculations, and modeling for proposed development projects on sites up to 300 acres.
- Provided expert witness testimony on flooding cases involving residences and municipalities in Long Island and Westchester County.
- Runoff calculations, drainage alternatives, and best management practices for site development projects in Long Island, NY City, and Westchester County.

## **FPM** group

- Evaluation of porous pavement installations at several NYCT bus terminals.
- Evaluation of existing surface and subsurface disposal systems at NYCT facilities and Long Island commercial residential properties.
- Water resources impact analysis for Ramapo Energy Limited Partnership DEIS.
- Evaluation and rehabilitation of groundwater well dewatering pumping systems via downhole camera videotaping, riser swab cleaning high velocity jetting, pump test analysis, specific capacity testing, and pump redesign.

### ■ Design

- Client List: Governmental-FAA, NYCT, NYSOGS, USCG, NYS Parks, USPS; Municipalities-Riverhead Central School District, East Hampton Airport; Private-Net Properties, TGI Fridays, Arkay Packaging, Kiss Nails, Orlandi, Grucci Fireworks.
- Hazardous material storage area design for industrial and governmental facilities in accordance with Suffolk County and Nassau County regulations and containment provisions (e.g., containment buildings, bermed epoxy coated storage areas).
- Conventional subsurface sewage disposal system and reduced pressure zone device designs and construction management services for numerous governmental, municipal, and private facilities.
- Soil erosion and sediment control plans and certifications for FAA airport navigational aid projects.
- New track and field athletic complex at USCG Academy, New London, CT involving NCAA regulation 8-lane track with synthetic type running service, separate event throwing areas, NCAA regulation soccer field inside the track and all necessary elements for typical collegiate facilities (lighting, grandstand, scoreboard, etc.) Critical design aspects included managing infiltration and surface water runoff for discharge into Thames River and environmental permitting (SWPPP and coastal zone consistency determination).
- Porous pavement designs for NYCT bus depots.
- Plans and specifications for asbestos abatement projects for elementary schools in LI.
- Asbestos abatement specification reviews for FAA facility rehabilitations.

### ■ Feasibility Studies

- Client List: Governmental-NYCT; Private-Chugai Boyecki, Net Properties.
- Study to prevent the potential migration of a PCB oil pool/contaminated aqueous plume and peat layer settlement due to dewatering activities at Sunnyside Yard, Queens.
- Investigated disposal alternatives for permanent subway dewatering activities in Brooklyn and Manhattan, NY
- Site Planning studies for property consolidations and expansion of shopping centers in LI. Site development potential was evaluated in accordance with local ordinances/codes.

### ■ Quality Control

- As Department Manager and Project Manager, performs QC on environmental compliance tasks including review of data, designs, and report of Task Leaders.

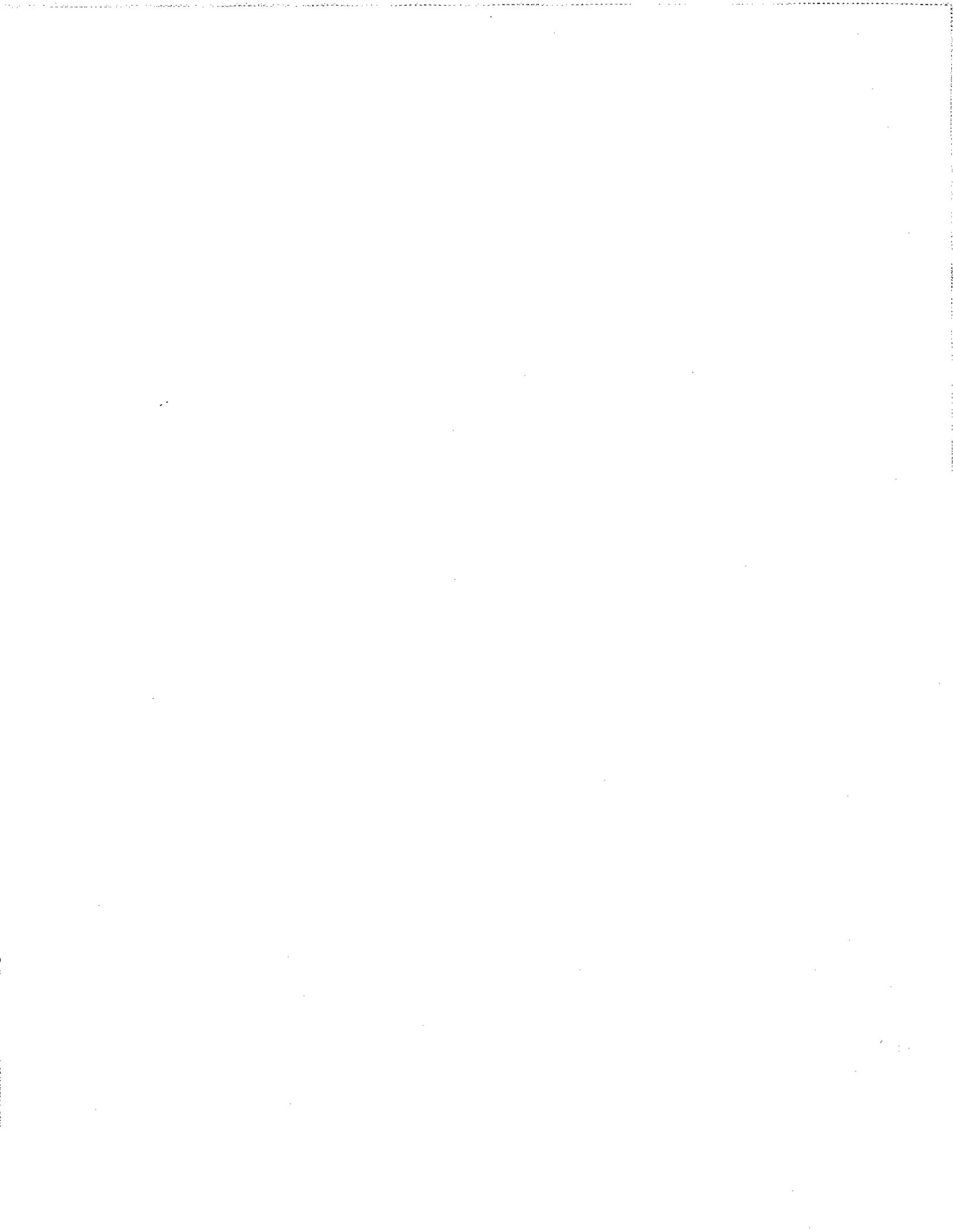
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May 14, 2007

Ms. Asma Syed, Planner  
New York City Economic Development Corp.  
110 William Street  
New York, New York 10038

Re: Scoping Comments -- Willets Point Development Plan

Dear Ms. Syed:

This letter provides the comments of the Willets Point Industry and Realty Association ("Association") on the Generic Environmental Impact Statement Draft Scope of Work ("Draft Scope") prepared by the Office of the Mayor for Economic Development and Rebuilding ("Lead Agency") for the Generic Environmental Impact Statement ("GEIS") for the Willets Point Development Plan ("Proposed Project") that the City of New York proposes to have constructed in the Willets Point area of Flushing, Queens.

The Association's members are Bono Sawdust, Crown Container, Feinstein Iron Works, Fodera Foods, House of Spices, Sambucci Brothers, Parts Authority, QC Iron Works, T. Mina Supply, Tully Construction, and Tully Environmental. These companies all operate businesses that would be displaced or destroyed by the Proposed Project.

On April 27, 2007, after a meeting with Deputy Mayor Daniel Doctoroff, EDC Vice President William E. Walsh, and other key staff from EDC, the Association sent the attached letter to Mr. Walsh requesting pertinent documentation on the Proposed Project so that it could comment more completely on the Draft Scope. This documentation has not been provided. Nor has the meeting requested in that letter been scheduled. Notwithstanding the City's failure to provide the requested information, we are providing these comments, but they are necessarily incomplete, and we reserve the right to supplement them should this information be provided.

In brief, the Draft Scope fails to tailor the GEIS to the unique character of Willets Point and its industries. For example, the Draft Scope liberally reiterates the substandard conditions that may exist in some parts of Willets Point, but neglects the most important cause of these conditions -- the City's unlawful failure to provide Willets Point with the services to which it is entitled, and which virtually all City neighborhoods receive.

The Draft Scope also fails to inquire into the unique needs of the businesses at Willets Point, and the likelihood that the Proposed Project will cause many to disappear

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forever. As a result, the Draft Scope fails to inquire into the impacts of this disappearance on their workers and on the City as a whole.

The Draft Scope fails to adequately consider the environmental consequences of the Proposed Project. Willets Point is at special risk from two well-established consequences of global warming -- rising sea levels and increased severity and frequency of storms. Willets Point also presents potential risks for residential uses because of its long industrial history.

Finally, the nature of the proposed action has not been fully enough conceptualized to allow adequate environmental review. The nature of the intended development, the way that contamination will be addressed, the effect of the lack of sanitary sewers, and other such issues have not been sufficiently described.

In the remainder of this letter, we discuss these concerns in more detail. For convenience, the discussion is organized in the same manner as the Draft Scope.

### **Proposed Project**

The description of the Proposed Project proclaims that it will incorporate "green technologies." In order to evaluate the energy, water and other impacts of the Proposed Project, it is necessary to understand exactly what these green technologies might be. Accordingly, the GEIS should specify in detail degree to which green technologies will be used. For example, the GEIS should specify which level of the green building rating system established by the Leadership in Energy and Environmental Design ("LEED") that the buildings will be required to meet. The GEIS should also specify the strategies and technologies that the buildings will use to meet this rating system.

The GEIS should discuss the nature and proposed solutions for the formidable engineering challenges that would confront the project. These include construction on the artificially-created land, with questionable structural integrity; how construction will affect the North Boulevard and Van Wyck Expressway structures; and how subsurface parking facilities will be provided, in view of the groundwater condition and the necessity of capping contaminated land.

### **Task 4. Socioeconomic Conditions**

The Draft Scope correctly identifies socioeconomic conditions as an area that will require detailed investigation. It treats these conditions in a generic manner, however, rather than tailoring them to the unique characteristics of Willets Point. The GEIS should provide greater specificity about the locational needs, conditions without the Proposed Action and impacts of displacement in order to adequately address socioeconomic conditions.

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### I. DIRECT BUSINESS DISPLACEMENT

#### A. *Locational Needs*

The analysis of locational needs must include both the synergies of the businesses to be relocated as well as the likelihood that they will be able to obtain the necessary environmental permits. We are aware of several specific examples in Willets Point, and there likely are many more.

Two of these examples are Tully Environmental, Inc. and Crown Container, which are entities with permits under 6 N.Y.C.R.R. part 360 to operate transfer stations for solid waste. In the event that the Proposed Project goes forward, the properties of these companies will be taken and they will be evicted. If Tully Environmental and Crown Container try to relocate, they will need new Part 360 and City permits, which they would be highly unlikely to obtain in or around the City, especially in view of the City's new, highly restrictive regulations on transfer stations.

If Tully Environmental cannot relocate in Northern Queens and Crown Container cannot relocate in the appropriate location within the City, it would have significant consequences for these companies and for the City. For example, Tully Environmental currently is carrying out a \$35 million contract with the New York City Department of Sanitation to haul and dispose of 900 tons per day of solid waste from Queens.

Bono Sawdust Supply Company, Inc. is located in a custom-designed 12,000 square foot free-span facility. The unique 22 to 25 foot ceilings are necessary to meet the operational and storage needs, including the custom-designed blower, dust filtration house and dust collection receptacle that are built into and part of the building structure. This system runs the complete span externally and internally of the manufacturing plant, and is non-movable. These exceptional specifications are not found in commercial buildings throughout the city. Bono Sawdust also rents 12,000 square feet in the Willets Point area from the MTA for storage trailers and containers. The company manufactures over 1,000,000 lbs. of industrial absorbents and sweeping compounds annually. It relies upon the close proximity to all major arteries and roadways leading to JFK and LaGuardia Airports, all five boroughs, Long Island, upstate New York, New Jersey and Connecticut. The company holds specialized, non-transferable permits from the City Fire Department and Department of Environmental Protection.

House of Spices employs 100 people at its Willets Point facility and is an essential link in a supply chain for eight other warehouses that employ another 200 people. The facility relies on its proximity to Queens neighborhoods that are the source of much of its business, and to the freeways that make the site an ideal distribution hub.

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The operation of the above businesses requires M3-1 zoning. Willets Point is one of the last M3-1 zones left in the city of New York, adding to the difficulty or impossibility of relocating. Further difficulties arise from the extensive infrastructure and fixtures in the industrial buildings, and the long-term leases under which many of them operate, containing conditions that will be difficult or impossible to replicate elsewhere.

Another example is the group of businesses involved in auto repair, parts and salvage. These businesses were recently surveyed by Professor Tom Angotti and his colleagues at Hunter College.<sup>1</sup> The results of this study should be reviewed in detail and incorporated in the GEIS as applicable.

The largest category of auto-related businesses is general auto repair, but there are many specialized businesses as well that concentrate on "parts, body work, glass, tires, mufflers, salvage and sales."<sup>2</sup> Professor Agnotti described these businesses as follows:

The overall picture is that of a large and diverse network of businesses with a wide range of specializations . . . The relations among the operators of auto-related businesses are often cooperative and mutually supportive, and they form a network that strengthens the attractiveness of the area as a specialized district.<sup>3</sup>

In summary, the auto-related businesses "both compete and cooperate with one another," and they are successful in part because they are concentrated in a single neighborhood convenient to their customers.<sup>4</sup> If these businesses are relocated and dispersed, there is no reason to expect them to survive.

There likely are many more examples of businesses with unique locational needs, and the GEIS should review these needs.

### *B. Conditions Without the Proposed Action*

The Draft Scope requires the assessment of "conditions in the study area in the future without the proposed action."<sup>5</sup> Among these conditions should be proper sanitary

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<sup>1</sup> Tom Angotti and Steven Romalewski, *Willets Point Land Use Study* (Hunter College Center for Community Planning & Development, Apr. 2006) ("Willets Point Study") available at <http://www.wpira.com/Willets%20Point%20Land%20Use%20Study.pdf>.

<sup>2</sup> *Willets Point Study* at 8.

<sup>3</sup> *Willets Point Study* at 8.

<sup>4</sup> *Willets Point Study* at 2.

<sup>5</sup> Draft Scope at 14.

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and storm sewers, street repair and police services. It is legally, economically and socially intolerable for this situation of malign neglect to continue, and the GEIS should not assume that it will.

It has been known for many years that the lack of City services has stifled development at Willets Point,<sup>6</sup> and Professor Angotti's recent study confirms this. When people there were asked about the disadvantages of Willets Point, "almost all respondents (88%) placed the lack of city services at the top of the list."<sup>7</sup>

Accordingly, the GEIS should assess conditions without the Proposed Project where the City has complied with its obligation to provide adequate services. These services should include not only infrastructure, but also community support services such as those identified in Professor Angotti's study – public-private planning partnerships, community-based enterprise development, pollution prevention, best management practices, strategies to maximize the benefits of concentration, job training, performance improvement plans and strategies for expanding manufacturing.<sup>8</sup>

### *C. Impacts of Displacement*

The effects of displacing the Willets Point businesses will be several fold. First, as noted above, displacing the businesses will be tantamount to destroying them, since many may not be able to relocate at all. The direct and indirect losses of jobs and tax revenues should be quantified.

Second, the City will lose the services that the businesses provide, at least some of which are vital to other sectors in the City. For example, The House of Spices (India), Inc., is the largest distributor of Indian foods in the United States. Tully Environmental, Inc. and Crown Container operate solid waste transfer stations, permits and sites for which are, as a practical matter, no longer available in the City. The auto-related businesses provide essential, low-cost services for the millions of City automobiles. Each of these services could be lost to the City forever. To the extent that the auto-related businesses do disperse to other neighborhoods, the opportunity will be lost for a concentrated program of providing training and facilities for pollution prevention. If Bono Sawdust, established 1933, and American Sawdust Company are unable to remain at Willets Point or re-locate to a location in North-East Queens, there will be adverse effects on the wood product manufacturers and waste industry throughout the city. Bono and American Sawdust are the only companies in New York changing this by-product

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<sup>6</sup> Urbitran Assoc., *Willets Point Planning Study* at 4 (Oct. 1991).

<sup>7</sup> *Willets Point Study* at 9.

<sup>8</sup> *Willets Point Study* at 11-13.

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into absorbents and sawdust to specification for various industries, and manufacturing sweeping compound. Without these two businesses, this by-product will become waste. In turn, it will become a tremendous waste cost detrimental to the survival of all wood product manufacturers located in the tri-state area. This also will add over 12,000,000 pounds of waste for the City of New York to dispose of annually.

Third, the City will lose entry-level jobs that it desperately needs. Willets Point provides employment opportunities for new entrants to the work force, all of which would be lost in the event the businesses cannot relocate.

The GEIS should consider each of these impacts.

### II. ADVERSE EFFECTS ON SPECIFIC INDUSTRIES

The Draft Scope already requires a detailed analysis of adverse effects on the automotive industry; the GEIS should also require a detailed analysis of adverse effects on waste management (Tully Environmental, Inc., Crown Container) and distribution (The House of Spices (India), Inc., House of Fedora, T. Mina Supply).

### III. ECONOMIC IMPACT ANALYSIS

The economic impact analysis required by the Draft Scope uses an inappropriate benchmark for comparison. The Draft Scope currently specifies that the GEIS must "compare the estimated economic and fiscal benefits of the RWCDS to the benefits generated by the uses that are currently present in the District." The current economic benefits from Willets Point are stifled, however, because the City has failed to provide the services to which Willets Point is entitled by law. Accordingly, the economic impact analysis should evaluate not only the economic benefits from the uses currently present, but also the benefits of an industrial community with all of the required City services.

The economic impact analysis should also evaluate the net economic benefits of the Proposed Project, not just its benefits in isolation. That is, many of the purported economic benefits are simply wealth redistribution, not wealth creation.

For example, the Draft Scope envisions New York Mets fans spending a portion of their entertainment budget in Willets Point. Economic studies have shown, however, that baseball fans are likely to have the same entertainment budget regardless of whether they spend it near a baseball stadium or on other forms of entertainment. Similarly, if there are hotels and stores in Willets Point, travelers and shoppers may visit them, but if there are not, then travelers and shoppers would visit hotels and stores elsewhere in the City.

In comparison, an industrial area with adequate services would provide a unique location for workers, retailers and wholesalers that will be lost forever if the proposed

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project goes forward. Willets Point is not the only area in Queens where one can put a shopping center, hotel or office building, but it is the only area where one can put the businesses that are there now. Accordingly, the economic impact analysis should look at net economic benefits to the city, and not just the benefits to the Proposed Project and its developer.

Finally, the economic impact analysis should evaluate the disparate impact that the Proposed Project would have on low-income and minority persons. In the event that the current Willets Point businesses are evicted en masse, the employees of those businesses would lose their opportunity to earn a living and feed their families. New entrants into the work force also would lose an opportunity for entry-level work. The economic impact analysis must determine whether these lost opportunities will disproportionately affect low-income persons and minorities.

### **Task 11. Natural Resources**

The inquiry into natural resource impacts should be broader than that presented in the Draft Scope in at least two respects. First, the GEIS should anticipate future climate changes in order to determine the impacts of the Proposed Project and the necessary mitigation measures, particularly in areas below flood level. Second, the GEIS should evaluate each of the factors necessary in order to construct a project in or adjacent to tidal wetlands.

#### *A. Climate Change*

The Draft Scope currently notes that the Proposed Project lies “within the 100-year floodplain.”<sup>9</sup> Unfortunately, the 100-year flood plain has become a misnomer. The Federal Emergency Management Agency last undertook major revisions to its flood maps in 1983, and the data it used were older still.<sup>10</sup> Because of global warming and sea-level rise, the “100-year flood plain” is expected to become the “40-year flood plain” in a little more than a decade, and the “20-year flood plain” by year 2050. As sea temperatures increase, so will the strength and frequency of northeasters and hurricanes. Unless the GEIS considers these future climate changes, its review of natural resource impacts will be of historical interest only.

Accordingly, the GEIS should evaluate and require the implementation measures identified in New York City’s *PlaNYC*, namely:

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<sup>9</sup> Draft Scope at 20.

<sup>10</sup> City of New York, *PlaNYC, A Greener Greater New York* at 139 (April 22, 2007) (“*PlaNYC*”), available at <http://www.nyc.gov/html/planyc2030/html/plan/download.shtml>.

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1. Update the expected frequency and severity of storm events, and evaluate their impacts on the Proposed Project;
2. Complete a community planning toolkit and site-specific climate adaptation plan; and
3. Evaluate mitigation measures to address inadequacies in the building code (e.g., the building code only requires windows to withstand gusts of 110 miles per hour, but a category 3 hurricane can produce winds of 111 to 130 miles per hour<sup>11</sup>).

### *B. Tidal Wetlands Construction*

The GEIS should analyze whether the Proposed Project meets the criteria for construction in a tidal wetlands and/or adjacent area. The criteria for a tidal wetlands permit are set forth in 6 N.Y.C.R.R. part 661, which specifies that any construction in a tidal wetlands must:

- (i) be compatible with the preservation and protection of tidal wetlands and to prevent their despoliation and destruction;
- (ii) not have an undue adverse impact on the present or potential value of the affected tidal wetland area or adjoining or nearby tidal wetland areas for marine food production, wildlife habitat, flood and hurricane and storm control, cleansing ecosystems, absorption of silt and organic material, recreation, education, research, or open space and aesthetic appreciation, taking into account the social and economic benefits which may be derived from the proposed activity;
- (iii) be compatible with the public health and welfare;
- (iv) be reasonable and necessary, taking into account such factors as reasonable alternatives to the proposed regulated activity and the degree to which the activity requires water access or is water dependent;

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<sup>11</sup> *PlaNYC* at 133.

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(v) comply with the development restrictions contained in 6 N.Y.C.R.R. § 661.6;

(vi) comply with the use guidelines contained in 6 N.Y.C.R.R. § 661.5; and

(vii) in the case of a formerly connected tidal wetland, be consistent with the possible future restoration of any portion of the tidal wetland adjoining or surrounding the project site to its original condition.

The Draft Scope should require the evaluation of each of these factors.

### **Task 12. Hazardous Materials**

As stated in the Draft Scope, petroleum and other contaminants are present in the soils and groundwater at Willets Point. These contaminants must be adequately addressed and mitigated in order to ensure that they pose no risk to those who will live in the 5,500 residential units planned for the Proposed Project. It is not clear, however, that these contaminants have been investigated well enough to understand what mitigation measures may be necessary, or to otherwise assess their impacts. Of greater concern, it appears that additional investigation may not take place until after the project design is complete and construction begun, when it will be too late to implement appropriate mitigation strategies (e.g., sub-slab vapor extraction systems or competent vapor barriers). The proposed mitigation of placing a 4-6 foot capping layer over the entire site may present a cure that is worse than the disease. Willets Point is constructed over a high water table area. This proposed fill could inadvertently surcharge the underlying areas and severely impact surrounding areas such as the new Citifield, adjacent roadways and waterways.

Accordingly, adequate environmental investigations should be performed as part of the GEIS, and these investigations should be used to evaluate the impacts of the proposed project and the necessary mitigation. The investigations must be sufficient to provide a basis for the remedial work, and therefore they must contain the detail and information required by a remedial investigation pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act. This approach is similar to the one adopted for the New York State Brownfield cleanup program, where SEQRA review is not performed until after the remedial investigation is complete and the final remedy has been proposed.<sup>12</sup>

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<sup>12</sup> N.Y.S. Department of Environmental Conservation, *Draft Brownfield Program Cleanup Guide* at 43-44 (May 2004), available at [http://www.dec.ny.gov/docs/remediation\\_hudson\\_pdf/DraftBCPguide.pdf](http://www.dec.ny.gov/docs/remediation_hudson_pdf/DraftBCPguide.pdf).

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## ARNOLD & PORTER LLP

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Ms. Asma Syed, Planner  
May 14, 2007  
Page 10

Making the area suitable for residential use may require the excavation and removal of massive quantities of contaminated soil, and its transport to distant disposal facilities. These operations pose significant health and safety risks to workers, truck drivers, and motorists on the roads over which the soil is hauled. A number of studies have shown that the health and safety costs of such operations often exceed the health and safety benefits of removing the waste. The risks posed by the massive excavation, removal and hauling of this contaminated material should be quantified in the GEIS. The GEIS should also look at the alternative method of existing businesses remediating their own sites after the installation of sewers.

### **Task 18. Noise**

The Draft Scope (p. 31) states, "Per CEQR requirements, noise from aircraft operations would be excluded from all measurements." The source of this statement is unclear. It conflicts with the December 2005 Phase II study by HDR/LMS and sponsored by the EDC which accurately states on page 35 paragraph 3 that the noise from the airport must be assessed. In fact, the CEQR Technical Manual, §123.2, says the opposite of the Draft Scope -- it describes how noise analysis should be done "where the receptor is close to an airport and in the flight path." That precisely describes Willets Point, which is extremely close to LaGuardia Airport and in the flight path. The noise analysis in the GEIS should fully characterize the airport-related noise at the site; should describe the effect of that noise on a planned residential development; and should describe how, to what extent, and at what cost that noise could be mitigated.

### **Task 22. Alternatives**

The Draft Scope indicates that the GEIS will analyze "a No Build alternative, which describes the conditions that would exist if the proposed actions were not implemented." The No Build alternative should be analyzed in two variations:

1) No Build/Continued Neglect -- a continuation of the current situation, where the City goes on neglecting the area and failing to provide required services; and

2) No Build/Standard Services/No Condemnation -- the City provides sewers, street paving, and the other infrastructure and services that virtually every other neighborhood in the City has long received; and the City does not take property by eminent domain. This alternative represents the preference of most or all of the current occupants of Willets Points, and would provide the analytical basis for understanding what would occur if normal real estate forces were allowed to work in this area. As explained in the discussion of Task 4(I)(B) above, it long has been known that the City's unlawful failure to provide sanitary sewers, storm sewers and street repair has prevented Willets Point from reaching its potential. SEQRA requires, and we demand, an analysis under which the lead agency takes its thumb off the scale and allows the readers of the

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## ARNOLD & PORTER LLP

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Ms. Asma Syed, Planner  
May 14, 2007  
Page 11

GEIS to understand what would happen were the government to treat this neighborhood like the rest of New York City, without the double abuse of withheld services and condemnation.

The No Build/Standard Services/No Condemnation alternative should include, as a mitigation measure, the provision of training and facilities for pollution prevention for the neighborhood's many auto repair establishments.

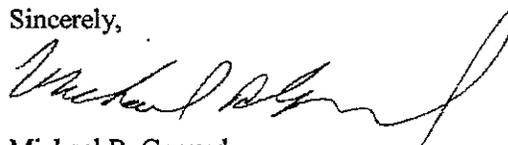
This proposed alternative has several similarities to the Minimum Intervention scheme in the 1991 planning study for Willets Point (pages 43-46).

### **Procedural issues**

The scoping hearing on May 1 did not comply with SEQRA/CEQR procedures because many members of the public were barred from entering. The Association requests that the hearing be reopened to allow all persons who wish to attend to do so, and to allow comments based on the information that the Association has requested but not yet received. The Association also believes that the City Council as the ultimate decision-maker on this project, should be the lead agency.

The Willets Point Industry and Realty Association respectfully submits that, in order to take a hard look at the impacts from the Proposed Project, the Project should be more precisely described, and at the very least the GEIS should include the analysis outlined above.

Sincerely,



Michael B. Gerrard  
Nelson D. Johnson

Enclosure



## **WILLETS POINT INDUSTRY AND REALTY ASSOCIATION**

127-50 Northern Blvd. Flushing, NY 11368  
718-446-7000 Ext 297  
718-458-5199 Fax  
dscully@tullyenvironmental.com

April 27, 2007

Mr. William E. Walsh  
New York City Economic Development Corp.  
Vice President  
Real Estate Development  
110 William Street  
New York, NY 10038

RE: Willets Point Development

Dear Mr. Walsh,

I am writing to express our appreciation for the time and consideration given our group by Deputy Mayor Doctoroff as well as you and your staff. We believe that this could be the impetus to a mutually beneficial outcome for the future vision of Willets Point:

As you are aware, the members of the Willets Point Industry and Realty Association have felt purposely isolated by the City in this process due to a lack of communication by the EDC and the failure to provide any information concerning relocation or compensation. The Deputy Mayor expressed his regret over the City's mistake for not including the property owners earlier in this process and vowed to make up time. In an effort to avoid future miscommunications, we thought that it would be a benefit to both parties to recap the discussions held and the next steps to be taken.

The Association strongly believes that the results of the EDC's 1991 Study are still valid today. The basic conclusion of that study is that the once the area was provided with desperately needed infrastructure, sanitary sewers and streets, Willets Point would thrive as a valuable M-3 zone and provide an excellent source of jobs. Regardless, the main discussion centered on the City's desire to develop Willets Point into a mixed use community. To this end, the City has taken four years to study the area, including the creation of a Willets Point Task Force, issuance of an RFEI for market feedback from potential developers and an issuance of a second request for market feedback in the form of an RFP. The Association expressed its concerns about the ability of the City to proceed with development due to the existing limitations of the site; high ground water, cost of remediation, lack of infrastructure, property acquisition costs, relocation of existing businesses, interference from air traffic, among the other inherent issues that must be considered.

## WILLETS POINT INDUSTRY AND REALTY ASSOCIATION

According to Deputy Mayor Doctoroff, the City has expended millions of dollars to sponsor in-depth studies, based on market feedback, to explore the feasibility of such a development; traffic, noise, environmental remediation, utility requirements among others. The results of these efforts has led the City to the conclusion that Willets Point can be developed to include such mixed uses as a convention center, 5,500 units of housing, 1.7 million sf of retail outlets, an elementary school, a 700 room hotel, 500,000 sf of office space and a bridge to Flushing. As further affirmation that the City wants to operate with an open book, Mr. Doctoroff proposed that the studies be made available to the members of the Association.

Mr. Doctoroff also recognized the need for the City to sit down with the property owners of Willets Point in the immediate future to discuss relocation possibilities and evaluate the land acquisition costs. He also stated that the City was prepared to be very generous in their dealings with the property owners and that we could be assured we would be more than justly compensated. The Association indicated that there are some businesses that cannot be relocated due to the complexity of their facilities of the regulated nature of their businesses. As possible alternatives to relocation, Mr. Doctoroff suggested that those landowners could be compensated for the value of their business. And while not desirable, the City would consider a carve-out of a part of the region for those businesses that could not be moved.

The members of WPIRA believe that this meeting was constructive in that open communication is always preferable to a battle in the courts. However, as we indicated during the meeting, due to the advancement of the City's plans to date, the Association has no alternative than to continue to pursue actions in its best interest even while we continue discussions with the City. There are certain milestones that will be quickly upon us that we as property owners cannot allow to pass without comment pending an amicable settlement with the City. Our actions should not be interpreted as an unwillingness to sit down and discuss options with the City, but as necessary for the preservation of our rights as we move through this process.

In order to move this process along, the Deputy Mayor recommended the following actions as the first steps. The EDC will set up a meeting within the next two weeks between WPIRA and the City's consultants to review the area studies that have been completed. In light of the upcoming scoping meeting and the deadline for comments of May 14<sup>th</sup>, we request that the studies addressing the following issues be made available by May 7<sup>th</sup> so that WPIRA may comment on the scope of the DEIS in a timely manner:

- Infrastructure requirements for the proposed development
- Proposed remediation and cost analysis
- Traffic studies and proposed traffic plans
- Economic impact and job creation
- Parking Requirements
- Property Acquisition and Relocation
- Any additional engineering studies the EDC believes would be helpful

## WILLETS POINT INDUSTRY AND REALTY ASSOCIATION

The second step that must be taken is to provide a schedule for discussions between the EDC and the property owners to determine the needs of the existing businesses and begin evaluation of property costs. We would like the EDC to prepare some dates and recommended methods for proceeding with these discussions. We believe that these discussions would be best if conducted separately with each owner.

Once again, the efforts on the part of the City to reach out to our Association are appreciated and we look forward to moving towards a mutually beneficial conclusion in the matter.

Sincerely,  
Willets Point Industry and Realty Association

Daniel T. Scully



E



**FOIL Correspondence:**

**New York City Department of  
City Planning**



June 5, 2008

Public Records Officer  
New York City Department of City Planning  
22 Reade Street  
Second Floor, West  
New York, NY 10007-1216

Re: **Freedom of Information Law Request**

Dear Public Records Officer:

This is a request for records (as defined below) pursuant to the New York State Freedom of Information Law, Public Officers Law Article 6 § 84 *et seq.*, seeking the production of records related to the United States Tennis Association ("USTA") National Tennis Center Project of the early 1990s, located in Flushing.

Specifically, I request records within the possession of the New York City Department of City Planning relating to geotechnical data from the USTA National Tennis Center site, including, without limitation, boring logs and cross-sections.

For purposes of this information request, I am using the term "records" to include any information kept, held, filed, produced or reproduced, by, with, or for the agency, in any physical form whatsoever including, without limitation, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, e-mails, notes, microfilms, computer tapes or discs, rules, regulations, or codes. I request that where records are held electronically, they be produced in a widely used electronic format, if practicable.

If you should determine that any documents responsive to this request are exempt from disclosure, please furnish me with any reasonably-severable portions thereof, and provide me with an explanation of the basis of the exemption. Also please inform me of the avenues for appeal from any denial of any portion of this request.

You are hereby authorized in advance to incur up to \$500 in photocopying and search costs. If the cost will exceed that amount, or if you have any other questions regarding this request for information, please contact me by telephone at (212) 715-1038.





CITY PLANNING COMMISSION  
CITY OF NEW YORK  
OFFICE OF THE CHAIR

June 17, 2008

Mr. Nelson D. Johnson  
Arnold & Porter LLP  
399 Park Avenue  
New York, NY 10022-4690

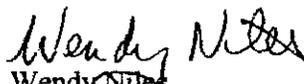
As Records Access Officer for the Department of City Planning (DCP), I acknowledge receipt of your request.

Please be advised that a response to your request will require me to collect agency files from offices that are separate from mine and search for and review records for their responsiveness to your request.

Pursuant to Subdivision 3 of Section 89 of the Freedom of Information Law and Section 5 (d) of the Uniform Rules and Regulations for All City Agencies Pertaining to the Administration of the Freedom of Information Law, a determination of whether your request will be granted in whole or in part shall be made within thirty (30) business days. This amount of time is necessary due to the large volume of records that could be responsive to your request, the need to search for and retrieve potentially responsive material from DCP's archives, and the review of any responsive records, including electronic correspondence, to determine whether they may be exempt from disclosure pursuant to FOIL. You will be advised of such determination as soon as it has been made.

Enclosed is a copy of this agency's procedures concerning Freedom of Information requests.

Sincerely,

  
Wendy Niles  
212-720-3208

Amanda M. Burden, FAICP, Chair  
22 Reade Street, New York, NY 10007-1216  
(212) 720-3200 FAX (212) 720-3219  
[nyc.gov/planning](http://nyc.gov/planning)







DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

OFFICE OF THE COUNSEL

Amanda M. Burden, AICP, Director  
Department of City Planning

WRITER'S DIRECT DIAL  
(212) 720-

DAVID KARNOVSKY, Counsel  
JULIE M. LUBIN, Deputy Counsel

GLENN E. FRIEDMAN  
ALISON R. MCCABE  
WESLEY O'BRIEN

**PROCEDURE FOR THE PUBLIC INSPECTION OF RECORDS  
PURSUANT TO THE FREEDOM OF INFORMATION LAW**

1. **Request for Information:** Any request to inspect or copy records kept or held by the Department of City Planning shall be made in writing and addressed to the records access officer. The request should reasonably describe the record or records sought and should, whenever possible, supply information regarding dates, file designations or other information which will enable the records access officer to identify the records sought.

2. **Records Access Officer:** The records access officer for the Department of City Planning is:

Wendy Niles  
Dept. of City Planning  
22 Reade Street, Room 2W  
New York, New York 10007  
Telephone: (212) 720-3208

3. **Hours and Location for Inspection of Records:** Upon written notification by the records access officer that records are being provided in response to a request, such records may be obtained and inspected from 9:00 a.m. to 5:00 p.m. at the office of the records access officer, unless the records access officer designates a more specific time or location. In no case may records be removed from agency premises.

4. **Fees:** Except when a different fee is otherwise prescribed by law, a fee of \$.25 per page or part thereof will be charged for photocopy of a record up to 9" x 14" in size. Actual cost will be charged if photocopying or reproduction is required out of agency, or if reproduction of any other size record is sought. Where the records access officer determines that the fee chargeable under this section will exceed \$25.00, an advance deposit for 25% of the anticipated fee, or \$25.00 whichever is greater, may be required. Where a requesting party has previously failed to pay a fee under this section, payment of past due fees and advance deposit of the full amount of the anticipated fee may be required prior to photocopying of the requested records.



DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

OFFICE OF THE COUNSEL

Amanda M. Burden, AICP, Director  
Department of City Planning

WRITER'S DIRECT DIAL  
(212) 720-

DAVID KARNOVSKY, Counsel  
JULIE M. LUBIN, Deputy Counsel

GLENN E. FRIEDMAN  
ALISON R. MCCABE  
WESLEY O'BRIEN

**PROCEDURE FOR THE PUBLIC INSPECTION OF RECORDS  
PURSUANT TO THE FREEDOM OF INFORMATION LAW**

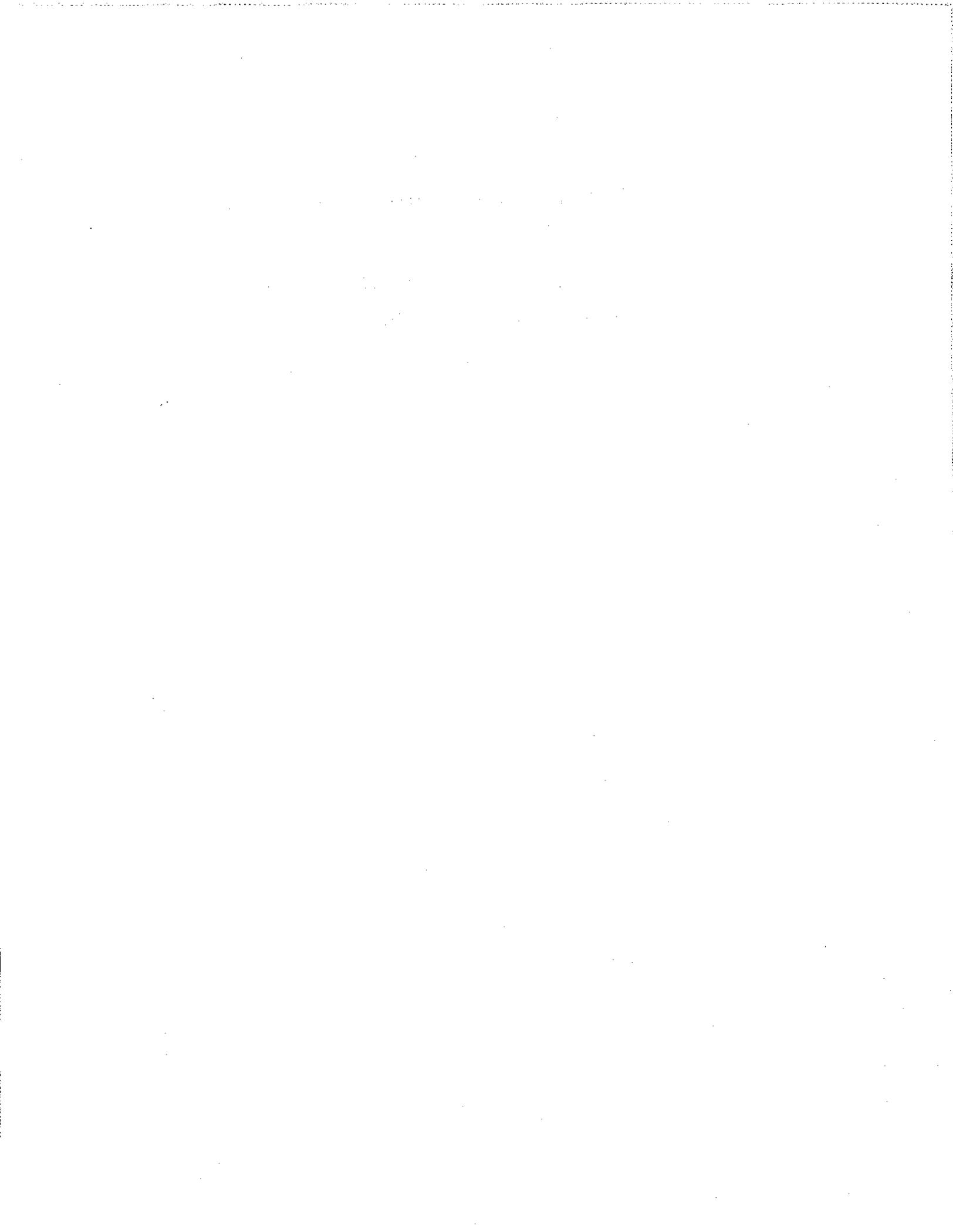
5. **Appeal:** When a request for access has been denied in writing in whole or in part by the records access officer, the requesting party may appeal the decision to the appeal officer within 30 days of the denial. An appeal shall be in writing, addressed to the appeal officer, and shall include the date of the request, the date of the denial, the records which were requested, and the name and address of the requesting party.

6. **Appeals Officer:** The appeals officer for the Department of City Planning is:

**David Karnovsky, Counsel to the Department  
22 Reade Street, Room 2N  
New York, New York 10007  
Telephone: (212) 720-3400**

**FOIL Correspondence:**

**Metropolitan Transportation  
Authority - New York City  
Transit**



June 5, 2008

Denise Fraser  
Deputy Exec. Asst. General Counsel/Freedom of Information Officer  
Metropolitan Transportation Authority New York City Transit  
130 Livingston Plaza, 12<sup>th</sup> Floor  
Brooklyn, NY 11201

Re: **Freedom of Information Law Request**

Dear Ms. Fraser:

This is a request for records (as defined below) pursuant to the New York State Freedom of Information Law, Public Officers Law Article 6 § 84 *et seq.*, seeking the production of records related to property owned by the Metropolitan Transportation Authority ("MTA") that is known as the Flushing Train Barn and is located south of Shea Stadium and south of Roosevelt Avenue in Flushing, Queens.

Specifically, I request all records within the possession of the MTA concerning geotechnical data related to this property, including, without limitation, cross-sections and boring logs.

For purposes of this information request, I am using the term "records" to include any information kept, held, filed, produced or reproduced, by, with, or for the agency, in any physical form whatsoever including, without limitation, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, e-mails, notes, microfilms, computer tapes or discs, rules, regulations, or codes. I request that where records are held electronically, they be produced in a widely used electronic format, if practicable.

If you should determine that any documents responsive to this request are exempt from disclosure, please furnish me with any reasonably-severable portions thereof, and provide me with an explanation of the basis of the exemption. Also please inform me of the avenues for appeal from any denial of any portion of this request.

You are hereby authorized in advance to incur up to \$500 in photocopying and search costs. If the cost will exceed that amount, or if you have any other questions regarding this request for information, please contact me by telephone at (212) 715-1038.

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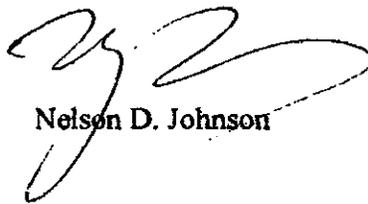
ARNOLD & PORTER LLP

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Ms. Fraser  
June 5, 2008  
Page 2

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Johnson", with a large, sweeping flourish extending to the right.

Nelson D. Johnson



We believe that your request falls into the category that usually takes 3 Months to complete. We would expect that our response should be completed by 9/11/2008

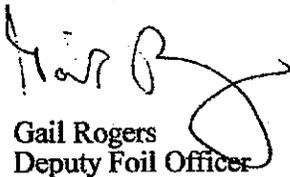
We will notify you if we cannot provide you with responsive records within the aforementioned time.

If you are able to narrow or further specify the records you seek, it may permit the FOIL Unit to complete the process in a shorter time period. Please use the above number when corresponding to advise us of this more narrow request.

**The fee for this service is \$.25 per page of material provided. NYCT will advise you of the cost as soon as responsive documents are made available to us. Upon receipt of a check or money order to cover the costs of the documents, we will forward those records that are disclosable.**

Should it become necessary to inquire further regarding this request, please refer to the above Freedom of Information request number in your correspondence.

Sincerely,



Gail Rogers  
Deputy Foil Officer

**FOIL Correspondence:**

**New York City Economic  
Development Corporation**



February 15, 2008

VIA OVERNIGHT COURIER

Judith Capolongo  
Records Access Officer  
110 William Street  
New York, New York 10038

**Re: Freedom of Information Law Request  
Economic Development Corporation**

Dear Ms. Capolongo:

This is a request for records (as defined below) pursuant to the New York State Freedom of Information Law, Public Officers Law Article 6 § 84 *et seq.*, seeking the production of records related to the area in Flushing, Queens bounded by Northern Boulevard to the north, 126<sup>th</sup> Street and Shea Stadium to the west, Roosevelt Avenue to the south and the Flushing River to the east (such area shall be "Willets Point").

Specifically, I request all records created after January 1, 1990, within the possession of the Economic Development Corporation concerning the following topics with respect to Willets Point:

1. environmental conditions at Willets Point including, without limitation, the presence of hazardous waste, petroleum release, air emissions, water discharges, any other spills or contamination, flooding and geology;
2. the Willets Point Development Plan;
3. the potential redevelopment of the Willets Point property, whether or not related to the Willets Point Development Plan;
4. the acquisition of property at Willets Point, whether by eminent domain or otherwise;
5. the value and/or valuation of the Willets Point property;
6. the relocation of existing workers and businesses in the event that they are displaced by development;
7. correspondence with potential developers of Willets Point;

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# ARNOLD & PORTER LLP

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Records Access Officer

February 15, 2008

Page 2

8. the draft and final Environmental Impact Statements (DEIS and FEIS), and related materials, prepared in the early 1990s for the proposed "Sportsplex" project;
9. correspondence with persons and businesses requesting assistance with the construction, repair, reconstruction and replacement of streets, roads, signals or signs; and
10. correspondence with persons and businesses submitting comments regarding the development and/or redevelopment of Willets Point.

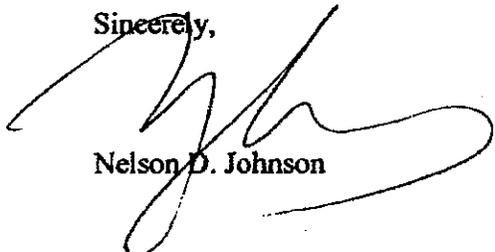
For purposes of this information request, I am using the term "records" to include any information kept, held, filed, produced or reproduced, by, with, or for the agency, in any physical form whatsoever including, without limitation, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, e-mails, notes, microfilms, computer tapes or discs, rules, regulations, or codes. I request that where records are held electronically, they be produced in a widely used electronic format, if practicable.

If you should determine that any documents responsive to this request are exempt from disclosure, please furnish me with any reasonably-severable portions thereof, and provide me with an explanation of the basis for the exemption. Also please inform me of the avenues for appeal from any denial of any portion of this request.

You are hereby authorized in advance to incur up to \$200 in photocopying and search costs. If the cost will exceed that amount, or if you have any other questions regarding this request for information, please contact me by telephone at (212) 715-1038.

Thank you for your attention to this matter.

Sincerely,



Nelson D. Johnson

June 24, 2008

**BY OVERNIGHT DELIVERY**

Judith Capolongo  
Records Access Officer  
Economic Development Corporation  
110 Williams Street  
New York, NY 10038

Re: Freedom of Information Law Request

Dear Ms. Capolongo:

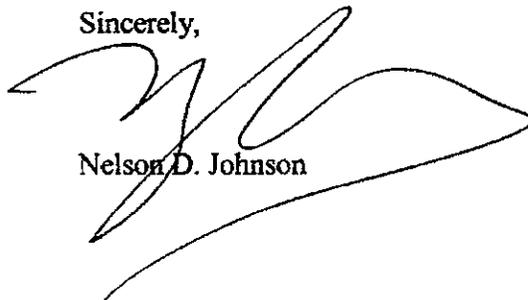
I am writing to follow up on our Freedom of Information Law Request, dated February 15, 2008, regarding Willets Point. Specifically, our request asked for records created after January 1, 1990 within the possession of the Economic Development Corporation regarding several topics, including environmental conditions at Willets Point, the potential redevelopment and valuation of the Willets Point property, and the draft and final Environmental Impact Statements (DEIS and FEIS) and related materials prepared for the proposed "Sportsplex" project. A copy of that request is enclosed.

Public Officers Law, Article 6, § 89(3)(a) states that an entity must respond to a written FOIL request within five business days. This response must make the records available, deny the request, or acknowledge the receipt of the request and provide an approximate date when the request will be granted or denied. We have received no response to date.

In view of the time that has elapsed since my FOIL request, I request that you immediately provide me with the information required by section 89(3) including, without limitation, the date upon which the documents will be made available. If you have any questions, please contact me at (212) 715-1038.

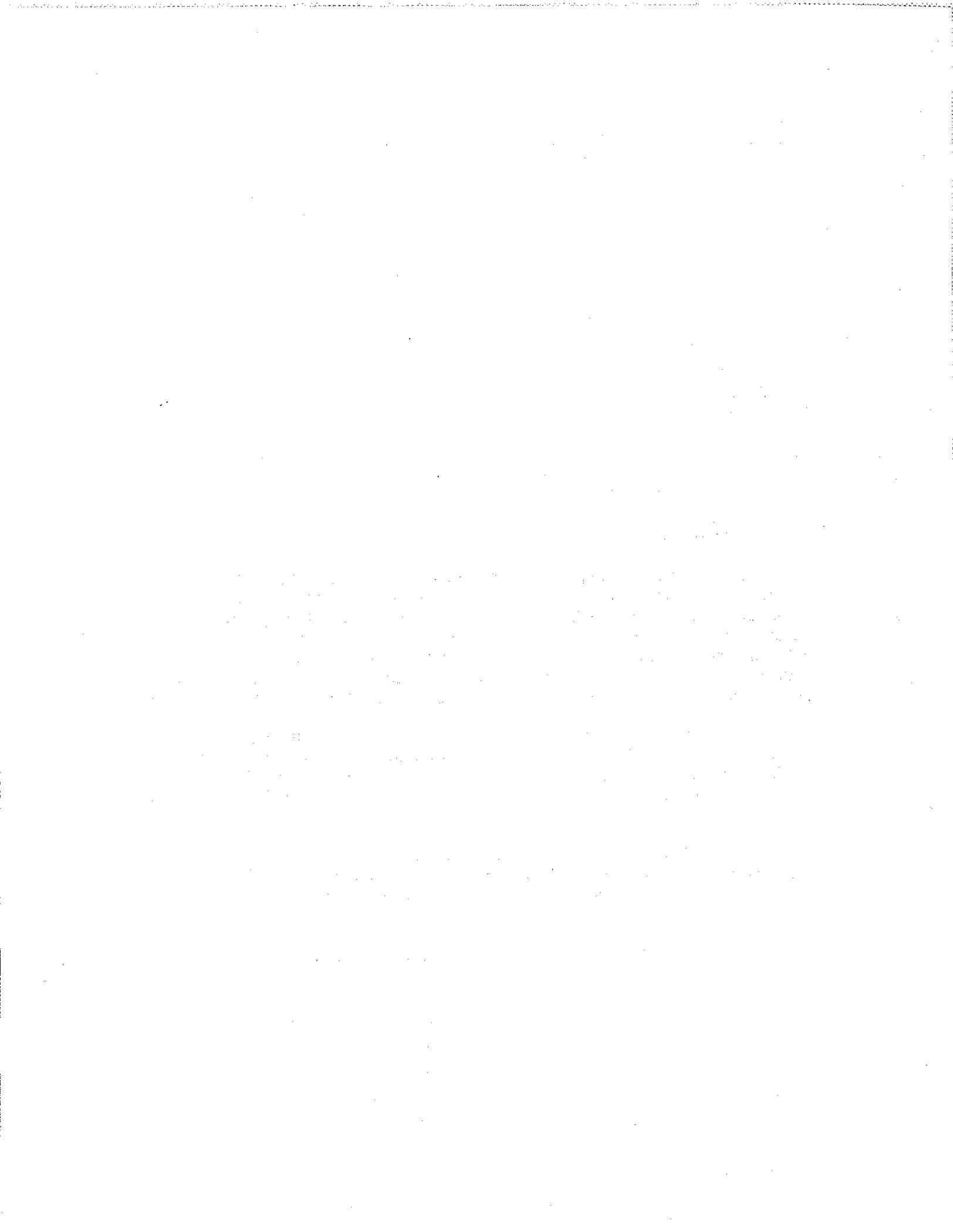
Thank you for your prompt attention to this matter.

Sincerely,



Nelson D. Johnson

Enclosure





New York City  
Economic Development  
Corporation

110 William Street  
New York, NY 10038  
Tel: 212.312.3963  
Fax: 212.618.5738

[www.nycedc.com](http://www.nycedc.com)

June 26, 2008

Nelson D. Johnson, Ph.D.  
Arnold & Porter LLP  
399 Park Avenue  
New York, NY 10022-4690

**RE: Freedom of Information Law Request**

Dear Dr. Johnson:

This letter will acknowledge receipt of your letter dated June 24, 2008 (the "June Letter"), addressed to Economic Development Corporation ("NYCEDC"), pursuant to the Freedom of Information Law ("FOIL"), Article 6 of the Public Officers Law, in follow-up to a FOIL request you attempted to make by letter dated February 15, 2008 (the "February Letter"), for copies of various records created after January 1, 1990 pertaining to the area in Flushing, Queens bounded by Northern Boulevard to the north, 126<sup>th</sup> Street and Shea Stadium to the west, Roosevelt Avenue to the south and the Flushing River to the east (such area referred to as "Willets Point"). The June Letter was received by the undersigned on June 25, 2008.

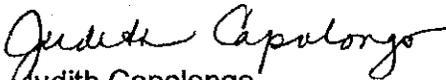
Please be advised that NYCEDC did not receive the February Letter. Upon receipt of the June Letter, NYCEDC confirmed with FedEx that your package (the "February FedEx") containing the February Letter could not be delivered to NYCEDC, as only our address, and not our company name or floor, was written on the airbill (a copy of such airbill was attached to the June Letter and is also attached hereto). FedEx further confirmed that they could not reach NYCEDC to find out where the February FedEx should be delivered because the phone number written on the airbill was not NYCEDC's. FedEx also confirmed that the February FedEx was never delivered to NYCEDC and was shipped back to your office at 399 Park Avenue on February 25, 2008. As such, NYCEDC is treating your June Letter as a new request.

NYCEDC is currently searching its files for records responsive to your request and will notify you regarding the availability of these records within 20 business days from the date of this letter.

Dr. Johnson  
June 26, 2008  
Page 2

On the basis of applicable statutory authority, NYCEDC reserves the right to deny access to any items exempt from disclosure under FOIL.

Sincerely,

  
Judith Capolongo  
Records Access Officer

Attachment



New York City  
Economic Development  
Corporation

110 William Street  
New York, NY 10038  
Tel: 212.312.3963  
Fax: 212.618.5738

[www.nycedc.com](http://www.nycedc.com)

July 28, 2008

Nelson D. Johnson, Ph.D.  
Arnold & Porter LLP  
399 Park Avenue  
New York, NY 10022-4690

**RE: Freedom of Information Law Request**

Dear Dr. Johnson:

This letter is in further response to your letter dated June 24, 2008 (the "June Letter"), addressed to New York City Economic Development Corporation ("NYCEDC"), pursuant to the Freedom of Information Law ("FOIL"), Article 6 of the Public Officers Law, for copies of various records created after January 1, 1990 pertaining to the area in Flushing, Queens, referred to as Willets Point. In Ms. Capolongo's June 26, 2008 initial FOIL response letter she indicated NYCEDC would search its files for records responsive to your request and would notify you regarding the availability of these records within 20 business days. Accordingly, NYCEDC is now responding on the results of its search.

NYCEDC has diligently searched its files for records responsive to your request and has located records which are currently undergoing evaluation to determine both their responsiveness and whether they should properly be withheld or disclosed under FOIL. Subject to the exemptions available under FOIL, NYCEDC is prepared to begin making responsive documents available to you on or about August 8, 2008. Please be advised your request is quite voluminous and if you can more specifically identify or narrow the scope of what you are seeking it would help NYCEDC in our ability to respond in a more timely and comprehensive manner.

Sincerely,

A handwritten signature in cursive script that reads "David Shelley".

David Shelley  
Paralegal





New York City  
Economic Development  
Corporation

110 William Street  
New York, NY 10038  
Tel: 212.312.3963  
Fax: 212.618.5738

[www.nycedc.com](http://www.nycedc.com)

August 8, 2008

Nelson D. Johnson, Ph.D.  
Arnold & Porter LLP  
399 Park Avenue  
New York, NY 10022-4690

**RE: Freedom of Information Law Request**

Dear Dr. Johnson:

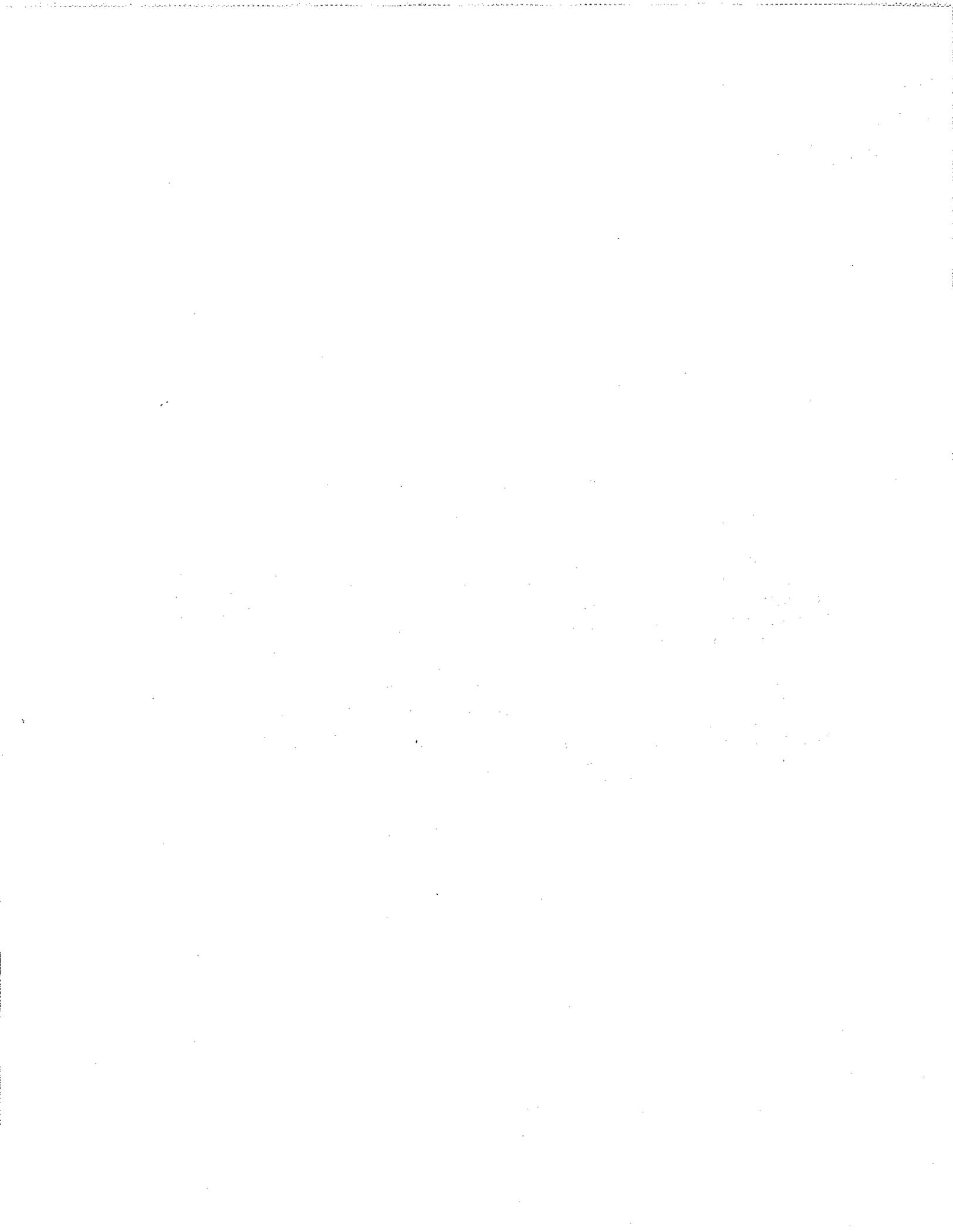
This letter is in further response to your letter dated June 24, 2008 (the "June Letter"), addressed to New York City Economic Development Corporation ("NYCEDC"), pursuant to the Freedom of Information Law ("FOIL"), Article 6 of the Public Officers Law, for copies of various records created after January 1, 1990 pertaining to the area in Flushing, Queens, referred to as Willets Point

NYCEDC has diligently searched its files for records responsive to your request and has located records, which subject to the exemptions existing under FOIL, are available for delivery to you upon receipt of a check for copy fees in the amount of \$90.50 (362 pages at 25 cents per page). Due to the voluminous nature of the documents you requested, additional responsive documents will be offered to you as they become available.

Sincerely,

A handwritten signature in cursive script that reads "David Shelley".

David Shelley  
Paralegal



**FOIL Correspondence:**

**Deputy Mayor for Economic  
Development and Rebuilding**



February 15, 2008

VIA OVERNIGHT COURIER

Robert C. Lieber  
Deputy Mayor for Economic Development and Rebuilding  
City Hall, City of New York  
New York, NY 10007

**Re: Freedom of Information Law Request**

Dear Mr. Lieber:

This is a request for records (as defined below) pursuant to the New York State Freedom of Information Law, Public Officers Law Article 6 § 84 *et seq.*, seeking the production of records related to the area in Flushing, Queens bounded by Northern Boulevard to the north, 126<sup>th</sup> Street and Shea Stadium to the west, Roosevelt Avenue to the south and the Flushing River to the east (such area shall be "Willets Point").

Specifically, I request all records created after January 1, 1998, within the possession of the Office of the Deputy Mayor for Economic Development and Rebuilding concerning the following topics with respect to Willets Point:

1. environmental conditions at Willets Point including, without limitation, the presence of hazardous waste, petroleum release, air emissions, water discharges, any other spills or contamination, flooding and geology;
2. the Willets Point Development Plan;
3. the potential redevelopment of the Willets Point property, whether or not related to the Willets Point Development Plan;
4. the acquisition of property at Willets Point, whether by eminent domain or otherwise;
5. the value and/or valuation of the Willets Point property;
6. the relocation of existing workers and businesses in the event that they are displaced by development;
7. correspondence with potential developers of Willets Point;

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# ARNOLD & PORTER LLP

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Robert C. Lieber  
February 15, 2008  
Page 2

8. the draft and final Environmental Impact Statements (DEIS and FEIS), and related materials, prepared in the early 1990s for the proposed "Sportsplex" project;
9. correspondence with persons and businesses requesting assistance with the construction, repair, reconstruction and replacement of streets, roads, signals and signs; and
10. correspondence with persons and businesses submitting comments regarding the development and/or redevelopment of Willets Point.

the provision of services at Willets Point, including but not limited to street and sidewalk repair; storm sewer repair, sanitary sewer installation, fire hydrant installation, trash removal, and police protection.

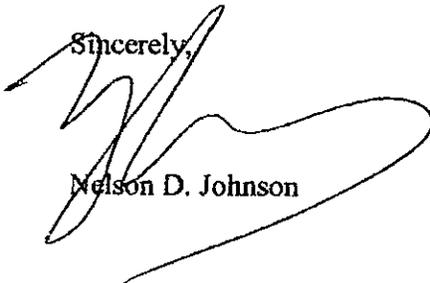
For purposes of this information request, I am using the term "records" to include any information kept, held, filed, produced or reproduced, by, with, or for the agency, in any physical form whatsoever including, without limitation, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, e-mails, notes, microfilms, computer tapes or discs, rules, regulations, or codes. I request that where records are held electronically, they be produced in a widely used electronic format, if practicable.

If you should determine that any documents responsive to this request are exempt from disclosure, please furnish me with any reasonably-severable portions thereof, and provide me with an explanation of the basis for the exemption. Also please inform me of the avenues for appeal from any denial of any portion of this request.

You are hereby authorized in advance to incur up to \$200 in photocopying and search costs. If the cost will exceed that amount, or if you have any other questions regarding this request for information, please contact me by telephone at (212) 715-1038.

Thank you for your attention to this matter.

Sincerely,



Nelson D. Johnson



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N. Y. 10007

ANTHONY W. CROWELL  
COUNSELOR TO THE MAYOR

March 3, 2008

Mr. Nelson Johnson  
Arnold & Porter, LLP  
399 Park Avenue  
New York, NY 10022

Dear Mr. Johnson:

I write to acknowledge receipt of your Freedom of Information Law [(FOIL) Public Officers Law, Section 84 *et seq.*] request dated January 15, 2008 and referred to me on January 21, 2008 by Deputy Mayor Lieber for: "all records created after January 1, 1998, within the possession of the Office of the Deputy Mayor for Economic Development and Rebuilding concerning the following topics with respect to Willets Point:

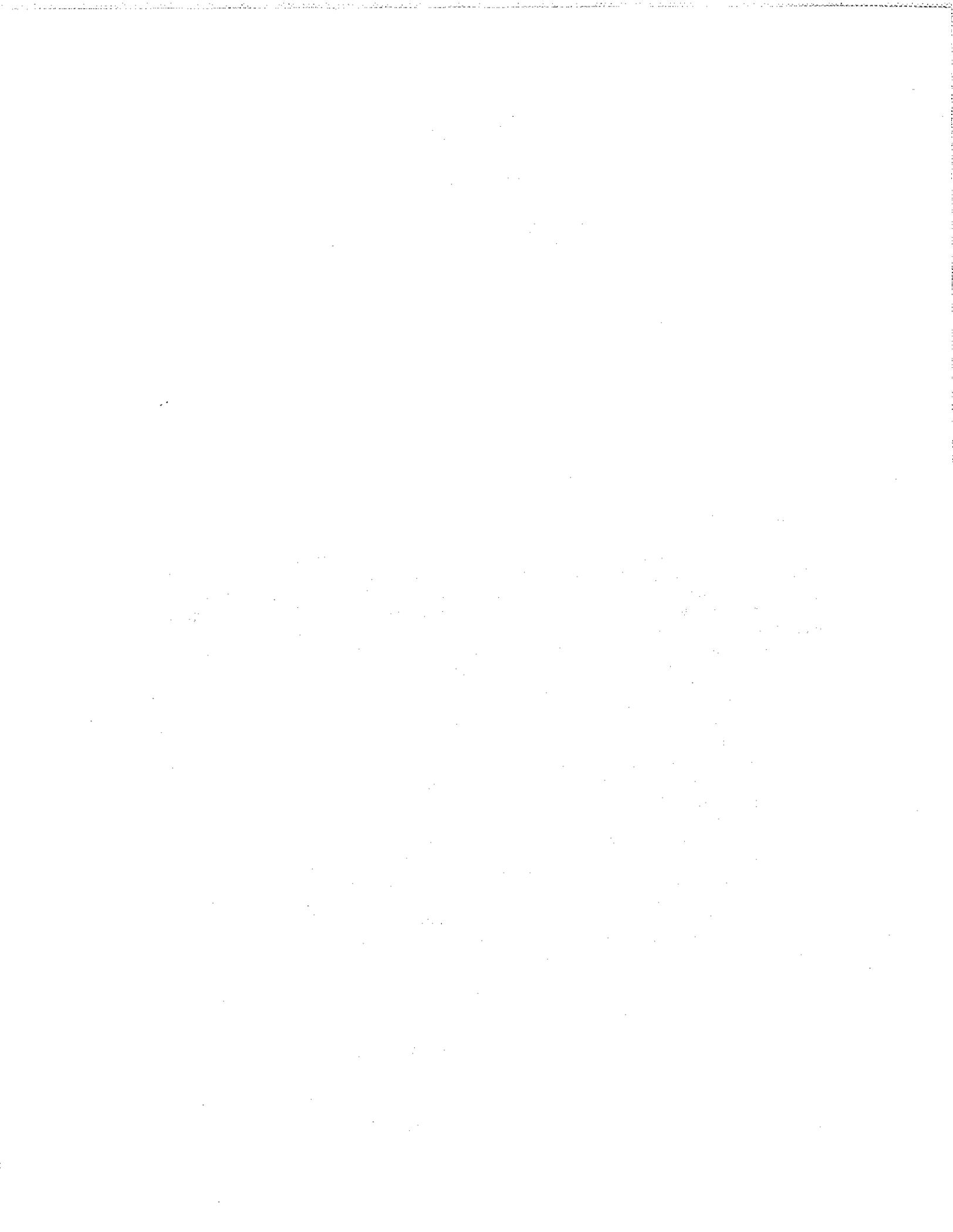
- Environmental conditions at Willets Point including, without limitation, the presence of hazardous waste, petroleum release, air emissions, water discharges, any other spills or contamination, flooding and geology;
- The Willets Point Development Plan
- The potential redevelopment of the Willets Point property, whether or not related to the Willets Point Development Plan;
- The acquisition of property at Willets point property, whether by eminent domain or otherwise;
- The value and/or valuation of the Willets Point property;
- The relocation of existing workers and businesses in the event that they are displaced by development;
- Correspondence with potential developers of Willets Point;
- The draft and final Environmental Impact Statements (DEIS and FEIS), and related materials, prepared in the early 1990s for the proposed "sportsplex" project;
- Correspondence with persons and businesses requesting assistance with the construction, repair, reconstruction, and replacement of streets, roads signals and signs; and
- Correspondence with persons and businesses submitting comments regarding the development and/or redevelopment of Willets Point."

I am currently reviewing your request and expect to respond within twenty days or less informing you of the status of your request.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Crowell".

Anthony Crowell





THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

ANTHONY W. CROWELL  
COUNSELOR TO THE MAYOR

April 14, 2008

Mr. Nelson Johnson  
Arnold & Porter, LLP  
399 Park Avenue  
New York, NY 10022

Dear Mr. Johnson:

I write to inform you of our progress in responding to your Freedom of Information Law request for documents related to the Willets Point Development Plan.

I am continuing to review your request and expect to respond within 20 days to update you on our progress.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Crowell", written in a cursive style.

Anthony Crowell





THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

ANTHONY W. CROWELL  
COUNSELOR TO THE MAYOR

June 17, 2008

Mr. Nelson Johnson  
Arnold & Porter, LLP  
399 Park Avenue  
New York, NY 10022

Dear Mr. Johnson:

I write to inform you of our progress in responding to your Freedom of Information Law request, dated February 15, 2008 for documents related to the Willets Point Development Plan.

Attached are documents that we have found to be responsive to your request. Please note that certain comments have been redacted pursuant to NY Public Officers Law § 87 (2)(g), which exempts non-final inter- or intra- agency communications.

Also, please be aware that due to the extent of your request, our search for responsive records has yielded a large number of emails and other documents. We are continuing to review these emails and documents to determine whether or not they are responsive to your request and if they can be released under FOIL.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Crowell".

Anthony Crowell





THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

ANTHONY W. CROWELL  
COUNSELOR TO THE MAYOR

July 17, 2008

Mr. Nelson Johnson  
Arnold & Porter, LLP  
399 Park Avenue  
New York, NY 10022

Dear Mr. Johnson:

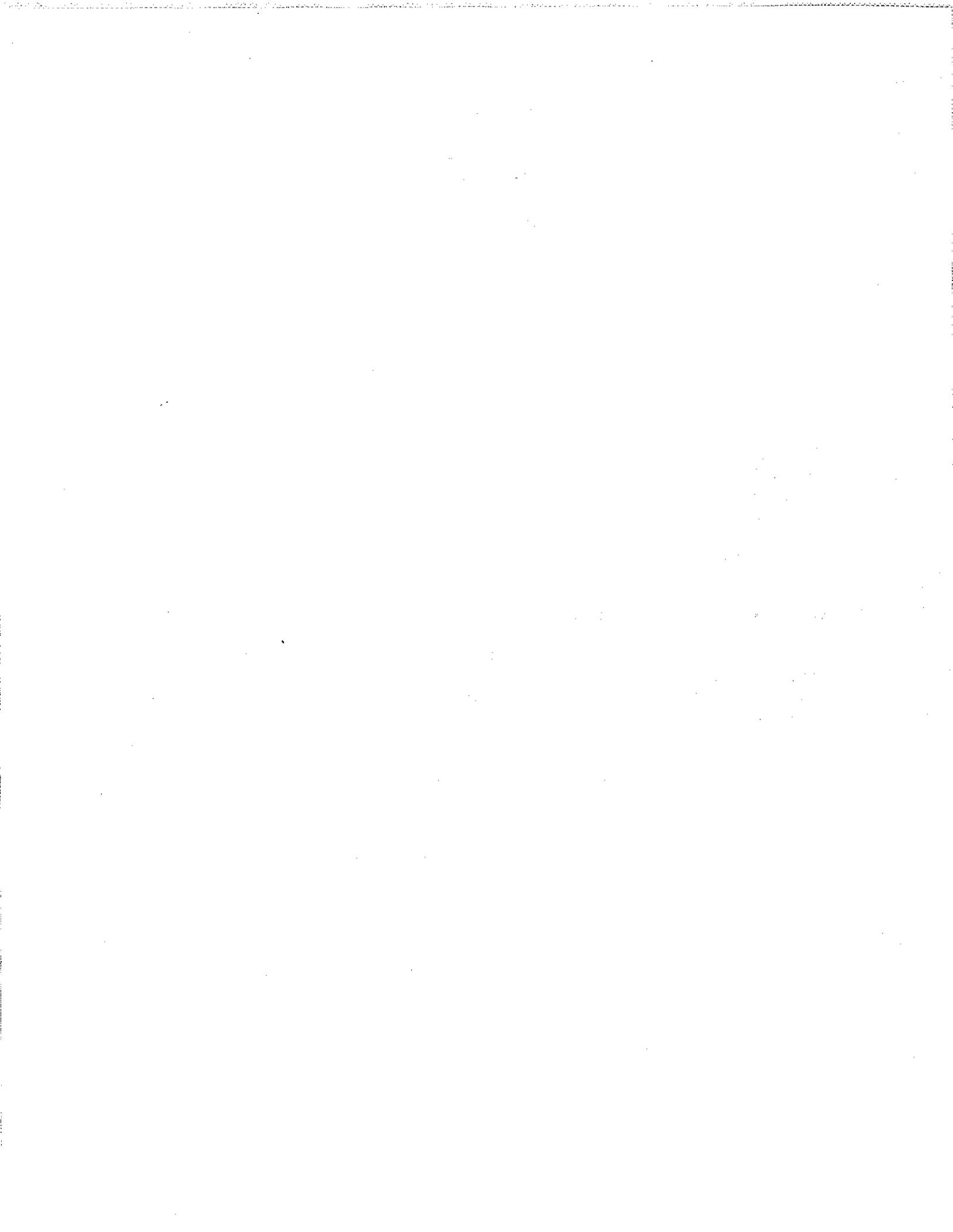
I write to inform you of our progress in responding to your Freedom of Information Law request, dated February 15, 2008 for documents related to the Willets Point Development Plan.

As I stated in my previous letter, our search for responsive records has yielded a large number of emails and other documents. We are continuing to review these emails and documents to determine whether or not they are responsive to your request and if they can be released under FOIL.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Crowell", written over a horizontal line.

Anthony Crowell



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**Appendix 8 -**

***Interstate & Other Freeway***

***Access Control & Modifications***



## **APPENDIX B**

January 7, 2002

### **Interstate & Other Freeway Access Control & Modifications**

- b. Corridor or Area Level Needs - Discuss corridor level needs.
- c. Transportation Plans - New/expanded development and transportation improvements must be coordinated. The intent is to require consistency between transportation planning and land use planning in the area of proposed change, including endorsement of the proposed land uses by appropriate authorities.

The relationship of the current proposal to adopted municipal, county, and urban area land use and transportation plans should be clearly explained. If the current proposal is an addition to currently adopted land use and transportation plans, the impacts of the proposal on those plans should be clearly explained. Prior to final approval, all requests must be consistent with the municipal and/or statewide transportation plan, applicable provisions of 23 CFR 450, and the transportation conformity requirements of 40 CFR parts 51 and 93.

### **III ALTERNATIVES**

Refer to sections of the Design Approval Document wherever possible to reduce repetition.  
Add additional information as required below or as needed due to different study area.

#### **A. Design Criteria**

- 1. Standards - Refer to AASHTO's "A Policy on Design Standards - Interstate System," 1991, AASHTO's "A Policy on Geometric Design for Highways and Streets," 1994 and NYSDOT HDM Chapters 2 & 6.
- 2. Critical Design Elements - Refer to Section III.A of the Design Approval Document. Design Criteria must be provided for the freeway, ramps and cross streets to be modified by the access modification. Note that access control is a critical design element for the main line and ramps since both shall have full control of access. For the cross road, refer to HDM Section 6.04.09 for the control of access limits, which extend beyond the ramp terminal.
- 3. Other Controlling Parameters
  - a. Interchange Spacing - Interchange spacing is measured from gore area to gore area since the actual crossroads may not be located near the physical entrance to the freeway. Interchanges should be 1.5 km apart in urban areas and 4.5 km apart in rural areas. The interchange spacing guidelines are based on AASHTO's "A Policy on Design Standards - Interstate System," 1991. These values should be considered as good guidance and followed to the maximum extent possible.
  - b. Connection - Must connect to public roads.

January 7, 2002

**APPENDIX 8**  
Interstate & Other Freeway  
Access Control & Modifications

- c. Configuration - All interchanges should provide for all movements. Less than "full interchanges" for special purpose access for transit vehicles, for HOV's, or into park and ride lots may be considered on a case-by-case basis.
  - d. Design Vehicle - See HDM Section 5.8.1.
  - e. LOS (For non-Interstate System access modifications)
- B Alternatives** - All reasonable alternative for design options, location, and transportation system management options (such as ramp metering, mass transit, and HOV facilities) should be considered and provided for if currently justified, or provisions included for accommodating such facilities if a future need is identified.
- C Feasible Alternative**
- 1. Description - Reference or include a plan of the access modification. The plan should include pavement markings, dimensioned lane and shoulder widths, and alignment data.
  - 2. Engineering Considerations
    - a. Special Geometrics - Non-standard features must be justified based on HDM Chapter 2, Section 2.8 and approved in accordance with the TEA-21 Matrix in the Introduction of this manual. Refer to Section III.C.2.a of the DAD.
      - i Spacing - Interchanges that violate the spacing parameters may be acceptable based on further analysis. For example, the construction of a collector distributor road that violates the interchange spacing parameters may actually reduce collision rates and congestion on the freeway. However, more detailed design information may be needed to ensure that traffic operations with the modified access will be acceptable. For example, guide signing plans through a series of closely spaced interchanges may be necessary to demonstrate that positive guidance and sign spacing issues can be resolved.
      - ii. Connection - Access points must be connected to a public road. Direct access from a freeway to a private driveway will not be permitted.
      - iii. Interchange Configuration - Except in the most extreme circumstances, all interchanges should provide for all movements. When initial construction of a partial interchange can be clearly justified, commitments for completion of the full interchange must be made prior to the initial construction. Purchase of right-of-way for the full interchange at the time of purchase for the initial partial interchange stage should be considered.

## **APPENDIX 8**

January 7, 2002

### **Interstate & Other Freeway Access Control & Modifications**

- b. **Safety Considerations** - The safety implications of the access modification must be determined by comparing the existing accident rates with the anticipated accident rates of the access modification.
- c. **Traffic Considerations** - Access modifications must be justified based on regional traffic needs and not only to solve local system needs or problems. Additionally, the freeway should not become part of the local traffic circulation system. However, special purpose access for high occupancy vehicles, for transit vehicles, or into park and ride lots may be decided on a case by case basis.

This section should demonstrate by analysis that the network of crossroads and parallel roads in the traffic study area can satisfactorily accommodate design-year demand traffic volumes induced by the proposed modification. The concept "satisfactorily accommodate design-year demand traffic volumes" is defined as not having a significant adverse impact on the safety and operation of the freeway.

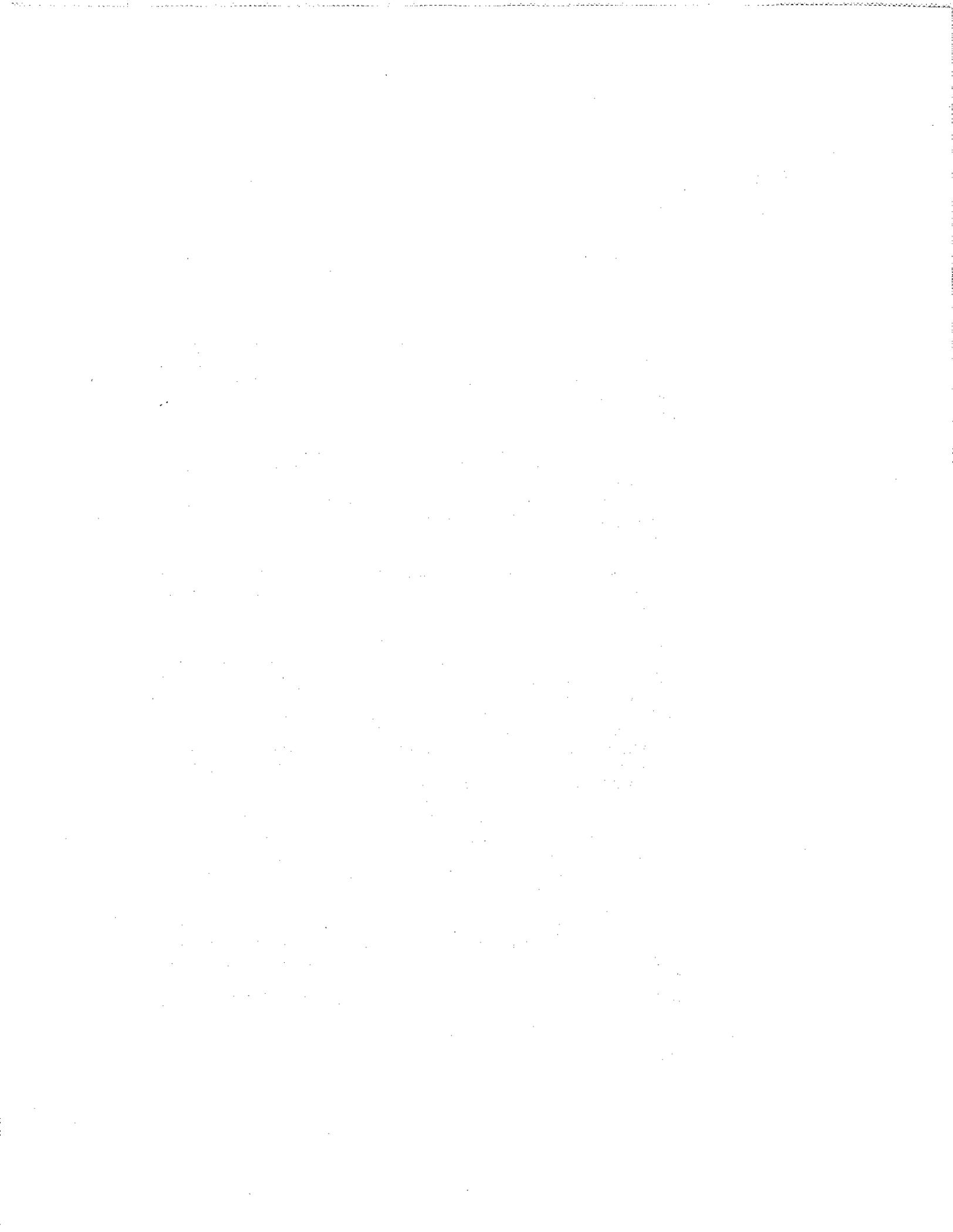
The analysis may be based on comparison of highway segment and intersection volume/capacity ratio performance measures provided by traffic simulation models.

Note that a benefit-cost analysis is not required. However, it has application to show that the proposal is cost effective and minor adverse traffic operations impacts at some network locations are a tolerable consequence of substantial benefits to freeway corridor highway users. Benefit-cost analysis is a valuable input to the decision making process. However, it is not the sole or even a major determinant when considering access modifications or the selection of a particular geometric design configuration for the access modification. Benefit-cost analysis is not a method applicable to justification for single or isolated ramps and partial versus full interchanges.

Use of a calibrated computer assisted traffic simulation model, such as TMODEL or TRANPLAN, is suggested as an effective and efficient means of evaluating the travel pattern impacts of network modifications. Use of selected link origin-destination matrices for freeway entrance and exit ramps to show use by non-local traffic is encouraged.

In urban areas with many relatively closely spaced interchanges and recurring freeway congestion, operational analysis may include microscopic traffic performance simulation using computer software such as Traf-Netsim or CORSIM. Contact the Data Analysis and Forecasting Bureau, Planning and Strategy Division, for additional information on transportation modeling.

- d. **Traffic Control Devices** - Reference a preliminary signing plan and ITS measures, as appropriate.



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**PROJECT DEVELOPMENT MANUAL**  
**Appendix 7**

**Scoping & Design Approval Documents**

**February, 2008**



#### 4.4.7 Groundwater Resources, Aquifers, and Reservoirs

- **Subsections:**

This section may contain the following subsections:

Aquifers

Drinking Water Supply Wells (Public and Private) and Reservoirs

- **Regulatory Framework and Guidance:**

6 NYCRR 602 - NYSDEC Long Island Well Permit  
NYSDEC regulations relative to watersheds  
NYS DOT/NYSDEC Memorandum of Understanding  
ECL Article 17, Title 3  
6 NYCRR Part 703 Standards  
Section 1424(e) of the Safe Drinking Water Act  
49 CFR 149  
Executive Order 12872

- **Interagency Coordination:**

Document any consultation or coordination with outside agencies (meetings, site visits, major submissions and correspondence, permit, needs, consultation, etc.)

NYSDOH	health standards
Local Officials	review of special groundwater areas
Local Officials	consultation involving wells, wellheads, reservoirs, etc.
NYCDEP	review of NYC reservoirs, watersheds
EPA	1424(e) review and approval

- **Cross-reference:**

DAD Toler Analysis (Appendix —)  
4.4.2 Surface Waterbodies and Watercourses/Airport & Airway Improvement  
4.4.8 Stormwater Management  
4.6 Construction Effects  
4.7 Indirect (Secondary) Effects  
4.8 Cumulative Effects  
Appendices - Stakeholders and Public Input

- **FHWA guidance from Technical Advisory T6640.6A**

Where an area designated as principal or sole-source aquifer under Section 1424(e) of the Safe Drinking Water Act may be impacted by a proposed project, early coordination with EPA will assist in identifying potential impacts. The EPA will furnish information on whether any of the alternatives affect the aquifer. This coordination should also identify any potential impacts to the critical aquifer protection area (CAPA), if designated, within affected sole-source aquifers. If none of the alternatives affect the aquifer, the requirements of the Safe Drinking Water Act are satisfied. If an alternative is selected which affects the aquifer, a design must be developed to assure, to the satisfaction of EPA, that it will not contaminate the aquifer (40 CFR 149). The draft EIS should document coordination with EPA and identify its position on the impacts of the various alternatives. The final EIS should show that EPA's concerns on the preferred alternative have been resolved.

Wellhead protection areas were authorized by the 1988 Amendments to the Safe Drinking Water Act. Each State will develop State wellhead protection plans with final approval by EPA. When a proposed project encroaches on a wellhead protection area, the draft EIS should identify the area, the potential impact of each alternative and proposed mitigation measures. Coordination with the State agency responsible for the protection plan will aid in identifying the areas, impacts and mitigation. If the preferred alternative impacts these areas, the final EIS should document that it complies with the approved State wellhead protection plan.

## Aquifers

- Topics may include, but are not limited to:
  - State Primary and Principle Aquifer Areas
  - Federal Sole Source Aquifer Areas
  - Special Groundwater Protection Area (SGPA) in Nassau/Suffolk Counties
  - Geology of the aquifer area
  - Aquifer description and location
  - Effects (impacts) assessment
  - Qualitative assessment of groundwater quality and flow, water table elevations, etc
  - Impacts of project runoff on water quality
  - Toxic Analysis
  - Vehicle pollutant analysis for each feasible alternative
  - Health issues
  - Documentation of EPA review and approval
- Primary aquifers in New York state are shown on the NYSDEC web site:  
<http://www.dec.ny.gov/lands/36164.html>
- An overview of Principal and Primary aquifers in New York state is shown on the NYSDEC web site: <http://www.dec.ny.gov/lands/36115.html>
- Maps of NYS Sole Source and Primary Aquifers are also included in Chapter 4.4 of the *NYS DOT Environmental Procedures Manual*
- Maps of unconsolidated aquifers in upstate New York are available on the USGS web site
  - Finger Lakes sheet - WRI 87-4122: <http://pubs.er.usgs.gov/usgspubs/wri/wri874122>
  - Lower Hudson sheet - WRI 87-4274: <http://pubs.er.usgs.gov/usgspubs/wri/wri874274>
  - Hudson-Mohawk sheet - WRI 87-4275: <http://pubs.er.usgs.gov/usgspubs/wri/wri874275>
  - Adirondack sheet - WRI 87-4276: <http://pubs.er.usgs.gov/usgspubs/wri/wri874276>
  - Niagara sheet - WRI 88-4076: <http://pubs.er.usgs.gov/usgspubs/wri/wri884076>
- NYSDOT staff can view GIS files showing aquifers:  
[P:\GIS\Environmental\region1\Water\\_ecology\Water\Aquifer](P:\GIS\Environmental\region1\Water_ecology\Water\Aquifer)
- EPA designated Sole Source Aquifers are identified on the EPA website:  
<http://www.epa.gov/region02/water/aquifer/>

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[Use for projects NOT located in a State aquifer area]

NYSDEC aquifer GIS data files have been reviewed and it has been determined that the proposed project is not located in an identified Primary Water Supply or Principal Aquifer Area. No further investigation for NYSDEC designated aquifers is required.

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[Use for projects within a State aquifer area]

NYSDEC aquifer GIS data files have been reviewed and it has been determined that the proposed project is located in the Niskayuna state jurisdictional primary aquifer. This project will take measures in design and construction to avoid, minimize or mitigate any possible adverse impacts to the aquifer. These measures are intended to minimize contamination from highway runoff and construction activities. Project activities will comply with the applicable standards in 6 NYCRR Part 703.

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[Use for projects with federal aid that are NOT located within a Federal Sole Source Aquifer Area]

A review of the EPA-designated Sole Source Aquifer Areas Federal Register Notices, Maps, and Fact Sheets indicates that the project is not located in a Sole Source Aquifer Project Review Area. No federal review and/or approvals are required pursuant to Section 1424(e) of the Safe Drinking Water Act.

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[Use for projects with federal aid that are within a Federal Sole Source Aquifer Area, and does NOT require FHWA or EPA review]

A review of the EPA-designated Sole Source Aquifer Areas Federal Register Notices, Maps and Fact Sheets, the proposed project is located within the Sole Source Aquifer Boundary of the -- Aquifer. Coordination with EPA and preparation of a Groundwater Assessment Report is not required, since the project scope consists of work that does not require a Federal Sole Source Aquifer Section 1424(e) review by FHWA and EPA, pursuant to Executive Order 12372.

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[Use for projects with federal aid that are within a Federal Sole Source Aquifer Area, and require FHWA or EPA review]

- A project in a Sole Source Aquifer area requires Section 1424(e) review by FHWA and EPA, pursuant to Executive Order 12372, if it involves:
  1. Construction of additional through-traffic lanes (this does not include turning lanes), interchanges, or rotaries on existing roadways;
  2. Construction of a two or more lane highway on new alignment;
  3. Construction of rest areas with on-site sewage disposal facilities; or,
  4. Other projects which, in the opinion of FHWA, may effect on the water quality of the aquifer to the extent that the goal outlined above (protection of Sole Source Aquifer drinking water supplies) would not be achieved
- Guidelines for the preparation of a Groundwater Assessment Report are available in Attachment 4.4.C of the *NYSDOT Environmental Procedures Manual*
- Documentation of USEPA Section 1424(e) review, if required, must be presented in the DAD before it can be approved.

A review of the EPA-designated Sole Source Aquifer Areas Federal Register Notices, Maps, and Fact Sheets illustrates the project is located in the -- Aquifer Project Review Area. The proposed project requires Federal Sole Source Aquifer Section 1424(e) review by FHWA and EPA, pursuant to Executive Order 12372 due to the nature of the project activities. Discuss consultation and coordination with EPA. A Groundwater Assessment Report has been prepared and is included in Appendix --

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### **Drinking Water Supply Wells (Public and Private Wells) and Reservoirs**

- Topics may include, but are not limited to the following:

NYS Dept of Health *Atlas of Community Water System Sources*  
NYSDEC GIS data file records  
Municipal drinking water wells  
Reservoirs  
Effects (Impacts) assessment  
Fate Analysis  
Wellhead influence zones  
Health issues

- If there are wells, wellheads, reservoirs, etc. within the area of potential effect, and they will be affected, discuss coordination with the municipality served. Discuss if measures need to be taken to ensure protection. Refer to the Environmental Procedure Manual for details.

---

[Use for projects with NO wells, wellheads, reservoirs, etc. within the project's area of potential effect]

There are no municipal drinking water wells, wellhead influence zones, or reservoirs within or near the project area, according to the *NYS Atlas of Community Water System Sources*, dated 1982, issued by the NYS Department of Health

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[Use for projects located within a wellhead influence zone, near reservoirs, etc.]

- Generally, highway construction materials and activities which are prohibited within Wellhead Zone of Influence include:
  1. Disposal or storage of construction and demolition debris;
  2. Petroleum or hazardous materials storage;
  3. Fertilizer, herbicide or insecticide storage;
  4. Deicing compounds or salt storage;
  5. Disposal of waste water; and
  6. Mining or extraction of soils, sands and gravels except within the highway right-of-way.

The -- reservoir is located partially within the project's area of potential effect. The reservoir serves the Town(s) of --, and municipal officials have been consulted. Include and reference any documentation in Appendix --.

During the design phase, measures to avoid, minimize or mitigate adverse impacts to the Sole Source Aquifer will be identified. Best Management Practices (BMPs) to protect the aquifer will be employed, including Erosion and Sediment Control, Stormwater Management and Construction Chemical Storage and Handling.

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 Mixed Sources Co. Inc. ST 602-1322 4756674 





FHWA Home | Feedback



U.S. Department of Transportation  
Federal Highway Administration

TECHNICAL ADVISORY

**GUIDANCE FOR PREPARING AND PROCESSING  
ENVIRONMENTAL AND SECTION 4(F) DOCUMENTS**

T 6640.8A  
October 30, 1987

1. **PURPOSE.** To provide guidance to Federal Highway Administration (FHWA) field offices and to project applicants on the preparation and processing of environmental and Section 4(f) documents.
2. **CANCELLATION.** Technical Advisory T 6640.8, "Guidance Material for the Preparation of Environmental Documents," dated February 24, 1982, is canceled effective on November 27, 1987.
3. **APPLICABILITY**
  - a. This material is not regulatory. It has been developed to provide guidance for uniformity and consistency in the format, content, and processing of the various environmental studies and documents pursuant to the National Environmental Policy Act (NEPA), 23 U.S.C.109(h) and 23 U.S.C. 138 (Section 4(f) of the DOT Act) and the reporting requirements of 23 U.S.C. 128.
  - b. The guidance is limited to the format, content and processing of NEPA and Section 4(f) studies and documents. It should be used in combination with a knowledge and understanding of the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA (40 CFR 1500-1508), FHWA's Environmental Impact and Related Procedures (23 CFR 771) and other environmental statutes and orders (see Appendix A).
  - c. This guidance should not be used until November 27, 1987, the effective date of the 1987 revisions to 23 CFR 771.

Ali F. Sevin  
Director, Office of  
Environmental Policy

**GUIDANCE FOR PREPARING AND PROCESSING ENVIRONMENTAL AND SECTION 4(F) DOCUMENTS**

Background

An earlier edition of this advisory (dated February 24, 1982) placed major emphasis on environmental impact statements (EISs) and provided limited guidance on environmental assessments (EAs) and other environmental studies needed for a categorical exclusion (CE) determination or a finding of no significant impact (FONSI). The revised guidance gives expanded coverage to CE determinations, EAs, FONSI, EISs, supplemental EISs, reevaluations, and Section 4(f) evaluations. This material is not regulatory. It does, however, provide for uniformity and consistency in the documentation of CEs and the development of environmental and Section 4(f) documents.

the preferred alternative would result in violations of the 1 or 8-hour CO standards, an effort should be made to develop reasonable mitigation measures through early coordination between FHWA, EPA, and appropriate State and local highway and air quality agencies. The final EIS should discuss the proposed mitigation measures and include evidence of the coordination.

#### 9. Noise Impacts

The draft EIS should contain a summary of the noise analysis including the following for each alternative under detailed study:

(a) A brief description of noise sensitive areas (residences, businesses, schools, parks, etc.), including information on the number and types of activities which may be affected. This should include developed lands and undeveloped lands for which development is planned, designed, and programmed.

(b) The extent of the impact (in decibels) at each sensitive area. This includes a comparison of the predicted noise levels with both the FHWA noise abatement criteria and the existing noise levels. (Traffic noise impacts occur when the predicted traffic noise levels approach or exceed the noise abatement criteria or when they substantially exceed the existing noise levels). Where there is a substantial increase in noise levels, the HA should identify the criterion used for defining "substantial increase." Use of a table for this comparison is recommended for clarity.

(c) Noise abatement measures which have been considered for each impacted area and those measures that are reasonable and feasible and that would "likely" be incorporated into the proposed project. Estimated costs, decibel reductions and height and length of barriers should be shown for all abatement measures.

Where it is desirable to qualify the term "likely," the following statement or similar wording would be appropriate. "Based on the studies completed to date, the State intends to install noise abatement measures in the form of a barrier at (location(s)). These preliminary indications of likely abatement measures are based upon preliminary design for a barrier of \_\_\_\_\_ high and \_\_\_\_\_ long and a cost of \$ \_\_\_\_\_ that will reduce the noise level by \_\_\_\_\_ dBA for \_\_\_\_\_ residences (businesses, schools, parks, etc.). (Where there is more than one barrier, provide information for each one.) If during final design these conditions substantially change, the abatement measures might not be provided. A final decision on the installation of abatement measure(s) will be made upon completion of the project design and the public involvement process."

(d) Noise impacts for which no prudent solution is reasonably available and the reasons why.

#### 10. Water Quality Impacts

The draft EIS should include summaries of analyses and consultations with the State and/or local agency responsible for water quality. Coordination with the EPA under the Federal Clean Water Act may also provide assistance in this area. The discussion should include sufficient information to describe the ambient conditions of streams and water bodies which are likely to be impacted and identify the potential impacts of each alternative and proposed mitigation measures. Under normal circumstances, existing data may be used to describe ambient conditions. The inclusion of water quality data spanning several years is encouraged to reflect trends.

The draft EIS should also identify any locations where roadway runoff or other nonpoint source pollution may have an adverse impact on sensitive water resources such as water supply reservoirs, ground water recharge areas, and high quality streams. The 1981 FHWA

research report entitled "Constituents of Highway Runoff," the 1985 report entitled "Management Practices for Mitigation of Highway Stormwater Runoff Pollution," and the 1987 report entitled "Effects of Highway Runoff on Receiving Waters" contain procedures for estimating pollutant loading from highway runoff and would be helpful in determining the level of potential impacts and appropriate mitigative measures. The draft EIS should identify the potential impacts of each alternative and proposed mitigation measures.

Where an area designated as principal or sole-source aquifer under Section 1424(e) of the Safe Drinking Water Act may be impacted by a proposed project, early coordination with EPA will assist in identifying potential impacts. The EPA will furnish information on whether any of the alternatives affect the aquifer. This coordination should also identify any potential impacts to the critical aquifer protection area (CAPA), if designated, within affected sole-source aquifers. If none of the alternatives affect the aquifer, the requirements of the Safe Drinking Water Act are satisfied. If an alternative is selected which affects the aquifer, a design must be developed to assure, to the satisfaction of EPA, that it will not contaminate the aquifer (40 CFR 149). The draft EIS should document coordination with EPA and identify its position on the impacts of the various alternatives. The final EIS should show that EPA's concerns on the preferred alternative have been resolved.

Wellhead protection areas were authorized by the 1986 Amendments to the Safe Drinking Water Act. Each State will develop State wellhead protection plans with final approval by EPA. When a proposed project encroaches on a wellhead protection area, the draft EIS should identify the area, the potential impact of each alternative and proposed mitigation measures. Coordination with the State agency responsible for the protection plan will aid in identifying the areas, impacts and mitigation. If the preferred alternative impacts these areas, the final EIS should document that it complies with the approved State wellhead protection plan.

#### 11. Permits

If a facility such as a safety rest area is proposed and it will have a point source discharge, a Section 402 permit will be required for point source discharge (40 CFR 122). The draft EIS should discuss potential adverse impacts resulting from such proposed facilities and identify proposed mitigation measures. The need for a Section 402 permit and Section 401 water quality certification should be identified in the draft EIS.

For proposed actions requiring a Section 404 or Section 10 (Corps of Engineers) permit, the draft EIS should identify by alternative the general location of each dredge or fill activity, discuss the potential adverse impacts, identify proposed mitigation measures (if not addressed elsewhere in the draft EIS), and include evidence of coordination with the Corps of Engineers (in accordance with the U.S. DOT/Corps of Engineers Memorandum of Agreement) and appropriate Federal, State and local resource agencies, and State and local water quality agencies. Where the preferred alternative requires an individual Section 404 or Section 10 permit, the final EIS should identify for each permit activity the approximate quantities of dredge or fill material, general construction grades and proposed mitigation measures.

For proposed actions requiring Section 9 (U.S. Coast Guard bridge) permits, the draft EIS should identify by alternative the location of the permit activity, potential impacts to navigation and the environment (if not addressed elsewhere in the document), proposed mitigation measures and evidence coordination with the U.S. Coast Guard (in accordance with the FHWA/U.S. Coast Guard Memorandum of Understanding). Where the preferred alternative requires a Section 9 permit, the final EIS should identify for each permit activity the proposed horizontal and vertical navigational clearances and include an exhibit showing the various dimensions.

For all permit activities the final EIS should include evidence that every reasonable effort has been made to resolve the issues raised by other agencies regarding the permit activities. If important issues remain unresolved, the final EIS must identify those issues, the positions of

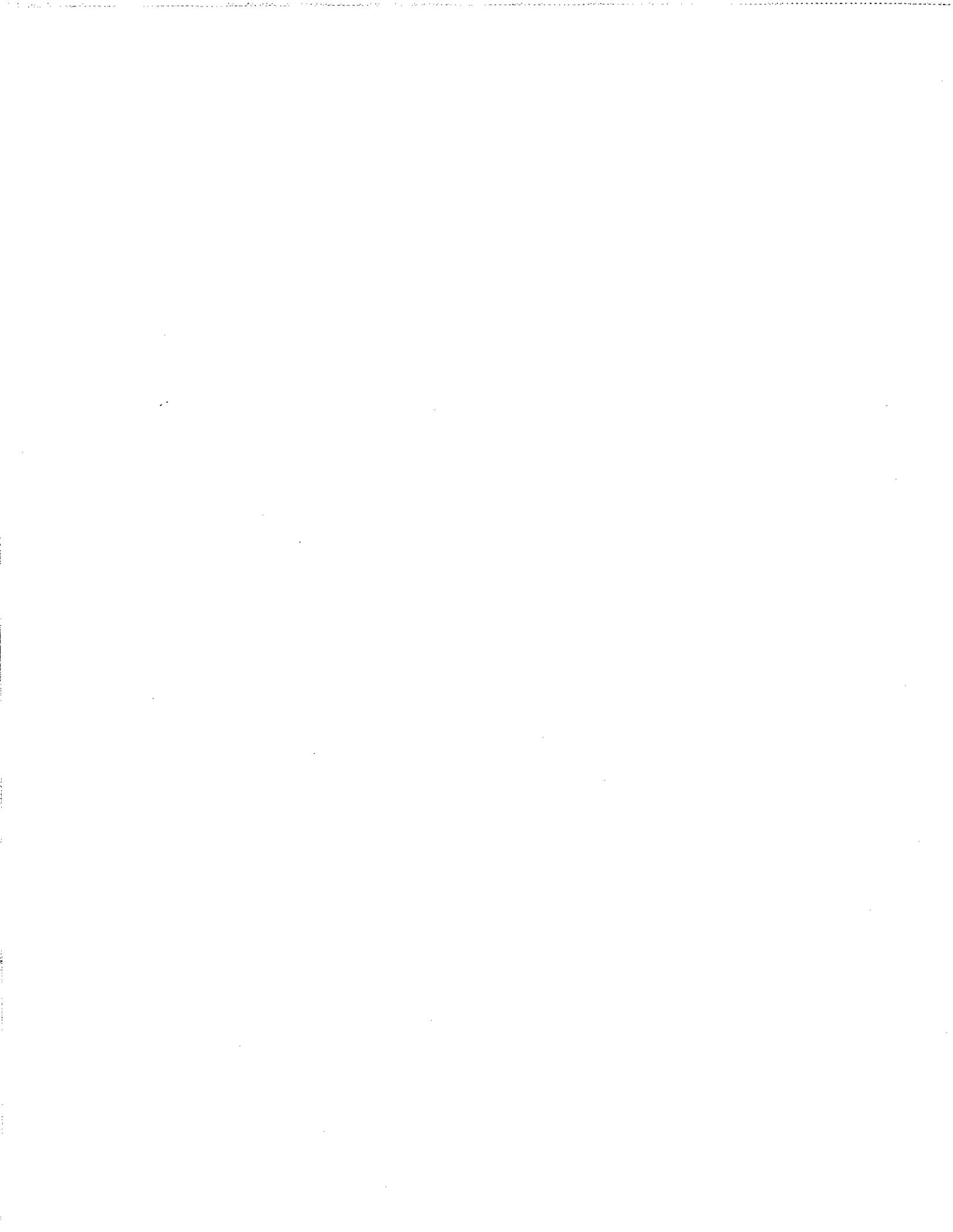


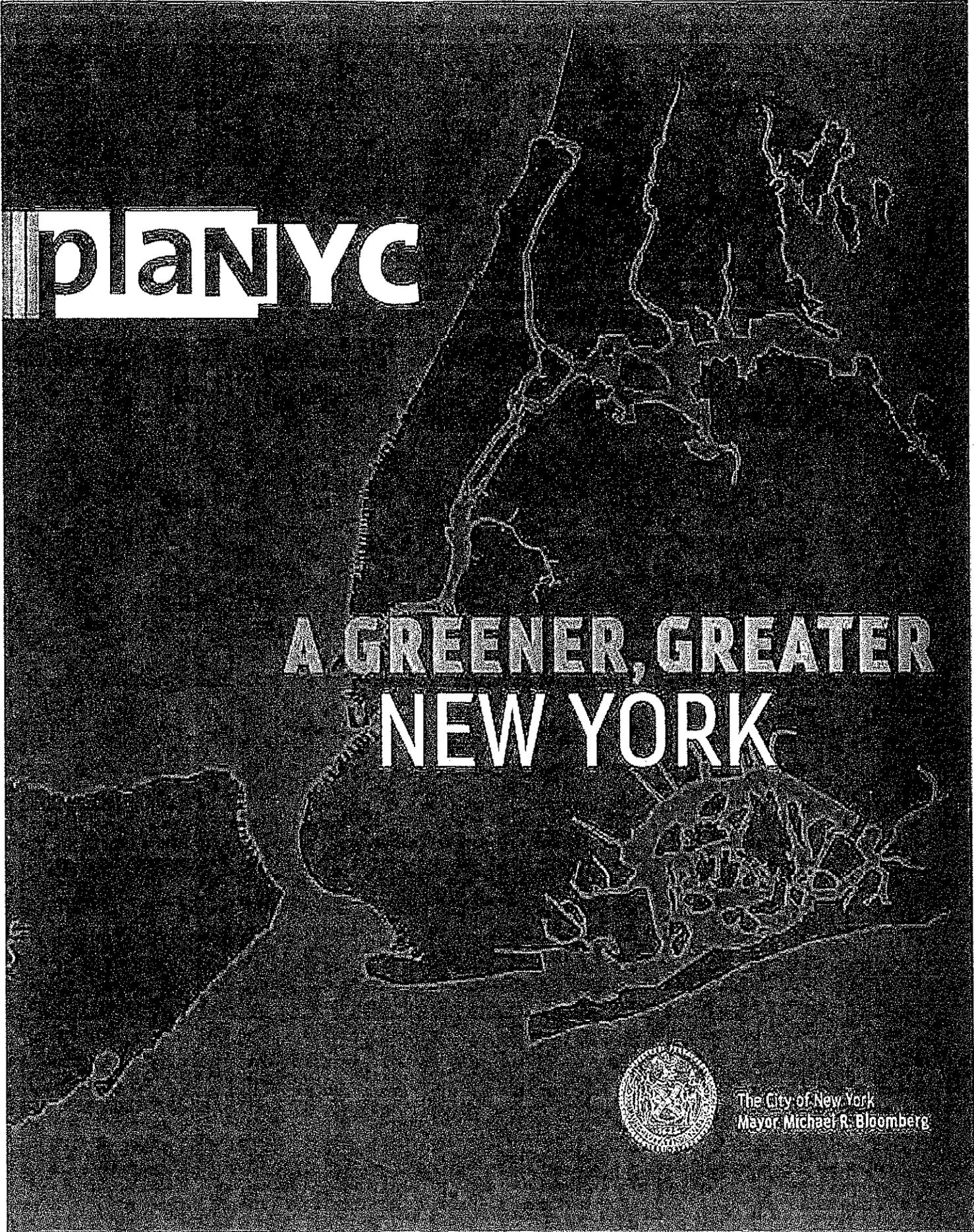
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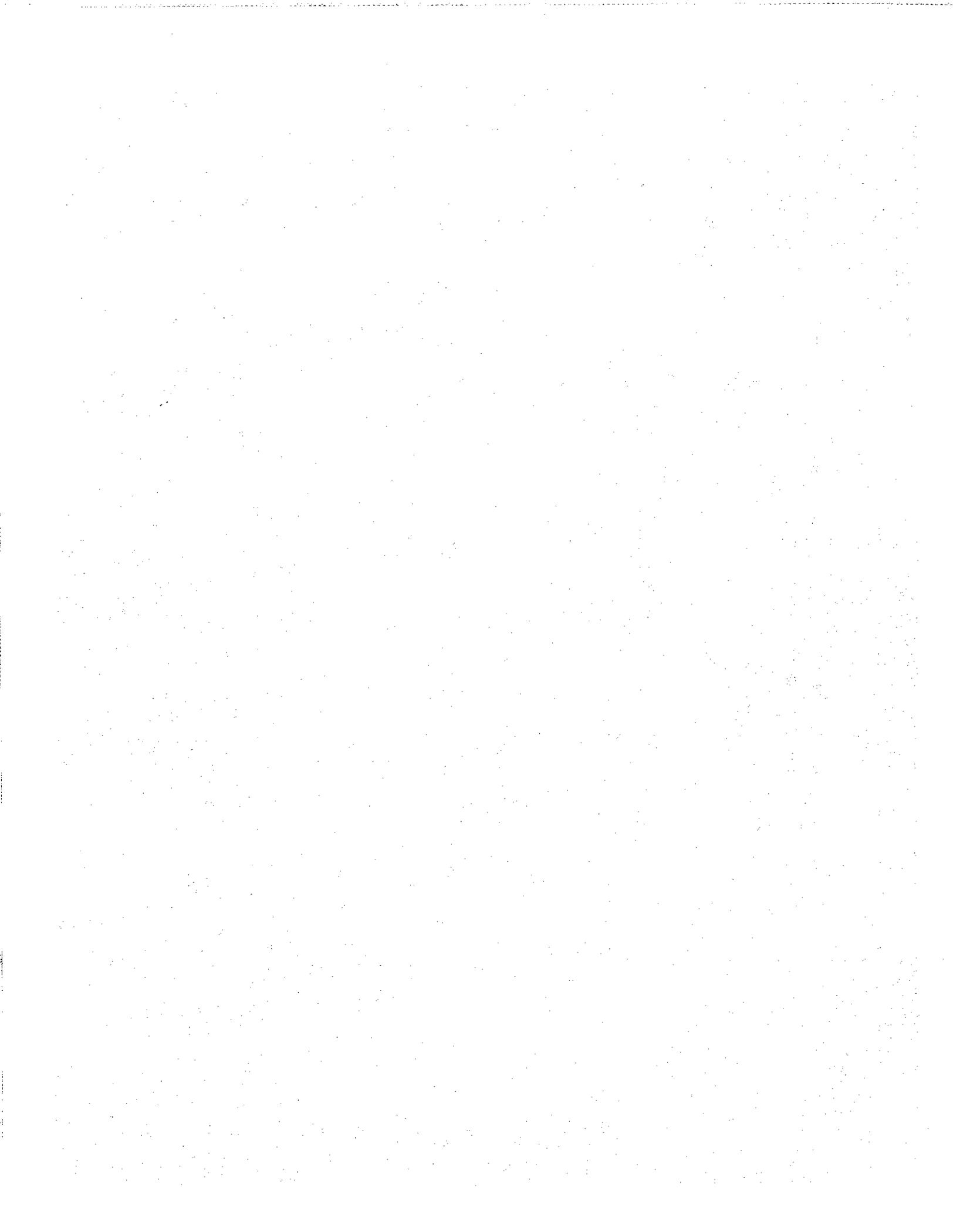


**planyc**

**A GREENER, GREATER  
NEW YORK**



The City of New York  
Mayor Michael R. Bloomberg



**One challenge eclipses them all: climate change.** We have already started to experience warmer, more unpredictable weather and rising sea levels. But greater changes are ahead. By the end of the century, temperatures across the globe could rise by as much as eight degrees Fahrenheit. In New York, scientists project that 40 to 89 days annually could have 90 degree heat—or hotter. And as a coastal city, we are vulnerable to the most dramatic effects of global warming: rising sea levels and intensifying storms.

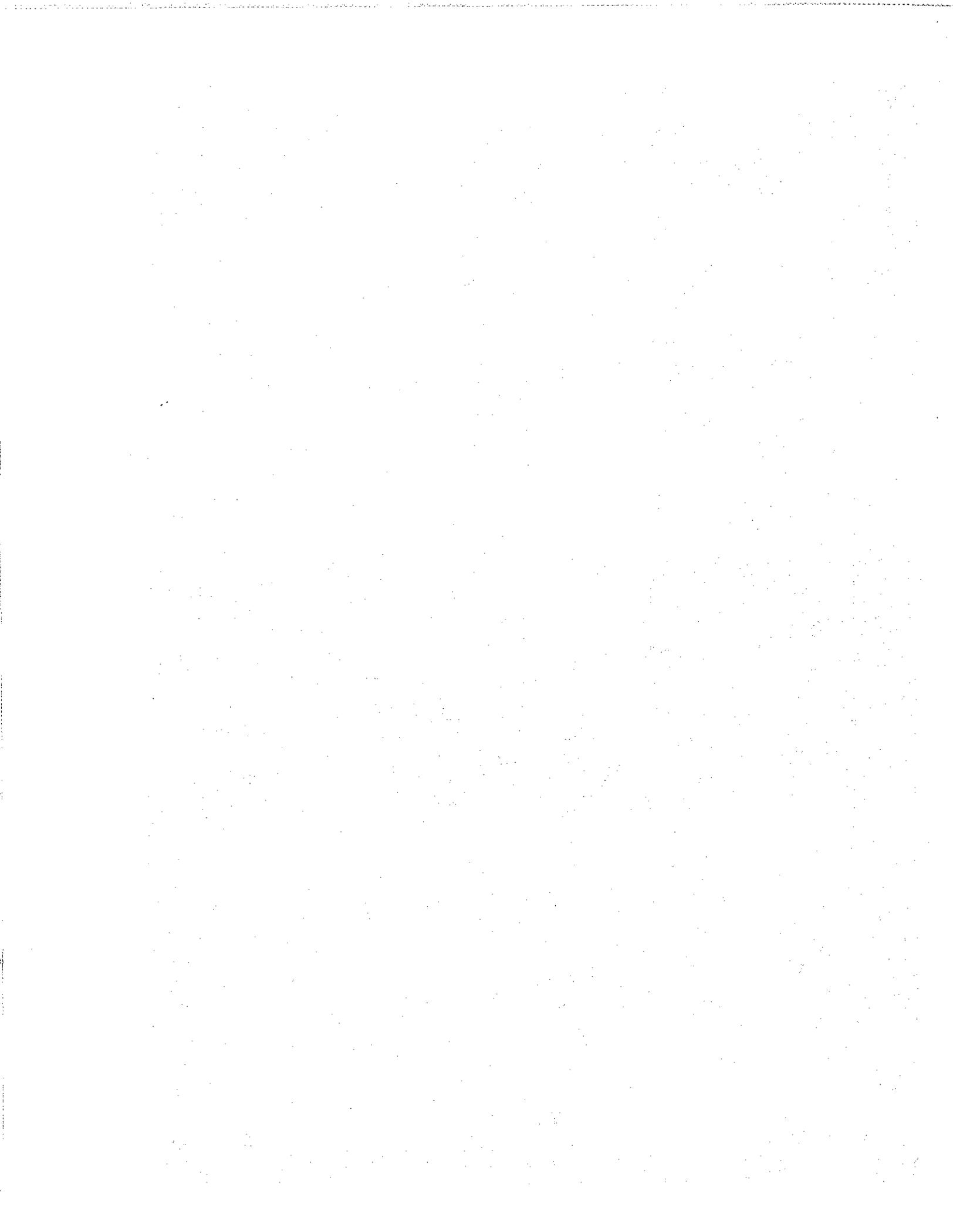
**We have a special stake in this discussion—but also a unique ability to help shape a solution.**

The sheer scale of our city means that New York emits nearly 0.25% of the world's total greenhouse gases; becoming more efficient will have a tangible impact.

But these efforts will build on the strength of the city itself. Our density, reliance on mass transit, and smaller, stacked living spaces mean that New Yorkers produce a fraction of the greenhouse gases compared to the average American. That means growing New York is, itself, a climate change strategy.

Since establishing a model of multi-culturalism and tolerance more than 400 years ago, pioneering the infrastructure networks that enabled modern life, and embodying an ideal of possibility and aspiration, New York has always been the most eloquent argument about why cities matter. Now is our opportunity to define the role of cities in the 21st century—and lead the fight against global warming.

# Climate Change

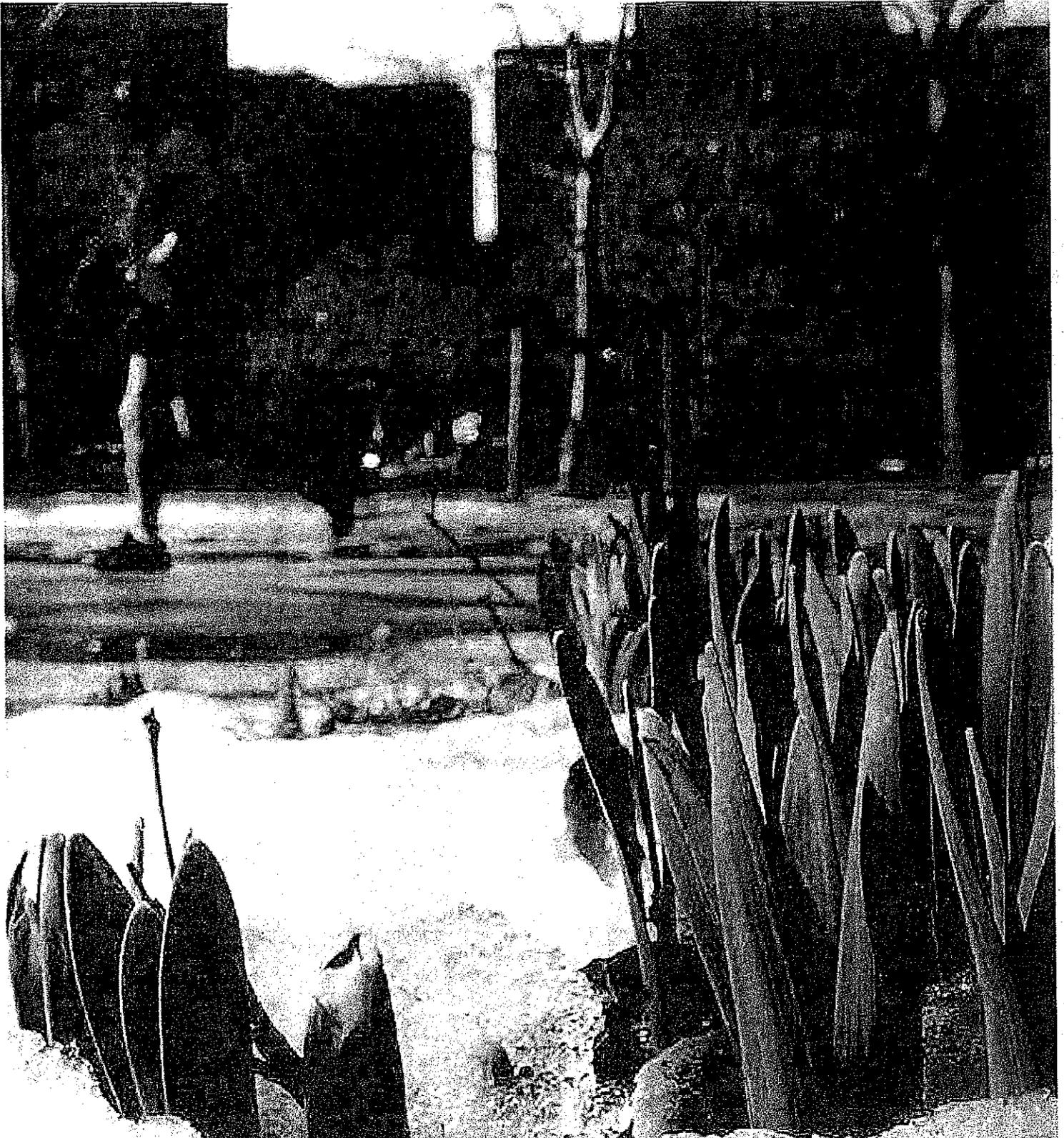




## **Climate Change**

**Reduce global warming  
emissions by more than 30%**





# Climate Change

© 2009 World Bank



## Reduce global warming emissions by more than 30%

This Plan is an attempt to sustain our city's success and our momentum forward—to sustain what we love about New York and want to pass on.

In it we have sought to solve a series of distinct challenges: how to generate enough housing in a way that doesn't simply accommodate population growth, but helps shape the city we want to become; how to balance that need against the open space that every neighborhood deserves, while our supply of land remains limited. We have proposed a plan to unleash the most dramatic expansion of our transit system in over half a century and shift people out of their cars; outlined strategies to secure the reliability of the energy and water networks underpinning our city and plans to empower every community through cleaner air, land, and waterways.

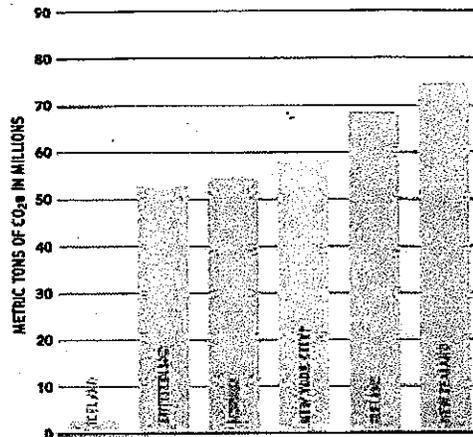
These efforts will require substantial investments—but each will provide an even greater return. Improving our energy infrastructure and lowering demand will reduce our energy costs by billions of dollars over the next decade. Protecting our watershed will avoid a multi-billion-dollar investment in new water filtration plants. Improving transit and reducing congestion will cut down the \$13 billion cost to our economy from traffic delays. And the action required to execute these initiatives—constructing new transit lines, retrofitting old buildings, deploying new technology—will create thousands of well-paying jobs.

Each solution serves multiple ends: transit-oriented development can help address our need for housing and reduce traffic congestion; modernizing our energy supply system can reduce air pollution; greening our open spaces can protect the quality of the water in our harbor.

But collectively these initiatives all address our greatest challenge: **climate change.**

East River Park, Manhattan

### Greenhouse Gas Emissions 2004



\*New York City data is for 2005

Source: UN Framework Convention on Climate Change and NYC Mayor's Office of Long-Term Planning and Sustainability

Scientists have now proven that human activities are increasing the concentration of greenhouse gases in the earth's atmosphere—and these gases are raising global temperatures. The warming of the earth is causing longer heat waves, rising sea levels, and more violent storms. (See chart above: *Greenhouse Gas Emissions*)

Average temperatures across the world could soar eight degrees Fahrenheit by the end of the century. But the problem isn't only global—we are already feeling the effects in our city.

In Lower Manhattan, the water at the Battery has risen more than a foot during the last century; as a result, what's called a "hundred-year flood" is actually likely to occur every 80 years. In the future, such floods could become twice or even four times as frequent. Violent storms could threaten our homes and we are not yet prepared: a Category 3 hurricane can produce winds of 111 to 130 miles per hour, but our current building code only requires windows to withstand gusts of 110 miles an hour. As a coastal city, New York is especially vulnerable to all of these forces.

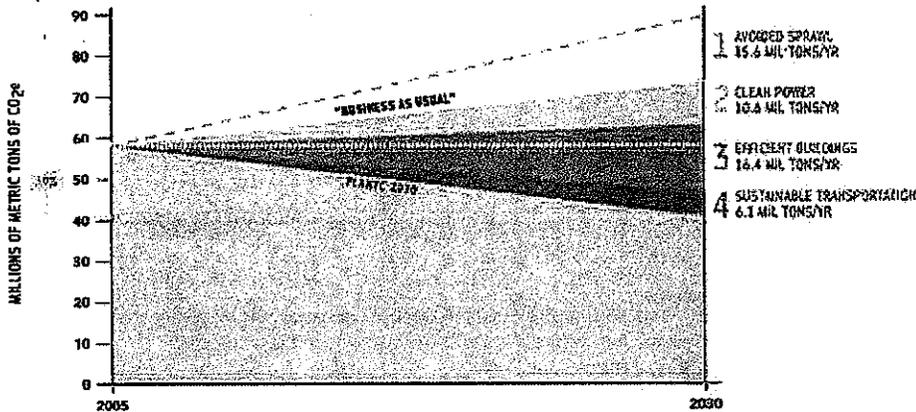
And without action the impacts will continue to intensify. In New York, we could experience days hotter than 90 degrees between 11% and 24% of the year. The heat would drive up energy consumption for cooling, making the problem worse, threatening the health of all New Yorkers—especially the elderly—and even increase the number of disease-bearing insects who emerge in warmer, wetter weather.

There are things that can be done now: We can amend the building code, work to protect our infrastructure—we could even consider a storm surge barrier across the Narrows. But the massive changes that scientists predict under extreme scenarios would still place much of the city underwater—and beyond the reach of any protective measures.

No city can change these forces alone, but collective effort can. And New York can help lead the way. (See chart on following page: *Greenhouse Gas Reduction Strategy*)

# Our plan to reduce greenhouse gas emissions

## Projected impacts of Our Greenhouse Gas Reduction Strategies



The result will be an annual reduction of 33.6 million metric tons—and an additional 15.6 million metric tons avoided by accommodating 900,000 people in New York City

### 1 AVOIDED SPRAWL

Attract 900,000 new residents by 2030 to achieve an avoided 15.6 million metric tons

- Create sustainable, affordable housing
- Provide parks near all New Yorkers
- Expand and improve mass transit
- Reclaim contaminated land
- Open our waterways for recreation
- Ensure a reliable water and energy supply
- Plant trees to create a healthier and more beautiful public realm

### 2 CLEAN POWER

Improve New York City's electricity supply to save 10.6 million metric tons

- Replace inefficient power plants with state-of-the-art technology
- Expand Clean Distributed Generation
- Promote renewable power

### 3 EFFICIENT BUILDINGS

Reduce energy consumption in buildings by 16.4 million metric tons

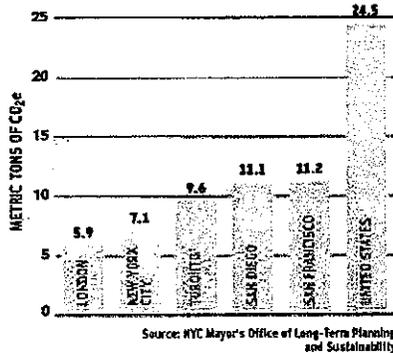
- Improve the efficiency of existing buildings
- Require efficient new buildings
- Increase the efficiency of appliances
- Green the city's building and energy codes
- Increase energy awareness through education and training

### 4 SUSTAINABLE TRANSPORTATION

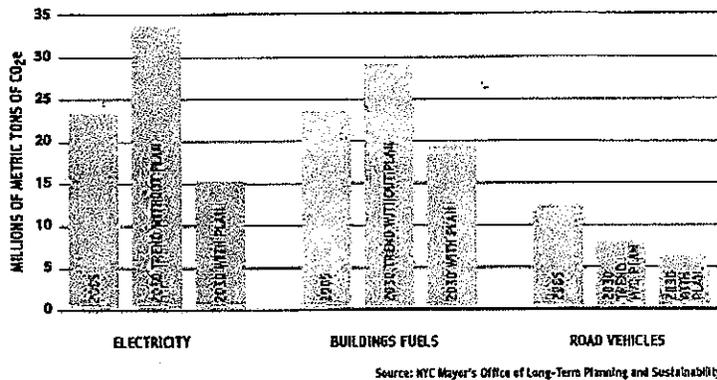
Enhance New York City's transportation system to save 6.1 million metric tons

- Reduce vehicle use by improving public transit
- Improve the efficiency of private vehicles, taxis, and black cars
- Decrease CO<sub>2</sub> intensity of fuels

## Greenhouse Gas Emissions Per Capita



## Projected Emissions and Targeted Reductions



## Our Plan

There is no silver bullet to deal with climate change. Greenhouse gas emissions are caused by a variety of sources; there are millions of cars, boilers, and light bulbs contributing to our emissions. By necessity, any solution must be multi-faceted as well.

As a result, our strategy to help stem climate change is the sum of all of the initiatives in this plan.

In our **transportation plan**, we described shifting people from their cars onto an expanded mass transit system because our economy will stall if we can't clear the roads. But a transit trip also uses far less energy than an auto trip, producing less carbon dioxide.

In our **energy plan**, we proposed investing in repowered or new power plants, because they will cost less to operate and improve our air quality. But these new plants will also burn far less fossil fuel and release fewer greenhouse gases.

In our **open space, air quality, and water quality plans**, we committed to planting more trees to cool our sidewalks and beautify our neighborhoods; these efforts, too, will reduce greenhouse gas emissions, because trees—especially within the concrete landscape of a city street—cool the air and sequester carbon dioxide.

PLANYC will reduce our city's greenhouse gas emissions by 30% simply by extending and enhancing the inherent strength of New York City itself.

### Cities can make the difference.

Cities have always been incubators of ideas, gathering together concentrations of diverse people to produce genuine innovation. But today they matter more urgently than ever before—because of climate change.

Although the word "environment" may not evoke the dense buildings and sidewalks of cities, these very qualities make urban centers the most sustainable places on earth.

Among American cities, New York is the most environmentally efficient. Per capita, New Yorkers produce less than a third of the CO<sub>2</sub>e generated by the average American. (See chart above: *Greenhouse Gas Emissions Per Capita*)

This efficiency results from our city's fundamental design. Dense neighborhoods provide stores and services within walking distance, enabling us to run many errands on foot or by bicycle. An extensive public transportation system allows the majority of commuters to travel by mass transit.

We tend to inhabit smaller spaces than our suburban counterparts, with fewer lights and appliances, and less area to heat and cool. Many of these apartments share walls, reducing the need for heat even more. With many buildings dating from prior to World War II, and thus constructed before the era of cheap energy, many of the city's older buildings have natural daylight and ventilation built into their design.

And as New York attracts more residents, it reduces the burden that population places on the global environment in the form of sprawl, which consumes land, energy, and water at a truly gluttonous pace.

On average, each New Yorker generates 7.1 metric tons of CO<sub>2</sub>e, compared to 24.5 metric tons from an average American lifestyle. That means that making the city a more appealing place to live—through affordable housing, easily accessible parks, or cleaner air and waterways—radically reduces environmental impacts.

And by investing in the maintenance of the infrastructure that supports urban life—the water system, the roadways, the subways, and our power grid—we ensure that this efficient lifestyle can continue to be sustained for generations.

If New York can absorb 900,000 more people by 2030, it will avoid future increases in global warming emissions by 15.6 million

metric tons per year, simply by giving more people the option to settle in our city.

### In spite of our inherent efficiency, we can do better. And we must.

Instead we are doing worse. From 2000 to 2005, New York's greenhouse gas emissions increased almost 5%. Almost half of this growth can be traced to the rising energy consumption of every New Yorker in the form of cell phones, computers, and air conditioners; the rest is due to new construction. If these trends continue, by 2030, the city's CO<sub>2</sub>e production will increase 27% over our 2005 emissions.

Efficiency efforts often focus on automobiles and power plants. But in New York, we must add a third critical category: buildings. With 950,000 structures containing 5.2 billion square feet, buildings account for 69% of our emissions, compared to 32% nationally. Energy turns on our lights and televisions, runs our heating systems in the winter, and cools us in the summer. It also powers proliferating numbers of air conditioners and other appliances. (See chart above: *Projected Emissions and Targeted Reductions*)

When buildings are discussed, standards for new construction are generally the focus. New York has emerged as a leader in green design, with some of the most sustainable skyscrapers and affordable housing developments in the country—and we must continue these efforts. But 85% of the buildings we will have in 2030 already exist today.

That's why our energy plan focuses on reducing consumption in the city's large existing building stock. We have also outlined strategies to ensure that the energy we do use is cleaner and more efficient than our supply today, addressing the second major category of CO<sub>2</sub> emissions: power.

Transportation is the final significant culprit, accounting for 23% of our emissions. Of that, 70% comes from private vehicles—

even though they account for only 55% of all trips in the city. By contrast, mass transit is responsible for only 11.5% of our transportation emissions, meaning car trips are, on average, five times more carbon intensive than a subway ride.

The most effective strategy is simply to reduce the number of vehicles on the road. A simultaneous expansion around of our transit system combined with congestion pricing would help achieve the city's first major mode shift in decades. But we must also address the trucks and automobiles that we do have; making them more fuel-efficient, and ensuring that they burn cleaner fuels.

The graph on page 134 shows how we will reduce our CO<sub>2</sub> emissions. Around 50% of our reductions will come from efficiencies in buildings; 32% from improved power generation; and 18% from transportation.

These initiatives will achieve our 30% goal, but ultimately that won't be enough. Scientists agree that far deeper cuts—on the order of 60% to 80%—will be necessary by mid-century if we are to stabilize global temperatures.

That is why we must aggressively track emerging technologies and encourage their adoption. For example, the rooftops of New York City, if covered with solar panels, could produce nearly 18% of the city's energy needs during daytime hours. We have not depended on the widespread use of solar energy in this plan because its costs today are too high for general use; we have tried to rely only on technologies feasible today. But near-term advances promise to reduce the cost of solar panels dramatically; we are also actively accelerating this process by incorporating solar energy into City buildings and reducing some of the legislative barriers to expansion. Once these renewable energy strategies become economically viable, we must be ready to promote adoption on the widest possible scale.

Improvements in batteries, biofuel-burning engines, wind power, and fuel cells for vehicles; higher-efficiency electricity transmission lines; building materials that weigh less and insulate more; and new types of appliances and lighting that consume less electricity: all would help us achieve, and exceed, our 30% goal.

These additional savings must be used to surpass our target, not substitute for the measures envisioned in this plan. Our 30% goal is only a starting point toward the greater cuts that will be required after 2030. That means we cannot rely on technology in the future to replace the initiatives we propose for the near-term; we will need those additional savings later.

New York City will lead the way. Municipal government accounts for approximately 6.5% of the city's overall emissions, concentrated mainly in buildings, wastewater treatment, and transportation. Since 2001, the City has managed to keep its emissions constant, despite an annual 2% rise in electricity use. Actions the City has already taken, such as local laws requiring energy efficiency in new buildings, new purchases of energy-using equipment, and more efficient City fleets, would keep our emissions stable for the next decade. But that won't be enough. (See chart above: *New York City Municipal Greenhouse Gas Emissions*)

That's why our energy plan has set an ambitious, accelerated goal to reduce emissions from City government operations by 30% by 2017.

We also recognize that New York City cannot stop climate change by itself. While there is no substitute for Federal action, all levels of government have a role to play in confronting climate change and its potential impacts.

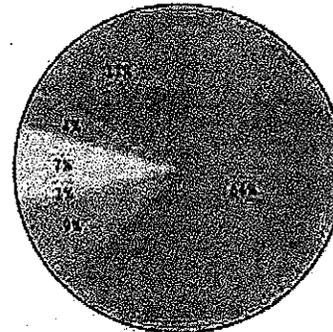
Broader solutions—such as a cap and trade system, which would allow industries to buy and sell carbon credits, or a carbon tax, which would tax all fuels, cars and power plants on the basis of their carbon intensity—cannot feasibly be implemented at the city level. They must be State, regional, or national efforts—and we will advocate for their adoption.

These measures will help slow the pace of climate change, and—if other cities, states, and nations around the world act in concert—we can stabilize our environment by mid-century.

But climate change is already underway. Worldwide, more than 256 billion tons of carbon dioxide have already been released into the atmosphere during the past 10 years, and the impacts will continue being felt for decades. We also cannot depend on the actions of others.

That is why, even as we work to stem the rise of global warming, we must also prepare for the changes that are already inevitable.

**New York City Municipal Greenhouse Gas Emissions**  
Carbon Dioxide Equivalent in Metric Tons per Year, 2006



**Total: 3.8 million metric tons**

- MUNICIPAL BUILDINGS
- MUNICIPAL VEHICLE FLEET
- SCHOOL BUSES
- DSNY LONG-HAUL TRANSPORT
- STREETLIGHTS/TRAFFIC SIGNALS
- WATER AND SEWER

*Note: Figures total to 102% due to carbon absorption by waste and independent rounding*  
Source: NYC Mayor's Office of Long-Term Planning and Sustainability

**Our plan for climate change adaptation:**

- 1 Create an intergovernmental task force to protect our city's vital infrastructure
- 2 Work with vulnerable neighborhoods to develop site-specific strategies
- 3 Launch a citywide strategic planning process for climate change adaptation

**Adapting to climate change**

We will embark on a broad effort to adapt our city to the unavoidable climate shifts ahead. This will include measures to fortify our critical infrastructure, working in conjunction with City, State, and Federal agencies and authorities; update our flood plain maps to protect areas most prone or vulnerable to flooding; and work with at-risk neighborhoods across the city to develop site-specific plans. In addition to these targeted initiatives, we must also embrace a broader perspective, tracking the emerging data on climate change and its potential impacts on our city. (See case study on facing page: *New York City Disaster Planning*; see map on facing page: *New York City Flood Evacuation Zones*)

**CASE STUDY**

**New York City Disaster Planning**

The sobering images of Hurricane Katrina still haunt us—a testament to our vulnerability in the face of nature's ferocity.

For many New Yorkers, the idea of a similar catastrophe affecting our own city is unthinkable. But a 1995 study by the U.S. Army Corps of Engineers concluded that a Category 3 hurricane in New York could create a surge of up to 26 feet at La Guardia Airport, 21 feet at the Lincoln Tunnel entrance, 24 feet at the Battery Tunnel, and 25 feet at John F. Kennedy International Airport. The impacts could be even greater as a result of waves following the surge or tides, both of which could increase the damage.

As many as three million people would need to be evacuated.

In 2006, the City responded to this threat by unveiling an emergency response plan. A team of more than 34,000 City employees would lead the mobilization effort, bringing residents to evacuation shelters throughout the city. The Fire Department would assist in evacuating the elderly and infirm from hospitals and nursing homes. Mass transit would also be used in the evacuation process, with fares and tolls waived.

# HOLLAND TUNNEL



Graphic: NYC Office of Emergency Management

Illustrative Depiction of Holland Tunnel Flood Level from Storm Surge

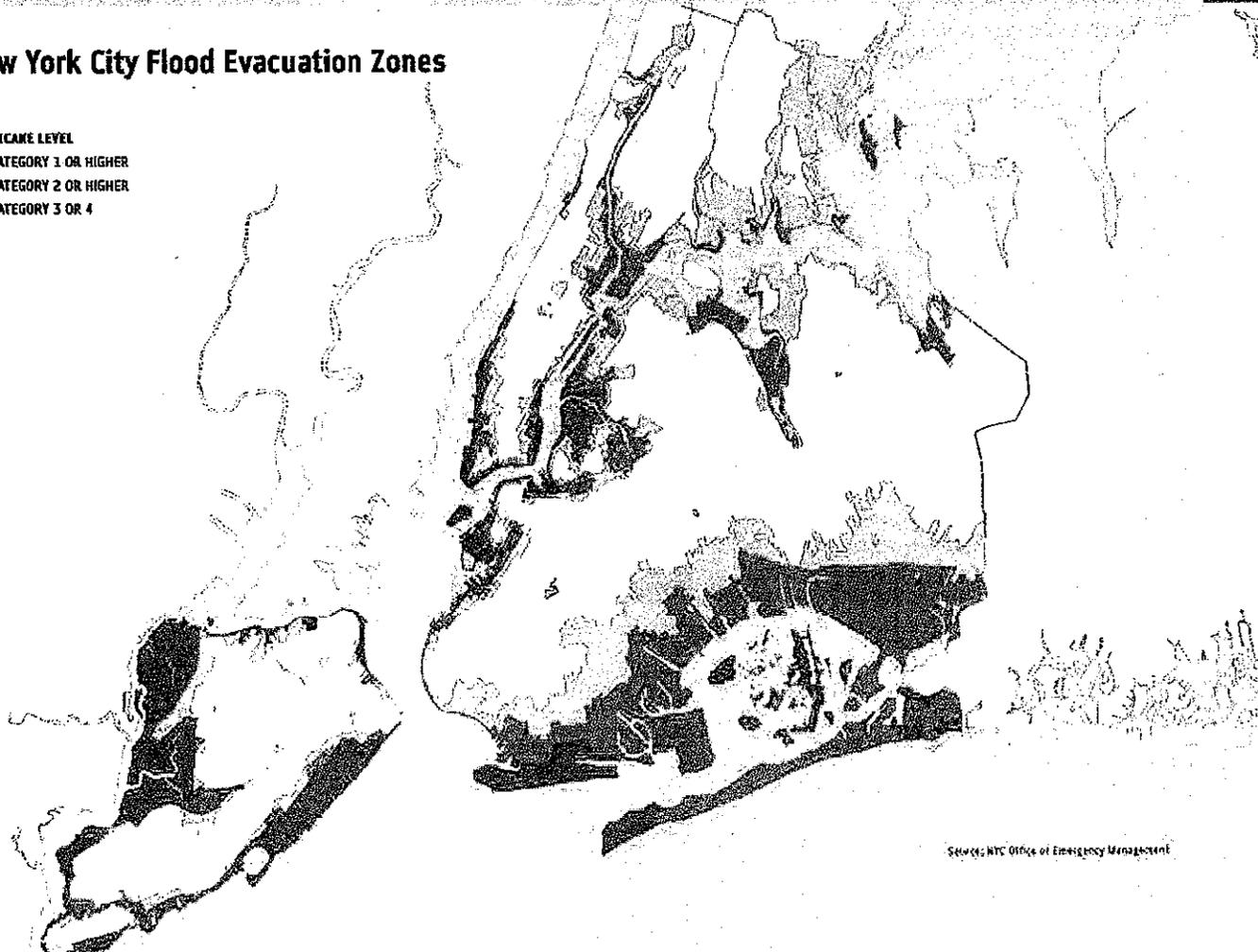
But our dense urban environment would require new approaches from previous disaster recovery efforts. That's why the City has also launched a design competition to create "safe, clean, affordable and rapidly deployable" housing for up to two years.

The only way to reduce the risk of violent storms in the future is to reduce greenhouse gas

emissions and thus prevent dangerous climate change. But that will not eliminate the need to be prepared for the worst. By planning for potential future storms today, the worst impacts can be avoided.

## New York City Flood Evacuation Zones

- HURRICANE LEVEL**
- CATEGORY 1 OR HIGHER
  - CATEGORY 2 OR HIGHER
  - CATEGORY 3 OR 4





INITIATIVE 1

**Create an intergovernmental Task Force to protect our vital infrastructure**

**We will expand our adaptation strategies beyond the protection of our water supply, sewer, and wastewater treatment systems to include all essential city infrastructure**

In 2004, the City's Department of Environmental Protection (DEP) initiated a Climate Change Task Force to study the potential impacts of climate change on our water infrastructure. Working with research scientists at the NASA Goddard Institute for Space Studies, Columbia University's Center for Climate Systems Research, and other institutions, DEP has generated global and regional climate models that have been included in the agency's strategic and capital planning.

For example, the design and operation of our sewer and wastewater treatment systems have been based on existing sea levels—as they are in most jurisdictions. But these levels are changing. When combined with increasingly severe storm surges, there will be significant operational effects. The Task Force evaluated these impacts, enabling DEP to take such risks into account as they site new facilities and invest in existing ones.

But substantial other aspects of our infrastructure remain at risk, especially from sea level change; our subterranean subway system and tunnels, the airports, which are at sea level, power plants, which are often on waterfront sites, waste transfer terminals, and other critical infrastructure are all potentially vulnerable. As these facilities are owned and operated by a variety of entities, protecting these sites will require a coordinated effort among the City, the State, the MTA, the Port Authority, and the utilities.

That's why the City will invite these and other relevant public and quasi-public entities to join the New York City Climate Change Task Force. The Task Force will create an inventory of existing at-risk infrastructure, analyze and prioritize the components of each system, develop adaptation strategies, and design guidelines for new infrastructure.

This will not be an easy task. For most agencies, planning for climate change is a new challenge and given other competing—and often immediate—needs, it is often difficult to prioritize. As a result, integrating climate change impacts into long-term capital planning will require new ways of thinking. But it is essential to begin.



INITIATIVE 2

**Work with vulnerable neighborhoods to develop site-specific strategies**

**We will create a community planning process to engage all stakeholders in community-specific climate adaptation strategies**

Protecting our infrastructure is crucial, but we also need to prepare our city to deal with the consequences of climate change, especially in flood-prone areas. There are obvious impacts to people's property and livelihoods from windstorms, flooding, heat waves, and other direct effects of climate change. Shifting climate patterns can take lives and pose major public health dangers.

While all five boroughs have vulnerable coastline, each community's risk and the optimal solutions to minimize that risk will vary. Therefore, preparing for these impacts must include community-specific planning.

A successful community planning process provides the neighborhood with the tools necessary to understand the challenges, engage in problem solving, and effectively communicate preferred solutions. In addition, the process must take into account the unique challenges associated with planning for climate change. Beyond a broadening awareness of the general issues, the details about climate change remain unfamiliar to most of the public—and most publications on the topic are extremely technical and difficult to read. Also, all scenarios are based on projections that continue to evolve.

To begin addressing these challenges, the City has partnered with Columbia University,

UPROSE, and the Sunset Park community to design a standardized process to engage waterfront neighborhoods in conversations about climate change adaptation.

We will work with the community to inform them about the potential impacts of climate change and possible solutions—and seek to understand their priorities moving forward. By 2008, we will have a process that can be applied to all at-risk neighborhoods across the city, mostly along the waterfront. We must ensure that all new plans consider the effects of climate change and develop strategies that respond to each community's unique characteristics, including building types, access and use of waterfront, and existing community planning efforts, such as 197A plans and Brownfield Opportunity Area applications.



INITIATIVE 3

**Launch a citywide strategic planning process for climate change adaptation**

**We will begin developing a comprehensive climate change adaptation policy**

But all New Yorkers—not just individual neighborhoods—will be impacted by climate change. Protecting the city will require a citywide strategy. (See case study on facing page: *The Cost of Inaction*)

Countries around the world have begun to develop this kind of broad-based framework for climate change adaptation—in Britain, Japan, and the Netherlands.

But New York will become the first major American city to comprehensively assess the risks, costs, and potential solutions for adapting to climate change.

This effort will be unprecedented and challenging. Climate change projections for sea level rise, intensifying storms, and hotter temperatures are just that—projections. The variables involved in forecasting mean that there are no certainties, only probabilities. As a result, a step-by-step approach, with decision points along the way, will be necessary.

Further, some proposals require thinking on a scale that is beyond the traditional scope for public planning. Concepts like sea walls—concrete barriers that would surround the city's coast line—or a series of more targeted storm surge barriers are possibilities, but each raises serious questions. Storm surge barriers could protect significant swaths of our coastline, but still leave others exposed—and cost billions. Any assessment of investments on that scale will need to be undertaken carefully.

### **We will create a strategic planning process to adapt to climate change impacts**

That's why we will create a New York City Climate Change Advisory Board. Composed of non-City government agencies, as well as scientists, engineers, insurance experts, and public policy experts, the advisory board will help the Office of Long-Term Planning and Sustainability develop a planning framework by:

- Developing a risk-based, cost-benefit assessment process to inform investment decisions, including the establishment of clear metrics and decision points
- Assessing possible strategies to protect against flooding and storm surges, and providing recommendations

As the first American city to undertake such a comprehensive climate change planning process, the first phase of this effort includes a scoping study to identify necessary experts, methodology, and design of the larger planning process. This study will look to models abroad, as well as to academic and other work here in the United States.

In addition, we will work with other coastal cities in the United States to share information on climate change planning experiences, develop joint strategies, and pool resources when appropriate.

### **We will ensure that New York's 100-year floodplain maps are updated**

FEMA's floodplain maps for New York City are significantly out of date. The last major revisions were in 1983, based on even earlier data. Since that time, numerous shifts have occurred that should be reflected in these plans: changes to the shoreline and elevations, rising sea levels, and an increased severity of storms, along with technological changes that allow for more accurate mapping. Mapping like that done by the U.S. Army Corps of Engineers for the city's hurricane zones will inform the revisions.

These maps determine insurance rates and establish areas subject to building code requirements, so it is critically important that they be accurate and up-to-date. We will work with FEMA to ensure that our floodplain maps reflect the most current information.

### **We will document the City's floodplain management strategies to secure discounted flood insurance for New Yorkers**

The National Flood Insurance Program's (NFIP) Community Rating System (CRS) is a voluntary incentive program that recognizes community floodplain management strategies that go beyond the minimum required. On the basis of this rating system, the 15,000 flood insurance policyholders in the city can receive discounts for aggressive action.

New York City already has relatively strict standards that should make residents eligible for reduced premiums, but we must submit an extensive application documenting our actions to FEMA. The City will compile and submit the documentation required to establish its CRS rating.

### **We will amend the building code to address the impacts of climate change**

The Department of Buildings will assemble a task force composed of City officials, building professionals, and other experts to make recommendations for changes to the building code that address the consequences of climate change. Impacts to be considered include the increased potential for flooding, droughts, high winds, heat waves, the disruption of utility services, and the need for buildings to be inhabitable without energy, a concept known as "passive survivability." This task force will coordinate with other working groups analyzing the impacts of climate change and requirements for adaptation.

## **CASE STUDY The Cost of Inaction**

Preparing for climate change will be costly. But it is becoming increasingly clear: not preparing will be worse.

According to the Stern Review on the Economics of Climate Change, the overall costs and risks of not adapting to climate change will be equivalent to losing 5% of global Gross Domestic Product (GDP). If environmental and health impacts are taken into account, the estimates of damage could rise to 20% of GDP or more.

Whether or not one believes the science behind global warming, more and more markets do. The insurance industry is already beginning to evaluate municipal investments in light of risks due to climate change. Cities that don't have strong climate change strategies in place may face lower credit ratings, increased insurance costs, and reduced bonding capacity. For example, the world's largest reinsurer, Swiss Re, has instructed corporate clients to come up with strategies for handling global warming or risk losing liability coverage.

The insurance industry's response to the consequences of climate change is continuing to shape the economy. U.S. insurers are already raising rates or leaving markets as a result of increased risk in coastal and fire-prone areas. In areas where insurers feel the risk is too great, or their ability to raise premiums is hampered by political or regulatory limitations, the risk burden will be shifted to the public as well as to banks and investors. For example, Allstate considered cancelling 20,000 homeowner policies in the Tampa Bay Area; the cuts would have come on top of 32,000 policies that Allstate canceled in South Florida since the 1992 storm. CIGNA Corporation stopped writing new policies in South Florida entirely to reduce its risk of claim losses. CIGNA's sales moratorium took effect a month before the start of the Atlantic hurricane season.

These developments, and others like them, make clear that the costs of inaction now outweigh the expense of action.

## Next Steps

This Plan has laid out an ambitious agenda for action that can create a sustainable New York City—and allow us to achieve the overall goal of leaving our children a city that is cleaner, healthier, and more reliable than it is today.

This agenda will require tremendous effort: on the part of City officials and State legislators; by community leaders and our delegation in Washington; from the State government and from every New Yorker. It will not be easy, and it will not be free. But the payoff is real, and big; and the perils of inaction are far greater than the costs of action.

Further, we must start today. We may call this a long-term plan, but building that future will require immediate action. Some will have an impact and meet a need right away; in 2007 we will begin unlocking school playgrounds. For others, like reducing our greenhouse gas emissions, a window of opportunity may be closing.

As a result, we are committed to acting quickly to begin implementing this Plan. We will submit draft legislation to the State Assembly, State Senate, and City Council, and work with legislators to secure its passage. We will work closely, starting immediately, with State agencies to implement the regulatory and administrative aspects of this plan at the State level.

Many of the initiatives in this Plan can be implemented directly by the City. All of the relevant City agencies have participated in shaping these initiatives and will begin as

quickly as possible to implement everything that is under our control. The Mayor will ask his Sustainability Advisory Board to continue providing their assistance to this effort, through ongoing advice and by helping City agencies work through the challenges of implementation.

In addition, we will expand the Office of Long-Term Planning and Sustainability to take on new responsibilities, such as fostering interagency cooperation on stormwater management practices and developing a climate change adaptation strategy.

The office will also begin issuing two annual reports. One will report on progress made on each of the Plan's initiatives and overall progress towards the goals. The other will report on climate change, which will include annual updates to the city's greenhouse gas emissions inventory; an assessment of how well our strategies are working toward achieving our greenhouse gas reduction goals; reports on the extent of climate change and the impacts we face; and updates on the city's efforts towards climate change adaptation.

While 2030 may seem like a long way off, there is much that we can accomplish in the next few years. For virtually all of our initiatives, we have identified short-term milestones that can be achieved before the end of this Administration and this City Council in December 2009. Fast action now will be crucial to setting this Plan on the way to realization.

**There are now 8.2 million New Yorkers—more than at any time in our history.** And more are coming.

They are coming because New York has renewed itself; because over the past three decades **we have achieved one of the greatest resurgences of any American city.**

Growth is ultimately an expression of optimism; it depends on a belief in possibility—essential to New York's soul since its days as an inclusive, turbulent, tolerant Dutch colony.

That is why our recovery has not only strengthened our quality of life, but also our sense of hope. We have proven that challenges once considered insurmountable can be overcome. **It is time to summon that spirit again.**

Over the next two decades, more people, visitors, and jobs will bring vibrancy, diversity, opportunity—and revenue. But **unless we act, they will also bring challenges;** infrastructure strained beyond its limits; parks packed with too many people; streets choked with traffic; trains crammed with too many passengers. Meanwhile, we will face an increasingly precarious environment and the growing danger of climate change that imperils not just our city, but the planet.

**We have offered a different vision.**

It is a vision of providing New Yorkers with the cleanest air of any big city in the nation; of maintaining the purity of our

drinking water and opening more of our rivers and creeks and coastal waters to recreation; of producing more energy more cleanly and more reliably, and offering more choices on how to travel quickly and efficiently across our city. It is a vision where contaminated land is reclaimed and restored to communities; where every family lives near a park or playground; where housing is sustainable and available to New Yorkers from every background, reflecting the diversity that has defined our city for centuries.

**It is a vision of New York as the first sustainable 21st century city—**but it is more than that. **It is a plan to get there.**

The 127 new initiatives detailed here will strengthen our economy, public health, and quality of life. Collectively, they will add up to the broadest attack on climate change ever undertaken by an American city.

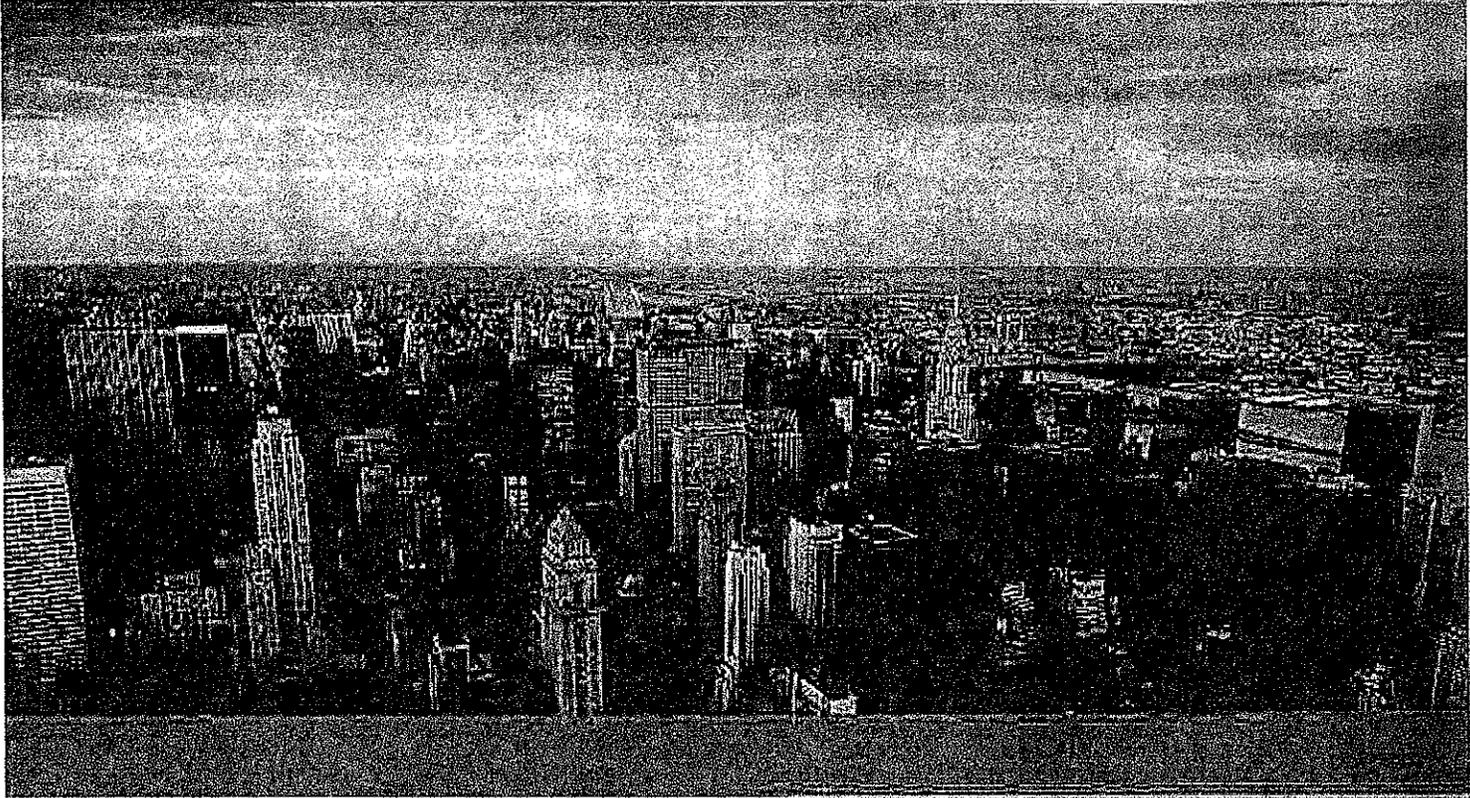
New Yorkers used to think this boldly all the time. Previous generations looked ahead and imagined how their city would grow. They built subways through undeveloped land and established Central Park far from the heart of the city. They constructed water tunnels that could serve millions when our city was a fraction of the size.

Their actions made our modern city possible.

**Now it is our turn.**







The New York City Department of Environmental Protection  
**CLIMATE CHANGE PROGRAM**

# Assessment and Action Plan

MAY 2001  
**REPORT 1**

A Report Based on the Ongoing Work of the DEP Climate Change Task Force



www.nyc.gov/dep

## SRES Emission Scenarios and Range of GCM Projections

### Air Temperature

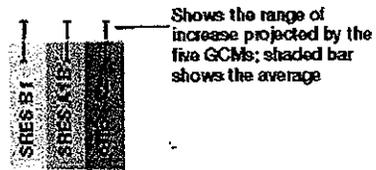
The average regional temperature increase for the 16 scenarios over the base period (1970 - 1999) is 2.0°F for the 2020s, 4.0°F for the 2050s, and 6.9°F for the 2080s (Figure 1.11). Although there is a fair amount of variability across the GCMs, they all show a future progression of warming temperatures in all seasons. Seasonal projections from Columbia University show summer increases slightly greater than winter increases. These projections are for the larger NYC Watershed Region. Temperatures in the City might exceed these projections because of the urban heat island effect. The projected temperature increases for the NYC Watershed Region exceed globally averaged changes, indicating that the New York City region might be especially sensitive to the effects of climate change.

### Precipitation

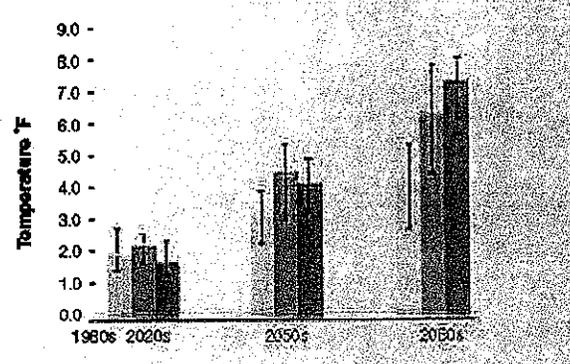
The average regional precipitation increase for the 16 scenarios over the base period (1970 - 1999) is 0.7% for the 2020s, 6.7% for the 2050s, and 8.6% for the 2080s (Figure 1.12). There is more variability across the models for projected change in precipitation than for temperature. Especially in the 2020s, the models forecast a range of wetter to drier conditions. By the 2050s, however, most projections show increased precipitation for the region. Seasonal projections from Columbia University show precipitation increases may be greater during the winter than in summer in the 2050s and even more so in the 2080s. The synergistic effect of parallel increases in temperature and precipitation are not yet fully evaluated. It remains unclear how much of the increased precipitation will fall as snow, or how snowpack and thaw in the NYC Watershed Region will be affected.

### Sea Level

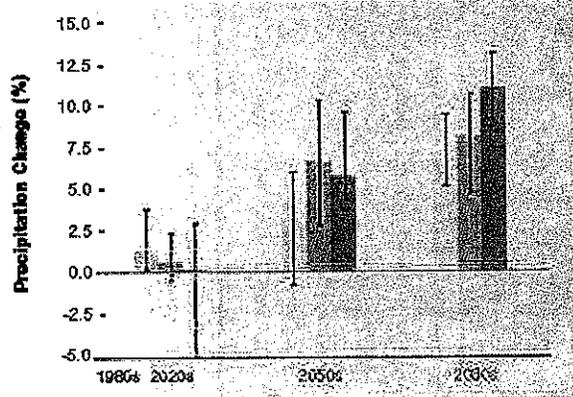
The average projected rise in sea level for the 9 scenarios over the base period (1970 - 1999) is 3.2 inches for the 2020s, 9.0 inches for the 2050s, and 16.5 inches for the 2080s (Figure 1.13). There is somewhat less variability across the GCMs for sea level than for air temperature and precipitation; however, these projections do not account for recent research that suggests that the rate of ice melt is accelerating more quickly than most sea level projections have indicated to date. A new study by the National Snow and Ice Data Center found that the area of Arctic sea ice in September, the month when it shrinks the most, has decreased at an average rate of 7.8% per decade since 1953, yet computer climate simulators have used an average ice loss rate of 2.5% per decade for this period (Stroeve, 2007). DEP's long-term planning should include the risk of



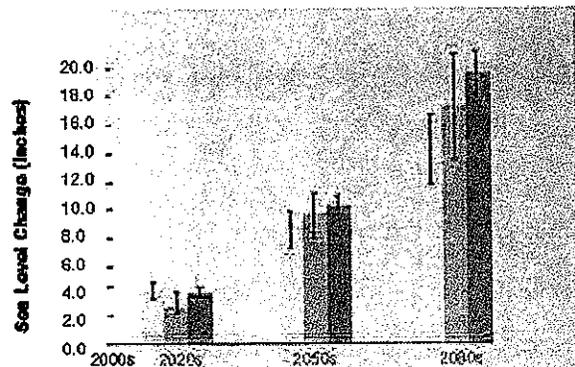
**Figure 1.11**  
Modeled Annual Temperature Changes For the NYC Watershed Region Relative to the 1980s (Columbia Center for Climate Systems Research, 2006)



**Figure 1.12**  
Modeled Annual Precipitation Changes For the NYC Watershed Region Relative to the 1980s (Columbia Center for Climate Systems Research, 2006)



**Figure 1.13**  
Modeled Regional Sea Level Rise Relative to the 2000s (Columbia University Center for Climate Systems Research, 2006)



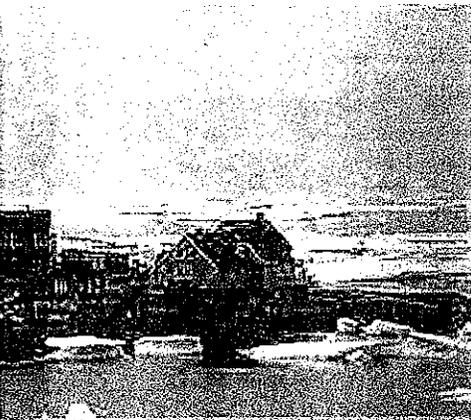


**Extreme Events**

In planning for climate change it is also important to consider the increased likelihood of severe and extreme weather events, such as storms, coastal and inland flooding, drought, and heat waves. These events are not as well modeled in current GCMs as are long-term trends in temperature, precipitation and sea level, so forecasts are more uncertain. Nevertheless, because of rising sea levels and the intensification of the hydrologic cycle due to rising temperatures, it is expected that many types of extreme events will occur more frequently (IPCC, 2007). Recent scientific studies have shown a strong correlation between powerful hurricanes and ocean temperature in the North Atlantic (Mann & Emanuel, 2006). New York City and its watershed, particularly because of NYC's coastal geography, may experience more frequent and intense storms in the future as the atmosphere and ocean continue to warm. This is an active area of scientific research that will become more refined and precise over time, though existing data enables the formulation of some broad global projections (Table 1.2).

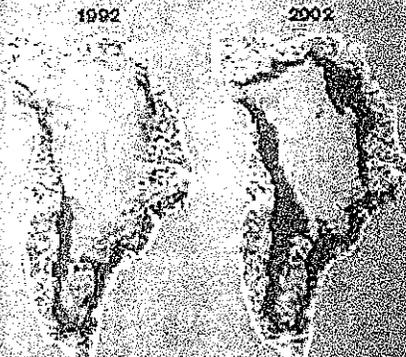
**Table 1.2**  
Recent Global Trends and Anticipated Changes in Potentially Severe and Extreme Events During the 21st Century (IPCC, 2007)

Phenomenon and Direction of Trend	Likelihood that Trend Occurred in Late 20th Century (typically post-1950)	Likelihood of Future Trends Based on Projections for 21st Century using SRES Scenarios
Warmer and fewer cold days and nights over most land areas	Very likely	Virtually certain
Warmer and more frequent hot days and nights over most land areas	Very likely	Virtually certain
Warm spells / heat waves. Frequency increases over most land areas	Likely	Very likely
Heavy precipitation events. Frequency (or proportion of total rainfall from heavy falls) increases over most areas	Likely	Very likely
Area affected by droughts increases	Likely in many regions since 1970s	Likely
Intense tropical cyclone activity increases	Likely in some regions since 1970s	Likely
Increased incidence of extreme high sea level (excludes tsunamis)	Likely	Likely



**Greenland Ice Sheet**

The map shows the inland expansion of the summer melt zone of the surface ice in Greenland between 1992 and 2002. If the Arctic ice Sheet or the Greenland ice Sheet were to melt, global mean sea level could rise on the order of 17 feet and 23 feet, respectively. Scientists have conjectured that this would occur over millions of years, but recent data suggest that melting is occurring more quickly than previously anticipated.



Source: Cooperative Institute for Research in Environmental Sciences, University of Colorado Boulder (2007)

Mean values of climate change are of great importance in planning as are extreme events: storms, coastal and inland flooding, droughts, and heat waves. As indicated by IPCC (2007), there is currently large uncertainty about future changes in extreme events, and climate modeling of extreme events is an emerging science.

It is therefore anticipated that scientific understanding of extreme events will continue to evolve. As new data become available from GCM simulations associated with the next IPCC report in approximately 3-4 years, scientific understanding is likely to improve, since these GCMs will feature more advanced physics, higher spatial (and possibly temporal) resolution (critical for modeling extreme events), and more variables will be stored with longer temporal coverage. Therefore, the current model projections offer the best guidance for future changes in extreme events. While it may be premature to use the precise quantification of changes in extreme events to guide policy, the general direction of many changes, such as a tendency for more heat waves, enhanced coastal flooding, and an intensified hydrological cycle, can be viewed with high confidence, as described by IPCC (2007).

A range of other extreme events is expected to become more severe with global climate change. Heat waves are also almost certain to increase in the region. As mean temperature increases, extreme heat is expected to increase in frequency, intensity, and duration. Even relatively small changes in heat statistics can have large societal impacts, given the severe stresses im-

posed by heat waves in the current climate. Flooding due to rainfall is likely to increase because of the expected increase in the intensity of rainfall events. Droughts may become more frequent in the region, because as temperatures rise, evaporation rates will increase; droughts may become more common even with increased precipitation.

**As the mean sea level increases, smaller storms are able to produce the amounts of flooding previously associated with larger storms.**

Further, changes in the intra-annual distribution of rainfall could also contribute to droughts and floods in the region. While evaporation is a relatively steady process, precipitation is highly variable, spatially and temporally. If, as much research suggests (Karl and Knight, 1998 for example), precipitation becomes concentrated in intense events, this could contribute to increased duration and frequency of both floods and the dry intervals between rainfall events.

Coastal flooding is almost certain to become a more serious problem due to increasing sea level. As a result, the recurrence interval for coastal floods at each level of inundation is expected to decrease as sea levels rise. Therefore, any increase in storm frequency or intensity would further contribute to higher incidence of coastal flooding.



**Flooding**

Flooding due to rainfall is likely to increase because of the expected increase in the intensity of rainfall events.

## 1.4 | Model Uncertainty and Validation

### Quantitatively Comparing Data with Historical Hindcast Simulations

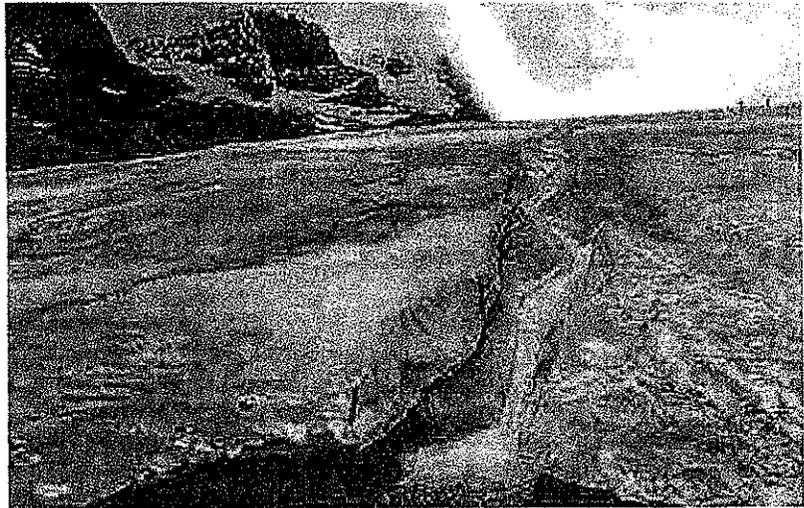
As with all forecasting, some level of uncertainty in climate change projections is unavoidable. Uncertainties in GCM projections stem from the difficulty of understanding and expressing the physics of the weather and climate systems, grid sizes, topography, and the amount of future GHG emissions. Given the uncertainties, an approach that considers the range, frequency and general confidence of various levels of change is more appropriate than basing decisions on mean changes. Columbia University used multiple GCMs and GHG emissions scenarios to produce a range of projections (Table 1.3). For the three climate variables, considering only the modeling projections from the 15 model-emission scenarios framework created by Columbia University, it is most probable that the increase in sea level will be within the GCM-projected range shown, followed by air temperature then precipitation increases, based on the modeling probabilities associated with the various ranges.

Columbia University validated the temperature and precipitation projections for the NYC Watershed Region by quantitatively comparing data from historical hindcast simulations of the GCMs to historical observed data. This process is undertaken to gain assurance as to the appropriateness of the models for projecting future climate scenarios. The differences in hindcast values and observed values are not part of the

process of developing future scenarios, which are based on assumptions about future GHG emissions and on generated future climates that are different from the present climate. Rather, the forecasting procedure applies the difference between the GCM projections and the hindcast values for the base period to the observed

average values for the base period (1970-1999).

The calculated GCM ensemble hindcast average temperature is 2°F less than the observed 30-year average for the period 1970 to 1999, just outside of one standard deviation of the measurements.



#### Melting Glaciers

When meltwater seeps through cracks in the ice sheet, it may accelerate melting and, in some areas, allow the ice to slide more easily over the bedrock below, speeding the movement of the ice sheet to the sea.

**Table 1.3**  
Model-Based Probability of Change<sup>(a)</sup> in Climate-Related Characteristics in the NYC Watershed Region

	Air Temperature <sup>(a)</sup>		Precipitation <sup>(b)</sup>		Sea Level Rise <sup>(c)</sup>		
	Decadal Average	Range (°F)	Model-Based Probability (%)	Range (%)	Model-Based Probability (%)	Range (inches)	Model-Based Probability (%)
1970-1999	50.0	48.0-52.0	100	100	100	100	100
2020-2049	51.0	49.0-53.0	80	100	100	100	100
2050-2079	52.0	50.0-54.0	60	100	100	100	100
2080-2099	53.0	51.0-55.0	40	100	100	100	100

<sup>(a)</sup> Model-based probability that the projected increase will be within the range shown across selected GCMs and three emissions scenarios.

<sup>(b)</sup> Relative to the 1970-1999 base period from five GCMs.

<sup>(c)</sup> Relative to the 1970-1999 base period from three GCMs. Percentages rounded to nearest integer.

Source: Columbia University Center for Climate Systems Research (2008).

For precipitation it is approximately 0.2 inches/month (5.4%) greater than the 30-year average, and within one standard deviation of the measurements (Table 1.4). These are considered strong performance comparisons, but even these minor inaccuracies should be considered in the application of GCM projections in those cases where forecasted changes are on the same order as these variances. Modeled sea level rise can not be validated through comparing model hindcasts to observed sea level because sea level rise is not a direct GCM output. IPCC experts determine global sea level projections based on the historical relationship between observed sea level rise and observed temperature increase over the 20th century (IPCC 2001, 2007 and Rahmstorf, 2007).

Regional projections for sea level rise at the Battery in NYC are based on three additional factors:

- Change in land height (primarily due to Glacial Isostatic Adjustment, which is causing land subsidence in the NYC region)

- Change in global mean sea level (projected based on a linear fit with GCM projections of global temperature change, as described above)

- Regional distribution of sea surface height, which is a function of ocean temperature, surface wind, salinity, current velocity, and atmospheric pressure

Standard techniques were also used to assess the statistical significance of the projected changes in mean temperature, precipitation, and sea level. Analysis shows that all regional temperature projections are significantly different statistically from the historical base period; that is, in each case there is less than a 2.5% chance that future warming of that magnitude would occur by chance alone. Similarly, 7 of the 15 projected precipitation changes for the 2050s and 14 of the 15 projected precipitation changes for the 2080s are significantly different statistically.

The precipitation projections for the 2020s are not yet distinguishable from natural variability (although increases are projected in 11 of the 15 models, the trend is not statistically significant at the 2.5% level). The sea level rise projections are all statistically significant at the 96% level; that is, given sea level variability over the 20th century, there is less than a 5% chance that the projected level of rising would occur by chance alone (i.e., without global warming).

**Table 1.4**  
Model Validation for the NYC Watershed Region Annual Temperature and Precipitation Hindcast Projections for 1970-1999

	Observed Data (± Standard Deviation)	Average of Model Hindcasts	Model Hindcast Range
Temperature (°F)	48.0 ± 1.0	48.0	47.5 - 48.6
Precipitation (inches/mo)	3.7 ± 0.5	3.9	3.2 - 4.5

\* Model results based on five GCMs.  
\* Sea level rise projections are not validated through hindcasting.  
Source: Columbia University Center for Climate Systems Research (2006).

**The Willets Point Defense Committee of small businesses and workers.**

They are the true victims of this mega project, and they have come to this first public hearing to claim justice.

**Introduction**

It is sad to know that the scarcity of valuable precious land which will make victims out of the workers and small businesses in Willets Point is the outcome of big businesses lobbying to state and city officials. It is this lobbying that has not enabled us to have sewage, sidewalks, rain drainage, heat, paved streets, garbage collection or snow removal. The Mayor's office in New York has the objective of illegally starving Willets Point of all the essential basic resources to ease in the process of displacement with the goal of ultimately redeveloping the Iron triangle and giving profit to big corporations.

This mega project will not only take possession of the land, but at the same time it will brutally do it at the lowest price possible. It is for this reason that this plan will not include any economic compensation or relocation of the businesses.

**This Megaproject is a violation of our fundamental human and labor rights.**

The City of New York is exercising their authority to commit a wrongful seizure of land. This topic is one that has been around for centuries. It is so common that The United Nations has established a series of norms, recommendations and international laws to protect the victims of wrongful seizures. We would like to publicly denounce that over 1,500 immigrants, predominantly of Latino descent will suffer due to the forceful displacement that will take place in Willets Point. Over 60 acres of land in Willets Point will be used to benefit private sector industries.

This Development plan is founded around the systematic violation of our basic human rights, which will evict us from our sources of income and it will toss us into the streets empty handed. The founders of the Development plan argue against us and it has been determined that we do not have any legal rights, according to the City laws which do not recognize or assume responsibility for the workers and or renters of small businesses.

This social Holocaust makes victims of 225 shops with over 1,500 workers and heads of households. These victims will be out of work and left without a source of income along with their families in the middle of an economic crisis which has rattled the country. Eventually this massive job loss will trickle down to the local economy, as the victims will not have funds to pay for their rent or purchase the household necessities.

This faulty plan to which we are the victims of, currently <sup>Does not</sup> has the support of 29 NYC Council members and they are headed by the representative from our district the Honorable Hiram Monserrate. The Council members co-signed a letter of opposition which was drafted, and in it, it included the social injustice which they opposed and are willing to vote against if needed, until the issues of proper compensation or relocation are resolved.

We respectfully ask this commission to investigate our inquiries regarding the systematic violations of our fundamental human and laboring rights. We hope that you as a board have the social sensibility to repair this social injustice against the small businesses and workers from the Iron Triangle.

**JUSTICE FOR WILLETS POINT**

# ***U.N. Guiding Principles on Internal Displacement 1***

## **United Nations Guiding Principles on Internal Displacement**

### **INTRODUCTION: SCOPE AND PURPOSE**

1. These Guiding Principles address the specific needs of internally displaced persons worldwide. They identify rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return or resettlement and reintegration.
2. For the purposes of these Principles, internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.
3. These Principles reflect and are consistent with international human rights law and international humanitarian law. They provide guidance to:
  - (a) The Representative of the Secretary-General on internally displaced persons in carrying out his mandate;
  - (b) States when faced with the phenomenon of internal displacement;
  - (c) All other authorities, groups and persons in their relations with internally displaced persons; and
  - (d) Intergovernmental and non-governmental organizations when addressing internal displacement.
4. These Guiding Principles should be disseminated and applied as widely as possible.

## **SECTION I - GENERAL PRINCIPLES**

### **Principle 1**

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.
2. These Principles are without prejudice to individual criminal responsibility under international law, in particular relating to genocide, crimes against humanity and war crimes.

### **Principle 2**

1. These Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups or persons involved.
2. These Principles shall not be interpreted as restricting, modifying or impairing the provisions of any international human rights or international humanitarian law instrument or rights granted to persons under domestic law. In particular, these Principles are without prejudice to the right to seek and enjoy asylum in other countries.

### **Principle 3**

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.
2. Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

### **Principle 4**

1. These Principles shall be applied without discrimination of any kind, such as race, color, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.

2. Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

*U.N. Guiding Principles on Internal Displacement 3*

## **SECTION II - PRINCIPLES RELATING TO PROTECTION FROM DISPLACEMENT**

### **Principle 5**

All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.

### **Principle 6**

**1. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.**

**2. The prohibition of arbitrary displacement includes displacement:**

(a) When it is based on policies of apartheid, "ethnic cleansing" or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population;

(b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;

**(c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests;**

(d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and

(e) When it is used as a collective punishment.

**3. Displacement shall last no longer than required by the circumstances.**

### **Principle 7**

**The Brookings Institution-SAIS  
Project on Internal Displacement  
Risks and Rights:  
The Causes, Consequences, and Challenges  
of Development-Induced Displacement**

by

**W. Courtland Robinson**

***Urban Development and Transportation Infrastructure***

With urban growth rates exceeding 6 percent annually, according to UN figures, by the year 2025 more than two billion people will be living in large cities of more than one million inhabitants. As Michael Cernea has noted, "In cities such as Sao Paulo, Lagos, Douala, Rabat, Shanghai, or Mexico City, massive investments in infrastructure for transportation, re-housing, sanitation and other services are needed, and will be increasingly needed, for improving living standards and economic expansion. Such urban investment will inevitably entail further land acquisition and involuntary displacement."<sup>78</sup> Urban development and infrastructure projects already are a principal cause of development-induced displacement worldwide and the trend is likely to accelerate. From 1980 to 1986, for example, World Bank-assisted projects in transportation, water and urban development accounted for 33 percent of all projects

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involving involuntary resettlement in Africa; from 1987 to 1995, the proportion grew to 57 percent.<sup>79</sup>

Examples of involuntary displacement due to urban development and infrastructure projects from around the world include the following:

- In *Madagascar*, a World Bank-funded urban development project displaced a total of 2,341 households in urban areas and resettled them in Antanarivo Plain. A follow-up study found that only three of the households settled at the intended permanent settlement sites and concluded that "a substantial proportion of the displaced households have been made worse off by resettlement."<sup>80</sup>
- In *Brazil*, police used tear gas, rubber bullets and nightsticks on May 19, 2000 to evict an estimated 2,000 squatters from homes that they had occupied for 17 years in Sao Paulo. None were given relocation assistance following the eviction.<sup>81</sup>
- In the *Dominican Republic*, between 1986 and 1992, at the height of the nation's urban renewal campaign, about 30,000 families in Santo Domingo were evicted from their homes. Though the numbers have decreased, evictions continue. "The most unprotected group in the Dominican Republic continues to be Haitians or Dominicans of Haitian descent, particularly women."<sup>82</sup>
- In *Burma (Myanmar)*, the State Peace and Development Council has carried out numerous evictions of "squatters" in the name of urban development and beautification. According to US State Department reports, between 1988 and 1994, an estimated 500,000 residents of Rangoon were removed from their homes—often to break up anti-government strongholds in the city—and relocated to satellite



# Development-induced displacement: internal affair or international human rights issue?

by Bjorn Pettersson

*If the exact number of conflict-induced IDPs is unclear (most observers agree there are 20-25 million), the number of those displaced by development projects is even harder to estimate.*

**E**xtensive research findings presented by the World Commission on Dams have shown that between 40 and 80 million people have been forced to leave their homes as a result of the construction of large hydroelectric dams alone.<sup>1</sup>

In 1994 the government of India admitted that 10 million people displaced by dams, mines, deforestation and other development projects were still 'awaiting rehabilitation', a figure regarded as very conservative by most

independent researchers. In China the government has admitted that 7 million development-induced IDPs lived in 'extreme poverty' in 1989.<sup>2</sup>

When the lives of so many people are being disrupted, why is there such deafening silence surrounding development-induced IDPs? During the last decade the UN has gradually paid more attention to conflict-induced displacement, belatedly recognising that IDPs are just as vulnerable as refugees and by far outnumber those

who have fled across a border. What is now required to direct the international community's attention to the development-induced displaced? Will they remain silent victims of government and corporate neglect? This article draws attention to forced displacement as a violation of human rights, looking both at how development at projects cause displacement and the widespread neglect of displaced populations in need of resettlement and restitution of livelihoods.

## The UN Guiding Principles and development-induced displacement

Francis Deng, the UN Secretary General's Special Representative on

*Narmada protesters outside Congress Party headquarters, Mumbai, Sept 2001.*

IDPs, has been instrumental in drawing international attention to the plight of conflict-induced IDPs. His work has contributed to the improvement of government and UN responses to conflict-induced IDPs. The set of international norms - the UN Guiding Principles on Internal Displacement - developed by him and his legal team may not be international binding law but are based on international human rights and humanitarian law.

In order to see what scope there is for the Principles to be used to address the plight of development-induced displaced persons, we need first to determine if the Guiding Principles actually apply to development-induced IDPs. A quick reading of the definition of a displaced person in the Guiding Principles shows this is not immediately apparent. It states that:

*"Internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border."*

However, the expression "in particular" before the listing of the causes indicates that the list is not exhaustive. Francis Deng and Roberta Cohen have argued that the construction of hydroelectric dams could be considered a "human-made disaster" and therefore that those displaced fall within the definition in the Guiding Principles.<sup>3</sup>

The case for arguing that development-induced displacement is clearly covered by the Principles is bolstered by Principle 6.2(c) which reads:

*"The prohibition of arbitrary displacement includes displacement: [...] (c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests [...]"*

But what is meant by the ambiguous concept of "compelling and overriding public interests"? Who has authority to adjudicate that "compelling and

overriding public interest" can justify forcing people off their lands?

Walter Kalin, one of the drafters of the Guiding Principles, has suggested that "development-related displacement is permissible only when compelling and overriding public interests justify this

measure, that is, when the requirements of necessity and proportionality are met".<sup>4</sup> For an interpretation of the last concepts, the "requirements of necessity and proportionality", Kalin refers to the World Bank's Operational Directive 4.30 on Involuntary Resettlement<sup>5</sup> and the OECD's Guidelines for Aid Agencies on Involuntary Displacement and Resettlement in Development Projects.

However, though these guidelines provide excellent guidance to governments, aid agencies and lenders on involuntary resettlement and rehabilitation of populations displaced by development projects, they do not shed further light on the issue of "necessity and proportionality". These concepts are therefore left to be worked out by those who should apply the Guiding Principles: governments, non-state actors, UN agencies and the Representative of the Secretary General himself.

### Deconstructing the language of development-induced displacement

Because "overriding public interest" and "necessity and proportionality" determine whether forced displacement of a population as a consequence of an infrastructure project is a human rights violation or a legitimate development project, it is important to reflect on these words. We need to continue challenging the assumptions behind the words used to justify large-scale forced displacement.

Who is "the public"? If we accept that international human rights are universal in scope it follows that the "public" is the whole population in a given area and not only the economic and political elite. To take the example of India (where more than 80% of rural households have no electricity) one could argue that expanding the electricity supply network in rural

areas would be more "necessary" than producing more electricity for a mostly urban elite.<sup>6</sup> This argument is backed by the World Commission on Dams' conclusion that large dams "produce benefits that accrue to groups other than those who bear the social and environmental costs".<sup>7</sup>

*why is the UN so hesitant to address the issue?*

Could "proportionality" be made more quantifiable? In the case of a hydroelectric project the authorities could determine a "justifiable" number of households-to-be displaced per projected megawatt produced. Of course, such a cynical method of determining proportionality assumes that the electricity produced will benefit the population equally - clearly not the case where a small minority enjoy access to electricity.

If the displaced are not properly resettled and their capacity to earn a living is not restored to them, it becomes irrelevant if the project forcing them off their land is of an "overriding public interest". It is still the reality that their rights have still been violated.

### UN lack of interest in development-induced displacement

It has been left to NGOs, the media and academics to probe the government-inflicted human rights abuses related to development-induced displacement and to highlight the plight of millions of IDPs forced off their land. If, as we have seen, the Guiding Principles and binding international human rights law<sup>8</sup> prohibit forced displacement (conflict- or development-induced) not justified by overriding public interest, why is the UN so hesitant to address the issue? How can the international community justify, for example, the fact that in Georgia UNHCR has for the past decade attended to the needs of 272,000 relatively well-off conflict-induced IDPs while at least 21 million development-induced displaced in India are not even an issue to UNHCR (or to any other UN agency)?

Governments naturally fight harder to maintain the concept of national sovereignty when the perpetrator of displacement is the state itself. Governments are generally more likely

settlements outside the city.<sup>83</sup> An earlier report from the UN Center for Human Settlements (UN-Habitat) estimated that between 1989 and 1990, about 1.5 million people nationwide had been relocated, half of them from the four cities of Rangoon, Mandalay, Bago and Taunggyi. This "massive social engineering exercise" involved 4 percent of the entire population and 16 percent of Burma's urban population.<sup>84</sup>

□ In *India*, in 1998, demolition squads from the Brihanmumbai Municipal Corporation evicted 167,000 people in Mumbai (Bombay) without providing resettlement assistance. In March 2000, around 5,000 slum dwellers were moved outside Delhi to a resettlement site. However, many residents could not afford the travel fare to their work, and promised schools and health clinics were never built.<sup>85</sup>

□ In the *Philippines*, the Urban Poor Associates (UPA), a local NGO, estimated that 165,000 families had been evicted nationwide in 1999. In Metro Manila, UPA reported that 6,059 people had been forcibly evicted in 2000, of whom only 1,342 families had received relocation assistance. Most of the evictions were related to government infrastructure projects.<sup>86</sup>

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□ In Phnom Penh, *Cambodia*, in November 1999, municipal authorities evicted approximately 600 ethnic Vietnamese residents from a floating village on the Bassac River, charging that they were illegal residents. Outside Phnom Penh, soldiers bulldozed the homes and fields of 100 subsistence farmers so that a local general could build a casino in the area.<sup>87</sup>

□ In Dhaka, *Bangladesh* from May 1999, 100,000 people (20,000 households) in 44 settlements lost their homes and belongings during a forced eviction that occurred without any prior written warning. A majority of those evicted were single mothers with children, many working in the city's 2,000 garment factories located around the city center.<sup>88</sup>

□ In *Greece*, in August 1998, Greek authorities expelled approximately 3,000 Roma (also known as Gypsies) from Evosmos, a Roma community for 30 years, without providing relocation assistance.<sup>89</sup>

to allow the international community access to displaced populations when the majority of IDPs have been displaced by non-state actors as in Colombia or Angola. When, however, the state is heavily involved (as in Burma, China or Russia), access is very limited. This lack of access is, to some extent, now being challenged by the UN in situations where the victims are displaced by conflict. We are yet to see similar UN pressure when displacement occurs as a result of development projects.

Development-induced IDP populations are found in countries which are State Parties to important UN human rights conventions. As part of the periodic reporting and review process of the implementation of these conventions, the UN should solicit country-specific information on forced displacement. The Committee on Economic, Social and Cultural Rights has included such requests in their reporting guidelines issued to states but has received very little information on forced evictions. Furthermore, in order to assess the

Committee on Economic, Social and Cultural Rights on issues of particular importance for the fulfillment of these rights. It would therefore be appropriate for the Committee to solicit and analyse reports from both the government and from NGOs on the consequences of large-scale development projects in China.

If these rights are being violated in the context of internal displacement, it would be useful for the Committee members in their analysis and review procedures to make use not just of the relevant articles of Covenants but also the UN Guiding Principles on Internal Displacement.

*national sovereignty comes with certain human rights responsibilities*

The reason for this indifference is to be found in the UN's interpretation of: i) a legitimate development project of overriding public interest, protected from international interference by the concept of national sovereignty, and ii) a human rights violation of concern to the international community. In the case of India, are we not clearly looking at the latter? Interpreting the displacement of millions of people in terms of national sovereignty, the UN has not addressed the issue with the government of India or, for that matter, with any other government.

Is it not time to more energetically pursue UN Secretary General Kofi Annan's idea that national sovereignty comes with certain human rights responsibilities towards the citizen of a truly sovereign country?<sup>9</sup> The argument made by the US Committee for Refugees in relation to conflict-induced displacement in India is just as valid in relation to development IDP: "India cannot, however, fail to take steps to protect and assist the displaced, prevent others from doing so, and yet reject the international community's humanitarian interest in the fate of those affected."<sup>10</sup>

### **UN human rights mechanisms and development-induced violations**

If UN agencies are not yet convinced that development-induced displacement often amounts to a human rights violation, they should at least use existing human rights mechanisms to require governments to provide information on the fate of development-induced IDPs. Some of the largest and most neglected devel-

opment-induced IDP populations are found in countries which are State Parties to important UN human rights conventions. As part of the periodic reporting and review process of the implementation of these conventions, the UN should solicit country-specific information on forced displacement. The Committee on Economic, Social and Cultural Rights has included such requests in their reporting guidelines issued to states but has received very little information on forced evictions. Furthermore, in order to assess the

conditions under which these persons are resettled (if at all), the fulfillment of these citizens' economic, social and cultural rights after displacement should also be analysed. Article 12 of the UN International Covenant on Civil and Political Rights (ICCPR) covers the right to liberty of movement and freedom to choose one's residence and the UN Human Rights Committee is monitoring its implementation. The Indian government had to present its next periodic report under the ICCPR before the end of 2001 and should be encouraged to address the issue of those who have had their right to freedom of movement violated through forced displacement. The Committee should also request that NGOs, in accordance with common practice, submit information on this specific subject.

India is also a State Party to the Convention on the Elimination of Racial Discrimination. It should thus be asked to explain to the Committee on the Elimination of Racial Discrimination why 40-50% of the development-induced population is made up of *adivasi* tribal people when *adivasis* only comprise 8% of the Indian population.<sup>11</sup>

China, which became a State Party to the UN International Covenant on Economic, Social and Cultural Rights this year, will similarly have to report on the status of these rights and should be encouraged to address the situation of forced evictions and development-induced IDPs. As with the ICCPR, it is common practice that national and international NGOs inform the members of the

The increased attention to human rights violations stemming from development-induced displacement does not have to be limited to these three conventions. All six of the UN's treaty-monitoring bodies could be used to gain a better understanding of the phenomenon.<sup>12</sup> Monitoring mechanisms not linked to specific human rights conventions (UN working groups, special representatives and special rapporteurs) should similarly be encouraged to address the issue.

The Secretary General's Representative on Internal Displacement should play a key role in addressing and clarifying the difference between a development project of "overriding public interest" which properly resettles the displaced and a forced displacement which violates international human rights. Such guidance would be well received by the international community, currently confused by the fact that the UN Guiding Principles cover development-induced displacement but the activities of the Representative do not.

Given his current workload and the very limited resources at his disposal, it would not be realistic to ask the Representative to address country-specific situations of development-induced displacement. However, he could play a very important role in drawing the attention of the Working Group of the UN Inter-Agency Standing Committee to the plight of development-induced IDPs. This would enable appropriate member agencies of the IASC to explore ways of including development-induced IDPs as beneficiaries of protection and assistance activities.

# In Cambodia, Land Seizures Push Thousands of the Poor Into Homelessness

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By **SETH MYDANS**  
Published: July 27, 2008

**ANDONG, Cambodia** — When the monsoon rain pours through Mao Sein's torn thatch roof, she pulls a straw sleeping mat over herself and her three small children and waits until it stops.

[Enlarge This Image](#)



Robert James Elliott for The International Herald Tribune

A boy checked his feet as he walked through waste and trash in a slum for displaced people on the outskirts of Phnom Penh.

She and her children sit on a low table as floodwater rises, bringing with it the sewage that runs along the mud paths outside their shack.

Ms. Mao Sein, 34, was resettled by the government here in an empty field two years ago, when the police raided the squatters' colony where she lived in Phnom Penh, the capital, 12 miles away.

She is a widow and a scavenger. The area where she lives has no clean water or electricity, no paved roads or permanent buildings. But there is land to live on, and that has drawn scores of new homeless families to settle here, squatting among the squatters.

With its shacks and its sewage, Andong looks very much like the refugee camps that were home to those who were forced from their homes by the brutal Communist Khmer Rouge three decades ago.

Like tens of thousands of people around the country, those living here are victims of what experts say has become the most serious human rights abuse in the country: land seizures that lead to evictions and homelessness.

"Expropriation of the land of Cambodia's poor is reaching a disastrous level," Basil Fernando, executive director of the Asian Human Rights Commission in Hong Kong, a private monitoring group, said in December. "The courts are politicized and corrupt, and impunity for human rights violators remains the norm."

With the economy on the rise, land is being seized for logging, agriculture, mining, tourism and fisheries, and in Phnom Penh, soaring land prices have touched off what one official called a frenzy of land grabs by the rich and powerful. The seizures can be violent, including late-night raids by the police and military. Sometimes, shanty neighborhoods burn down, apparently victims of arson.

"They came at 2 a.m.," said Ku Srey, 37, who was evicted with Ms. Mao Sein and most of their neighbors in June 2006.

"They were vicious," Ms. Ku Srey said of the police and soldiers who evicted her.

“They had electric batons” — and she imitated the sound made by the devices: “chk-chk-chk-chk.” She said, “They pushed us into trucks, they threw all our stuff into trucks and they brought us here.”

In a report in February, Amnesty International estimated that 150,000 people around the country were now at risk of forcible eviction as a result of land disputes, land seizures and new development projects.

These include 4,000 families who live around a lake in the center of Phnom Penh, Boeung Kak Lake, which is the city’s main catchment for monsoon rains and is being filled in for upscale development.

“If these communities are forced to move, it would be the most large-scale displacement of Cambodians since the times of the Khmer Rouge,” said Brittis Edman, a researcher with Amnesty International, which is based in London.

That, in a way, would bring history full circle.

Like other ailments of society — political and social violence, poverty and a culture of impunity for those with power — the land issues have roots in Cambodia’s tormented past of slaughter, civil war and social disruptions.

The brutal rule of the Khmer Rouge, during which 1.7 million people are estimated to have died, began in 1975 with an evacuation of Phnom Penh, forcing millions of people into the countryside and emptying the city. It ended in 1979 when the Khmer Rouge was driven from power by a Vietnamese invasion, sending hundreds of thousands of refugees into Thailand.

Many of the refugees returned in the 1990s, joining a rootless population displaced by the Khmer Rouge and the decade of civil war that followed in the 1980s. Many ended their journeys in Phnom Penh, creating huge colonies of squatters.

Now, many of these people are being forced to move again, from Phnom Penh and from around the country, victims of the latest scourge of the poor: national prosperity.

Whichever way the winds of history blow, some people here say, life only gets worse for the poor. If it is not "pakdivat," revolution, that is buffeting the poor, they say, it is "akdivat," development.

The Cambodian economy has at last started to grow, at an estimated 9 percent last year. And Phnom Penh is starting to transform itself with modern buildings, modest malls and plans for skyscrapers. It is one of the last Asian capitals to begin to pave over its past.

From 1993 to 1999, Amnesty International said in its report in February, the government granted commercial development rights for about one-third of the country's most productive land for commercial development to private companies.

In Phnom Penh from 1998 through 2003, the city government forced 11,000 families from their homes, the World Bank said in a statement quoted by Amnesty International.

Since then, the human rights group said, evictions have reportedly displaced at least 30,000 more families.

"One thing that is important to note is that the government is not only failing to protect the population, but we are also seeing that it is complicit in many of the forced evictions," Ms. Edman, of Amnesty International, said.

The government responded to the group's report through a statement issued by its embassy in London.

"Just to point out that Cambodia is not Zimbabwe," the statement read. "Your researcher should also spend more time to examine cases of land and housing rights violations in this country, if she dares."

Here in Andong, the people have adapted as best they can.

Little by little, they have made their dwellings home, some of them decorating their shacks with small flower pots. A few have gathered enough money to buy concrete and bricks to pave their floors and reinforce their walls.

But this home, like the ones they have known in the past, may only be temporary. The outskirts of Phnom Penh are only a few miles away. As the city continues to expand, aid workers say, the people here will probably be forced to move again.



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13 August 2008

Amanda Burden  
Chair  
City Planning Commission  
22 Reade Street-Room 2W  
New York, New York 10007

Re: Willets Point Redevelopment – Public Testimony

The New York Chapter of the U.S. Green Building Council (USGBC New York) is proud to support the sustainable redevelopment of the Willets Point neighborhood.

The mission of USGBC New York is to advance buildings and communities that are environmentally responsible, profitable, and healthy places to live and work. Our parent organization, the US Green Building Council developed and manages the LEED green building rating system, including the LEED for Neighborhood Development (LEED-ND) standard, which has been the driving force behind the surge in green buildings. Our membership includes many of the country's foremost architects and engineers, the city's most highly regarded developers, builders, and product manufacturers and many other citizens concerned with the future of New York City and it's environs.

If you live in New York and care about the environment, you should care about buildings and where they are located. Buildings account for 79% of this city's greenhouse gas emissions, 95% of its electricity use and 85% of its water use. Whether you are concerned with climate change, loss of biodiversity, air pollution or protecting our watershed, in New York it comes down to how and where we construct our buildings. The LEED-ND standard promotes the development of walkable, public-transit oriented neighborhoods located on infill, or previously developed, sites. In addition the standard mandates the mitigation of pollution caused by construction activity and encourages the construction of more efficient, healthier buildings.

Per capita vehicle-miles traveled continues to rise dramatically both around the country and here in the New York City region. More time in cars means worse air pollution, more greenhouse gas emissions and less physical activity. We spend time in automobiles that would be better spent fostering vibrant, healthy communities. The LEED-ND standard encourages the

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13 August 2008

**City Planning Commission**

Re: Willets Point Redevelopment – Public Testimony

Page 2 of 2

development of dense, mixed use communities not reliant on automobiles for basic transportation needs. And the buildings that comprise that neighborhood will typically use less energy, less water and provide a healthier indoor environment.

The New York City Economic Development Corporation has committed to a LEED for Neighborhood Development Certified project at Willets Point. This commitment ensures that the Willets Point redevelopment will be a compact, open community of diverse uses with significant public transportation options. As a result the proposed community will be far healthier, have a much lower environmental impact and will be more likely to foster a vibrant, walkable neighborhood.

USGBC New York is proud to support the forward thinking, sustainable redevelopment of the Willets Point neighborhood.

A handwritten signature in black ink, appearing to read 'Yetsuh Frank', with a long horizontal line extending to the right.

Yetsuh Frank AIA, LEED AP  
Director, Programs & Policy  
USGBC New York

# RWDSU

Stuart Appelbaum, *President*  
Jack C. Wurm, Jr., *Secretary-Treasurer*

Retail, Wholesale and Department Store Union

Commenter #30

Testimony before the New York City Planning Commission

Retail, Wholesale and Department Store Union  
Jane Thompson, Political Director  
August 13, 2008

Good afternoon. Thank you Amanda Burden, Chair of the New York City Planning Commission and all of its members for the opportunity to testify today on the Willets Point Redevelopment Plan. My name is Jane Thompson, Political Director of the Retail, Wholesale and Department Store Union (RWDSU). I am here on behalf of our President, Stuart Appelbaum and the 45,000 men and women we represent in the New York City area. Our members work in retail, grocery stores and drug stores in the five boroughs.

Retail has replaced manufacturing as the job of entry for workers in New York. One out of every five workers is a retail worker. Too many retail jobs provide low wages and little, if any, benefits like health care. As a result, all too often retail workers do not earn enough to provide a decent standard of living for themselves and their families. Economic development that results in permanent jobs that keep people in poverty accomplishes nothing. In fact, economic development like that causes more harm than good - hurting communities and lowering standards. That is why we are so pleased that the administration is taking another approach at Willets Point.

In the Willets Point plan, the retail worker's needs and concerns are being factored into a major investment economic development project. Through agreements reached with the City, language will be included in the Willets Point RFP that encourages commercial and retail uses to attract and enhance the current mix of retail offerings in the area.

As a result of the agreements, the RFP will also include language to discourage suburban model big box stores that typically pay low wages and offer no health benefits. And the RFP will include language that favors developers that maximize the number of permanent jobs that meet the City's living wage and health benefits standards.

These agreements are a giant step forward for our retail work force.

We will work enthusiastically with the community and the administration to ensure that the development at Willets Point supports policies that require higher standards, raises opportunities, builds communities, and encourage businesses to invest in their workforce. The end game cannot be economic development in itself - but rather development that truly benefits workers and their communities. And we believe that Willets Point will be that kind of development. We encourage you to vote in favor of the project.



Molnar -  
CUNY Institute for  
Sustainable Cities



Statement read by Carina Molnar | Outreach Coordinator  
CUNY Institute for Sustainable Cities  
~~Community Board 7~~ Public Hearing  
City Planning Commission

The Institute supports the concept of making Willets Point a model sustainable community. We feel that lessons learned in this real life laboratory could and should be translated to other neighborhoods of the city that are attempting to lighten their environmental impacts. For much of the past century Willets Point has been associated with environmental problems - stretching back to the 'valley of ashes' and more recently, the petroleum contamination in surrounding water ways.

Officials with the City of New York have proposed a bold plan for the community. But of course, as with any change, there is potential for hardship. CISC acknowledges that the plan will cause the relocation of many businesses and jobs and that the resolution of these burdens must be resolved fairly and equitably. We truly hope there are opportunities to include these workers in the developing green economy.

But CISC's primary focus lays in trying to define pathways through which cities - in their shape, organization, and spirit - can function as solutions for environmental burdens and urban sustainability. We feel that the Willets Point proposal presents an opportunity to combine urban and environmental resilience. The plan once implemented would help remediate some of the pollutant runoff now going into the greater Flushing Bay and Creek watershed and the raising of the surface would make the area less vulnerable to current flooding and future heightened risk associated with climate change and sea level rise.

Most importantly though, ~~some~~ design that seriously considers and integrates sustainability into the everyday experience of people is very much needed. The Willets Point plan moves the question of sustainable design and practice beyond the building and into the neighborhood.

The plan as it stands is not perfect - such plans never are - but we at CISC feel that this is an opportunity to bring together a tremendous amount of innovative thought and cutting edge understanding of sustainable community design. We at CISC are excited to see the plan enter into public debate and eventually move forward.

Handwritten text at the top left of the page, possibly a header or title, which is mostly illegible due to blurring and low contrast.

**Statement for the Willets Point Rezoning City Planning Commission Hearing**  
by  
**L. Nicolas Ronderos, Senior Planner, Regional Plan Association**  
**August 13, 2008**

Good afternoon. My name is Nicolas Ronderos and I'm a Senior Planner for Regional Plan Association, a private, nonprofit research and planning organization serving the greater New York metropolitan region.

The stakes in this project are high. The proposed plan would displace an estimated 260 businesses and 1,700 employees engaged in auto repair, construction and other uses in a city that is seeing its industrial sector increasingly squeezed. The City would also invest substantial public funds in new infrastructure to support the project. However, for a number of reasons, it is time for the redevelopment of Willets Point to move forward, and Regional Plan Association supports this project.

First, redevelopment will bring a wide range of economic and community benefits. The City expects the redeveloped site to generate approximately \$2 billion in economic activity and an increase of around 5,000 jobs, in addition to nearly 6,000 units of needed housing, community facilities and 8 acres of open space. It will also connect the nearby thriving residential neighborhoods of Flushing, Corona and Queensboro Hill with the largely commercial and industrial College Point area and integrate a number of Queens attractions, including the new Citi Field, Flushing Meadows-Corona Park and the National Tennis Center. The proposed neighborhood has also qualified as a "green neighborhood" by the U.S. Green Building Council.

However, if it were only a question of replacing these largely industrial jobs with higher value activities, then it would be questionable whether there was sufficient justification for the use of eminent domain that goes with this kind of large-scale urban redevelopment. Instead, it would be preferable to redevelop the site incrementally, ideally in a way that retains some of the original businesses.

However, there is another aspect to Willets Point that requires wholesale redevelopment. The District's long history of industrial use, informal business practices and lack of basic infrastructure – including poor road and sidewalk conditions, chronic flooding and limited storm and sanitary sewer infrastructure – has left a legacy of hazardous contamination. PCBs, heavy metals, and pesticides leach into Flushing Bay and impair air quality for workers and nearby residents. In order to remediate the area and prevent future pollution, contaminated soil will have to be removed or covered with clean fill. Storm sewers need to be installed. Without clearing the site and starting over, not only will we be left with an area that is underperforming in its economic potential, but also we will be shirking our responsibility to protect public health and the urban environment.

This does not mean the plan proposed by the City cannot be improved. There are a host of potential benefits that should be maximized. A leading issue is the number of housing units that will be affordable to low and moderate-income households. Pedestrian access to the waterfront and to adjoining neighborhoods, a desire of local communities, has not been solved. Relocating displaced industrial jobs must be done as completely and effectively as possible. The feasibility and benefits of a convention center on the site is an unresolved issue. City resources, and the dollars that can be generated by redevelopment of the site, are too scarce to meet all of these needs, so trade-offs need to be made. However, the important point is to move the process forward and take advantage of this opportunity to make Willets Point a model of both economic and environmental sustainability.

Thank you for the opportunity to testify at this public hearing.



**TESTIMONY OF THE REAL ESTATE BOARD OF NEW YORK INC BEFORE THE NEW YORK CITY PLANNING COMMISSION CONCERNING THE WILLETS POINT DEVELOPMENT PLAN**

August 13, 2008

The Real Estate Board of New York, Inc. is a broadly based trade association of more than 12,000 owners, developers, brokers and real estate professionals active throughout New York City. REBNY supports the redevelopment of Willets Point. As part of a land use strategy for all of the Flushing area, this plan envisions high quality mixed use development, improved connections with adjacent regional destinations and enhancements to public open space, streetscapes and transportation. We commend the City for taking a comprehensive look at Downtown Flushing, the waterfront area and Willets Point. Willets Point is transit-accessible via the Long Island Railroad and the #7 subway line and therefore is a good place from a planning perspective to put new development.

The Willets Point Development Plan will address a number of environmental factors and will lead to an improvement in those factors. Through redevelopment, longstanding environmental problems such as contamination on the land, lack of sewer connections and poor stormwater management can be addressed. Furthermore the new development will have the opportunity to incorporate the most up-to-date sustainable design practices.

There are two areas that must be examined during this review. Attention should be paid to auto access from Roosevelt Avenue and Northern Boulevard to ensure that there will be efficient traffic flow at the site. We also recommend that the City assess the areas of the city that are zoned for the light industrial and auto-related uses to ensure that adequate space exists for these uses as well.

The borough of Queens has been growing in population and is projected to continue that growth in the coming years. Between 2000 and 2030, the Queens population is expected to increase by 15%. Given the lack of available land, we need to look for new places to build the substantial number of new units that we need to offer housing options for everyone. Under the proposed rezoning, it is projected that 5500 new dwelling units could be constructed over 10 years in Willets Point and this is very important toward reaching the City's housing goals.

The new development would have tremendous economic impact by creating construction jobs, new permanent jobs and additional tax revenue for the City. We support the redevelopment of Willets Point because its overall impact will be positive for the City. Thank you.

TESTIMONY BEFORE THE NEW YORK CITY  
PLANNING COMMISSION

THE RE-ZONING AND RE-DEVELOPMENT OF  
WILLETS POINT

SUBMITTED BY:  
JACK FRIEDMAN  
EXECUTIVE VICE PRESIDENT  
QUEENS CHAMBER OF COMMERCE

AUGUST 13, 2008

Commissioner Burden and Members of the New York City Planning Commission. My name is Jack Friedman and I am the Executive Vice President of the Queens Chamber of Commerce. For 97 years, the Queens Chamber has strived to increase economic development opportunities, support workforce and job growth opportunities and in general support projects favorable to commerce in the Borough. The re-zoning and re-development of Willets Point is a plan that will accomplish all three.

I first want to recognize the importance of the existing businesses at Willets Point, some who have been there for generations. These are not unreasonable people. Many are Queens Chamber of Commerce members. They are hard working families who have worked under adverse conditions to keep their businesses alive. I must re-enforce my opinion that the City must negotiate in good faith with these property owners. The City needs to be responsive to their needs and treat them fairly.

I would like to thank John Young and his team of planners from the Queens Planning office. John's insight and understanding of how re-zoning this 60+ acres of land in the heart of Queens has been instrumental in getting us to where we are in the process today. I have had the pleasure to work with John on many initiatives in the past and Willets Point is just the latest evidence of John's knowledge, concern and understanding necessary in a difficult and complex re-zoning process.

Three things stand out for the Queens Chamber of Commerce and myself as we discuss this plan. First, is an opportunity for a first-class Convention Center. Second is an opportunity for new temporary and permanent jobs. And lastly, an opportunity to create incremental trade and tax revenue in an area that is a blight on the community.

A First-class convention center is tremendously important to the borough. Currently, out-of-state visitors arrive at a Queen's airport, take a cab into Manhattan and spend nothing in our borough. Further, local businesses from Queens and the tri-state area have no alternative venues to the Javits Center that is both too large and too expensive to accommodate their conference, exhibition or trade show needs.

There are many projects being developed from around Queens that offer employment to thousands of workers on both a temporary and permanent basis. Many of these jobs are good Union jobs or jobs that pay prevailing wage. Through agreements, many of these jobs at Willets Point will be reserved for women, minority and Queens-based businesses. New York City and its residents need these jobs, especially in a tough economy.

By anyone's account, Willets Point is in disrepair. Rather than wasting time to point fingers of blame as to how that condition was allowed to develop, we need to stay focused on the unique economic development opportunities this area allows. No one benefits from working in an area so polluted and so run down, that a car can't even drive down the street. Its not good for the business owners, its not good for the workers, its not good for anybody.

The Queens Chamber of Commerce and I strongly support the re-zoning and re-development of Willets Point. We sincerely believe it is one of the most important initiative and opportunity the Queens business community has ever seen. We will continue to work with the Borough President, Claire Shulman and the Flushing, Corona Willets Point LDC and with EDC, making sure they fulfill their obligations to the multiple stakeholders involved. I urge you to support this application. In doing so, you are breathing life into an area that has enormous potential.

**Testimony by Albert Pennisi, Esq.  
President  
Queens Chamber of Commerce**

**Willetts Point Redevelopment**

Good afternoon Chairperson BURDEN and members of the City Planning Commission. Thank you for the opportunity to testify before you today.

The Queens Chamber of Commerce's number one priority has been to bring a Convention, Exhibit Center and Hotel to Queens County. The proposed redevelopment of Willetts Point would allow for this vision to become a reality.

Willetts Point is one of the last pieces of land of sixty plus acres, available for development in Queens and its development will promote economic growth, serve the markets need for a convention and exhibition center that is larger than Queens' hotels can currently provide. The overall plan for Willetts Point should serve the needs of the Queens' business community and the City of New York.

A Convention and Exhibit Center would provide Queens County and the City of New York tremendous benefits, by hosting large tradeshows, consumer shows, cultural events and visitors from the City of New York and nearby cities in the United States.

This location borders on major highways, mass transit, is one mile from LaGuardia Airport, ten miles from JFK Airport and a two hour flight from most major cities.

The Convention and Exhibit Center must be supported by a premier hotel, on-site. The hotel would accommodate New York City and visiting guests from outside the region. A hotel is critical to the support of the Convention and Exhibit Center on-site.

This is an extremely important financial benefit to the business of Queens and the City of New York in these economic times.

Development at Willetts Point is projected to create: 20,000 constructions jobs, 6,000 permanent jobs and generate over \$5 billion dollars over 30 years.

We do, however, recognize that this redevelopment must be pursued with an awareness that businesses currently operate at this location. The Economic Development Corporation must provide relocation, financial and technical assistance to ensure the shortest possible and least disruptive business relocations. New York City has selected LaGuardia College to work with displaced workers.

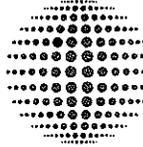
We applaud statements by Mayor Bloomberg and Queens Borough President Helen Marshall regarding the creation of a dedicated Business Relocation and Workforce Assistance Plans for the businesses currently located in the area. This relocation effort must be intensified by the Economic Development Corporation.

The Queens Chamber of Commerce looks forward to playing a continued role in this process and assisting in any way that we can. We are pleased that what began as a Queens Chamber of Commerce feasibility study has now grown to a point where there is a Master Plan and requests for proposals that includes our hotel and conference and exhibit center concept.

I urge you on behalf of the Queens Chamber of Commerce to vote in favor of the development of Willets Point.

Thank you again for your time today.

Commenter #26



**Partnership for New York City**

**TESTIMONY SUBMITTED TO THE NEW YORK CITY  
CITY PLANNING COMMISSION PUBLIC HEARING**

**WILLETS POINT REZONING**

**WEDNESDAY, AUGUST 13, 2008**

**KATHRYN WYLDE  
PRESIDENT & CEO**

**PARTNERSHIP FOR NEW YORK CITY**

Thank you for the opportunity to submit testimony on the rezoning and redevelopment of Willets Point.

The Partnership for New York City represents the city's international business leadership and its largest private sector employers. The Partnership works together with government, labor and the non-profit sector to promote economic growth and job creation in New York.

The Partnership has a significant record of investment in Queens as a result of housing programs that we sponsored in the 1980s and early 1990s. In particular, we were active in transforming South Jamaica from a crime-ridden network of junkyards and other substandard uses into a thriving residential neighborhood. Through the decades, it was always clear that Willets Point was a significant source of blight and an important opportunity for redevelopment and renewal. We congratulate the Bloomberg Administration for committing the resources required to transform this long-neglected area in the heart of Queens into a borough asset.

The plan under consideration will stimulate significant private investment, as well as commercial and residential development activity. We endorse the plan to establish this area as a regional destination, including one million square feet of retail space and 500,000 square feet of office space, a hotel, and a convention center. The potential for bringing tourists, conventions, meetings and trade shows to Queens builds on the presence of two international airports and promises to contribute to the city's tax revenues and job base.

comprehensive program to address the needs of businesses and workers currently in the area planned through the creation of a Local Development Corporation (LDC). The LDC will help ease the area's transition by providing assistance for businesses and workforce development for employees.

New York's next great neighborhood is also poised to make history as our city's first "green" community. The project has been accepted by the U.S. Green Building Council as a LEED-ND Pilot project. Major infrastructure improvements, such as a new sewer system, street network, and subway station access, will transform an area mostly known for its illegal dumping and constant flooding into a safe, clean neighborhood with new parks and playgrounds.

Two issues have been raised in the course of discussion of Willets Point that I want to address. The first is the use of eminent domain powers to assemble sites. The ability of government to take control of land in the public interest has been absolutely essential for the renewal and growth of our city. The Housing Partnership participated with government in development activities that were absolutely essential for neighborhood revitalization and were only possible because the city was able to clear title and assemble land through condemnation or the threat of condemnation. Private owners are not always rational—in other words, they will not always act in their own best financial interests, let alone the public interest. Willets Point represents a responsible and necessary application of eminent domain.

The second is the matter of how and when project developers will be selected. The Willets Point LDC and the City's Economic Development Corporation are effectively the surrogate developers of this site. This has been a common practice—one that the Housing Partnership and HPD employed on hundreds of ULURP actions—for moving forward with complex projects that were driven by the public and community interest, not by any individual private developer. In my view, the City Council should be engaged in making land use decisions that circumscribe how a property can be developed and what public benefits may be conferred on any developer selected for a project. With due respect, I do not think it is the job of the Council Members to negotiate the financial and detailed design terms of deals with individual developers. With the Willets Point LDC in place, I think the community interests are well protected in this project and that the selection of one or more developers will be handled responsibly.

At a time when the city economy is facing serious challenges, Willets Point redevelopment promises to provide an important economic stimulus. We urge the Planning Commission to approve this rezoning without reservation.

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**Queens Community Board 7  
Hearing on Willets Point Development  
June 30, 2008**

**New Yorkers for Parks Testimony**

My name is Okenfe Aigbe Lebarty and I am the Government and Community Relations Manager at New Yorkers for Parks - the only independent watchdog for all the City's parks, beaches and playgrounds. For nearly 100 years, New Yorkers for Parks has worked to ensure greener, safer, cleaner parks for all New Yorkers.

Thank you for holding this important hearing on the Willets Point Redevelopment. Willets Point, also known as the Iron Triangle, a 13-block area located near the Flushing and Corona neighborhoods in Queens consisting largely of auto repair shops, junkyards, and other industrial and small businesses<sup>1</sup>

We are here today to applaud the administrations efforts to increase parks and open space in Queens through the Willets Point Redevelopment by about eight acres of open space. We support their plan to have maintenance of the open space covered by the developers, since maintenance funds are very difficult to obtain especially in light of the current fiscal situation facing the City's economy.

We understand the city is currently in the early stage of community review process of the plan, we hope that as the process moves along, the Administration will provide a more detailed plan on some lingering questions, such as the total acreage devoted to open space, will the proposed

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<sup>1</sup> PlaNYC planning information portal: <http://www.plannyc.org/QN-07>  
New Yorkers for Parks • 355 Lexington Avenue • New York, NY 10017 • p. 212.838.9410 • f. 212.371.6048

Green Roof be public or privately assessible? What is the shade impact on the courtyard? And what are the design standards for the implementation of the open space?

We look forward to working with all the stake holders and the City to ensure that every park is green, clean and safe today and in the year 2030. Thank you.

### **Talking points for Willets Point public hearing**

My name is Peter Ward and I am the President of the New York Hotel and Motel Trades Council. We are the union representing 30,000 hotel workers in New York City.

- Our support for the Willets Point redevelopment stems not just from the City's commitment to ensuring that the future hospitality jobs there are quality, union jobs – but from the fact that over 1,000 of our members live in Flushing and Corona, the neighborhoods that will be most affected by the redevelopment.

Willets Point has become an historic opportunity:

- reinvesting in an important but neglected neighborhood;
- creating a model green community; and
- establishing a haven for working-class people with good jobs in the neighborhoods where they live.

Applaud Bloomberg and affordable housing advocates for engaging in a constructive dialogue.

- Creating more low- and middle-income housing is one of the most pressing needs working class people face in New York City.
- I strongly believe the City is committed to a significant proportion of affordable housing at Willets Point, .

I applaud the administration and EDC in making an unprecedented effort to handle property acquisitions and business relocations in a fair and responsible way.

- Property acquisition and the use of eminent domain are very complicated, and in no case is everyone going to be satisfied with what happens.
- Given the extraordinary and holistic effort the City is making to accommodate the landowners, businesses and workers at Willets Point, this will be resolved in the best way possible for all stakeholders involved.

Willets Point is important for preserving quality jobs city-wide:

- Hotel workers have fought for generations to change low-wage, exploitative work into a stable, middle-class occupation.
- Non-union hotel companies are threatening that.
- By guaranteeing to support workers' rights at a redeveloped Willets Point, Mayor Bloomberg is taking a stand to prevent a city-wide race to the bottom.

The administration is working to make this project an opportunity to change the way development happens in New York:

- Cleaning up the environment and pioneering green building on a comprehensive, neighborhood scale;
- Providing good jobs and opportunity in the neighborhoods working people live in; and

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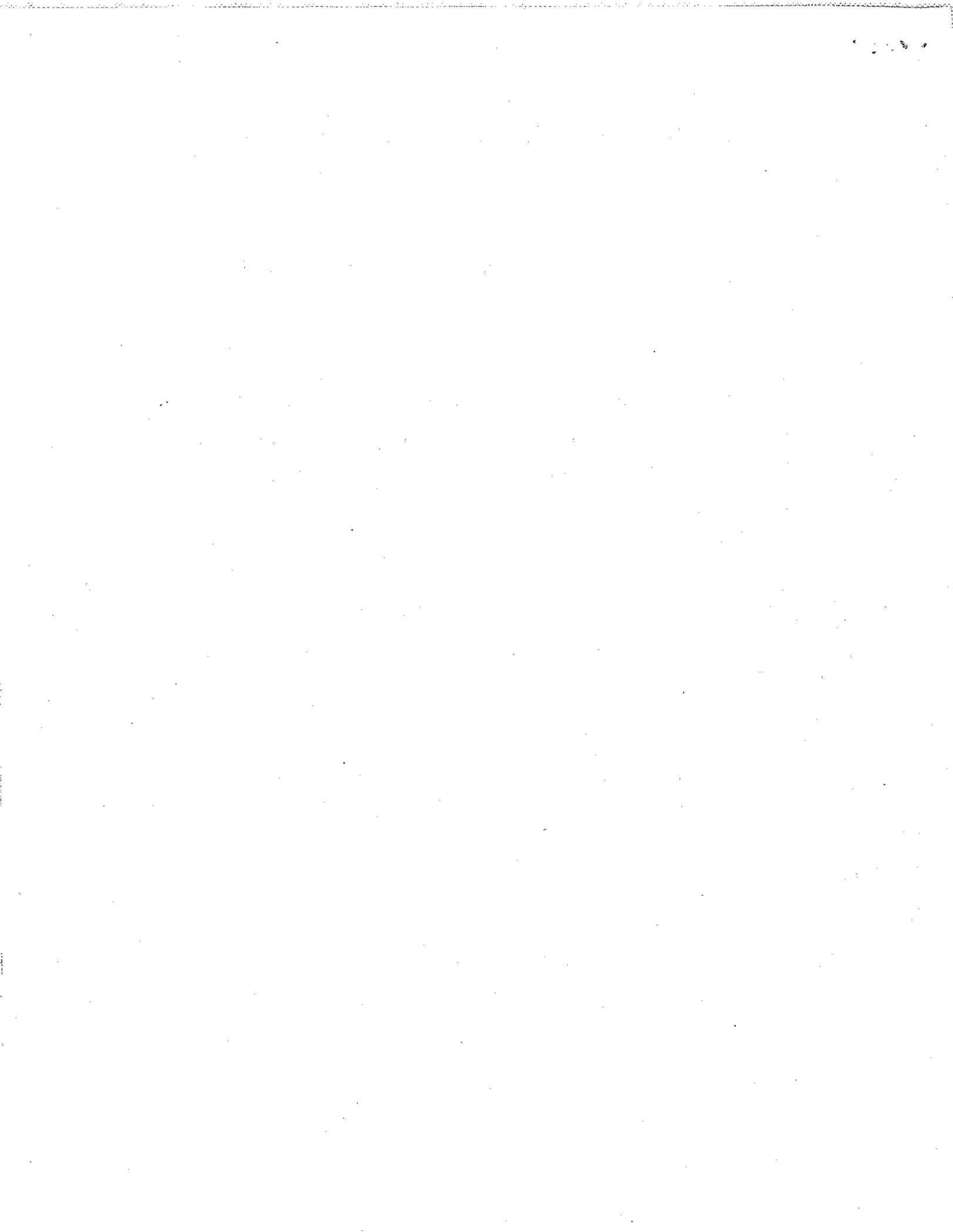
- Cleaning up the environment and pioneering green building on a comprehensive, neighborhood scale;
- Providing good jobs and opportunity in the neighborhoods working people live in; and



- Taking care of the people and businesses that are displaced in the process.

The city's plan to clean up and revitalize Willets Point is just the kind of bold and innovative economic development project our city needs more of.

I respectfully request that the City Planning Commission approve the Willets Point Redevelopment, and look forward to working with the administration, City Council and all of the stakeholders to bring this critical and precedent-setting project to fruition.



Testimony to City Planning Commission Regarding Willets Point

Dan Wempa, Vice President of Government Affairs, New York Hall of Science

August 13, 2008

Tishman Auditorium

40 Washington Square South

Good afternoon, Commissioner Burden and members of the Committee. I am Dan Wempa, Vice President of Government of Affairs for the New York Hall of Science. I am here to speak to the importance of the Willets Point redevelopment, particularly the proposed conference center, hotel, and supporting amenities this project will bring to northern Queens. This has the potential to dramatically transform the cultural life of our Borough.

It will entice people to come to Queens and contribute their discretionary time and money to the benefit of our Borough. Furthermore, the redevelopment of Willets Point will add to the resurgence already underway in Flushing Meadows Corona Park. All of the Park's cultural institutions are making dramatic improvements to our facilities and developing new opportunities to engage with our audiences. The Hall of Science, Queens Botanical Garden, Queens Theatre in the Park, and Queens Museum of Art have all recently completed—or will soon complete—major capital improvements. Our audiences are soaring and along with the Mets and USTA expansions, and the new Flushing Meadows Pool & Rink, we are building a destination in northern Queens.

Together, these projects represent billions of dollars of investment—both public and private—providing services to millions of people each year. More importantly, these projects are an investment in the future of Queens, branding our borough as a destination for cultural tourism.

These exciting projects are occurring alongside the commercial and residential developments that are reinvigorating Flushing, Corona, and all of northern Queens. Forty-three residential developments are either planned or already in construction, and a

redeveloped Willets Point will unify northern Queens as a focal point for tourism and recreation.

To give just one example of the potential we envision for this redevelopment: in July, more than 100,000 people came to Flushing Meadows for two Billy Joel concerts. They came from all over our region and beyond. They bought tickets, food and souvenirs. Then they got in their cars, or caught their trains, and left. If we provide people with an opportunity, they will come to Queens and contribute to our culture and our economy. And if we build a hotel and convention center at Willets Point—if we strengthen Queens as a world-class recreation and exposition venue—more people will come more often and they will stay longer to see more of what we have to offer.

More importantly, an influx of tourism means more economic development, more investment in cultural institutions and more benefits for Queens.

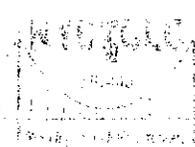
The project will create a vibrant corridor between downtown Flushing, our expansive Park, and the rest of northern Queens. In supporting this redevelopment, we echo the concerns of Queens Borough President Helen Marshall and urge the City to work with the current property owners, to assist businesses with relocation, and to stand behind its commitment to provide job training to those workers displaced by the project. We trust that the City will live up to its obligations and look forward to seeing the Willets Point redevelopment move forward, creating a new destination for residents of Queens, the City, and tourists from beyond the five boroughs.

NEW YORK CITY

**CENTRAL LABOR COUNCIL**

AFL-CIO

100 Nassau Street, 10th Floor, New York, NY 10038  
Tel: 212-692-1000 Fax: 212-692-1001



**Testimony to the City Planning Commission**

**Re: Willets Point Redevelopment Plan**

**The New York City Central Labor Council  
Wednesday, August 13, 2008**

The NYC Central Labor Council, the umbrella organization for the City's labor unions representing 1.2 million workers, urges the City Planning Commission to vote yes on the Willets Point Redevelopment Plan. The CLC applauds the historic agreements made with the City to enact broad labor standard agreements on this project. After months of negotiations, the New York City Economic Development Corporation recently came to an agreement with the New York City Central Labor Council to include language in the plan's Request for Proposals to require the selected developer and contractors to pay prevailing and living wages, hire workers from state-certified apprentice programs, encourage expanded and enhanced retail uses, and discourage suburban models of big-box stores. The agreements ensure that workers and families in all communities can participate in and benefit from the City's economic growth and prosperity.

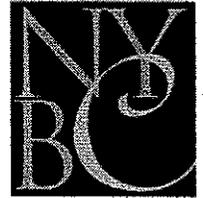
The Willets Point Redevelopment will become a major engine for economic growth for Willets Point and neighboring communities, creating thousands of construction and permanent local jobs and business opportunities. The redevelopment plan will include thousands of housing units serving a mix of incomes and demographics, new retail and entertainment facilities, a new, high-quality hotel, New York City's first outer borough convention center, office space, open space, parks, and playgrounds and a new public school.

A strong economy needs a strong, healthy workforce. These agreements protect workers' futures as we build the City's future. As the City continues to experience this incredible building boom, those working in and out of the buildings will be protected by these fair labor standards. By labor standards we mean meaningful training and career opportunities, good jobs defined by livable wages, prevailing wages for all retail, building service and construction jobs. These agreements will serve as a template for all city development projects.

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**VIA OVERNIGHT MAIL**

August 19, 2008

Ms. Amanda Burden, Chair  
New York City Planning Commission  
Calendar Information Office  
22 Reade Street, Room 2E  
New York, NY 10007-1216

OFFICE OF THE  
CHAIRPERSON  
AUG 21 2008

**Re: Willets Point Rezoning and Redevelopment**

Dear Chair Burden and Commissioners:

On behalf of the New York Building Congress, the City's largest and most diverse coalition serving the common interests of the design, construction and real estate industry and involving 1,500 members from 400 constituent organizations, please accept this letter in lieu of testimony at the August 13 City Planning Commission public hearing on the Willets Point Redevelopment Plan.

Over the past seven years, the Building Congress has applauded the Bloomberg Administration for its extensive master planning and rezoning efforts, including its commitment to transit-oriented development and collaboration with communities and New York City agencies to revitalize neighborhoods and stimulate economic activity in each of the five boroughs. The Building Congress has supported this strategic plan by endorsing comprehensive - sometimes controversial - rezoning initiatives undertaken by the City, including those for Jamaica, Queens, Greenpoint-Williamsburg, Brooklyn, and the 125<sup>th</sup> Street corridor in Manhattan, all of which have secured City Council approval.

Though it has its share of challenges, the Willets Point Redevelopment Plan likewise presents a holistic approach to improving economic conditions and the quality of life for New Yorkers. As the Building Congress stated in a May 2, 2007 letter to the New York City Economic Development Corporation on the proposed scope of work for the Willets Point Development Plan Draft Environmental Impact Statement, conceptually, the plan holds significant promise for advancing the Bloomberg Administration's PlaNYC 2030 initiative to address New York's projected growth rate and long-term future. For example, among the strategies for accommodating New York's extensive housing needs, PlaNYC acknowledges the City's fixed land supply and stresses the importance of using space more efficiently. The Willets Point Redevelopment Plan would heed that call by making efficient use of space through the remediation of a 60-acre brownfield and the transformation of a largely underutilized area into a vibrant, mixed-use community that includes up to 5,500 units of housing, a substantial portion of which will be affordable. This transformation will be especially dramatic given the designation of Willets Point as a LEED-ND pilot project by the



Willetts Point Development Plan  
Draft Environmental Impact Statement  
August 13, 2008

The Municipal Art Society of New York is a private, non-profit membership organization whose mission is to promote a more livable city. Since 1893, the Society has worked to advocate excellence in urban design and planning, contemporary architecture, historic preservation and public art. The Municipal Art Society, having submitted scoping comments on May 14, 2007 offers the following testimony to the Department of City Planning on the Willetts Point Development Plan.

We may all agree that Willetts Point is in need of reinvestment given the substandard infrastructure conditions that currently exist on this sixty-one acre site; however, *how* and *to what* end this area should be redeveloped are key issues. The Municipal Art Society questions the New York City Economic Development Corporation's development plans on two points: first, with respect to the proposed change in land-use, has the dramatic transformation from manufacturing to a mixed-use residential/commercial development concept received the careful, thorough examination it deserves? And second, with respect to the EDC's proposed ownership model, given the current economic climate doesn't structuring the plan around a single developer risk long delays at the cost of promised public benefits?

Equally important is the issue of declaring the site an Urban Renewal area, allowing the use of eminent domain. In this circumstance, MAS believes the redevelopment plan must meet such additional criteria for citizen participation and allocation of city resources as articulated in the urban renewal principles presented in this testimony.

The Willetts Point Development plan currently in the ULURP process requires the following three actions:

- 1) Designation of the site as an Urban Renewal area, defining acquisition and disposition of properties.
- 2) Demapping of all public streets on the 61 acre site.
- 3) Zoning changes from M3-1 and R3-2 to a C4-4 district

**Land-use: Is Willetts Point ripe for residential development?**

The Willetts Point Development plan is being hailed as both an opportunity to create a "dynamic sustainable community" (DGEIS 3-2) and a "transit-oriented development that would leverage the District's superior transit and highway infrastructure" (DGEIS 6).

Although the concept of mixed-use districts characterized by pedestrian friendly, activated streetscapes is a laudable goal that the MAS generally supports, we question whether the Willets Point site is appropriately suited for this type of development. Furthermore, the Willets Point site has been slated as a LEED Neighborhood Development (LEED-ND) Pilot Project and while the sustainability criteria under LEED-ND focus on transit infrastructure and green building as well as innovative technological solutions for energy efficiency, these goals often eclipse the imperative to also achieve social and economic sustainability. The City has not seriously considered alternate development scenarios for land use and, as the following discussion will illustrate, it is not clear that Willets Point is at all suitable for residential living.

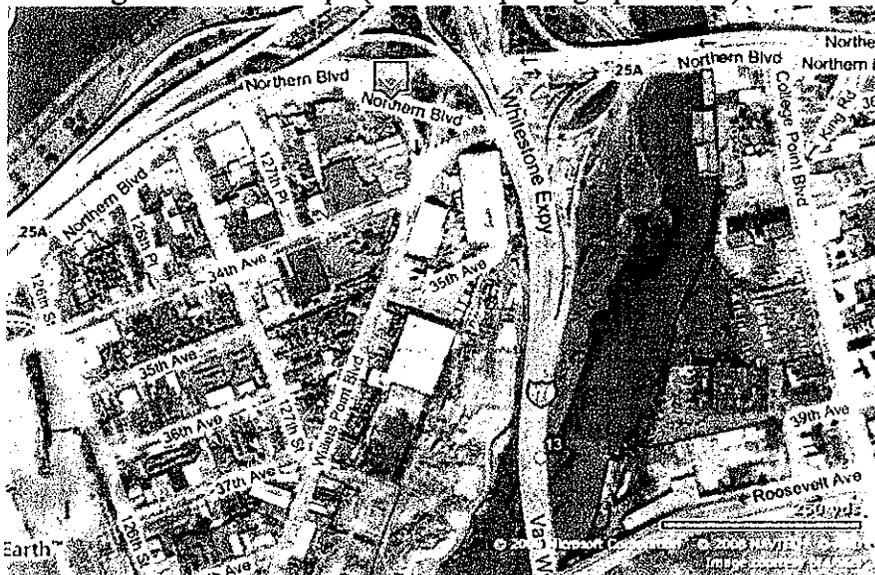
The site abuts an undeveloped MTA site, which according to the DGEIS will remain undeveloped even with the proposed redevelopment (DGEIS 3-28) and is most probably slated by MTA as an expansion site for the Corona Yards.<sup>1</sup> As a result, as currently proposed, residential development, which is to comprise approximately 62% of the proposed allowable square footage to be developed on the site, would either be built along side major highways, an unsightly undeveloped industrial site, or railyards. Thus, in addition to the potential public health hazards due to the site's location and contamination, its lack of connectivity to surrounding neighborhoods will isolate potential residents of the development.

Additionally, the commercial and convention center aspects to the development are unlikely to fulfill the intention of transit-oriented development and sustainable development as potential visitors to the commercial areas are more likely to drive there than take public transit. While most of the site may technically be within a 10 minute walk to the subway lines, in reality the site is located such that it facilitates automobile access. The DEIS acknowledges that the proposed plan will generate significant vehicular traffic increases. Unlike the "existing lower-density uses currently within the Willets Point Development District...", the Willets Point Development Plan is expected to be a significant traffic generator on both the highways surrounding the District—including the Grand Central Parkway, the Van Wyck Expressway, and the Whitestone Expressway—and the local street network" (DGEIS 17-2). Given the emissions and noise pollution to which residents would be exposed, due to increased vehicular traffic; the site's condition and the plan's impacts will negate the goals of creating a residential, pedestrian friendly streetscape and sustainable neighborhood. The bleak assessment regarding traffic and parking begs the question: what makes this a sustainable and transit-oriented neighborhood development plan?

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<sup>1</sup> NYC EDC (2004) Request for Expression of Interest: Development of Willets Point Queens.

The aforementioned major highways create a boundary around the site, and would effectively hem in this new neighborhood and interrupt pedestrian access to the waterfront. Northern Boulevard, running along the Western side of the site counts multiple lanes of moving traffic on elevated roads with lanes of traffic below. The White Stone / Van Wyck Express Ways, which converge with Northern Boulevard at the Northern tip of the site, also consist of multiple lanes of elevated thru-way traffic, not including on and off ramps (see aerial photograph below).



Highway underpasses present formidable psychological barriers to successful pedestrian pathways and highway noise notably reduces the quality life of nearby residents with particularly detrimental effects on children.<sup>2</sup> The DEIS has already acknowledged that “noise may interfere with human activities, such as sleep, speech communication, and tasks requiring concentration or coordination. It may also cause annoyance, hearing damage, and other physiological problems” (DEIS 20-2). In the case of Willets Point, current measures of noise levels are fairly high to begin with and with the proposed project according the DEIS would have to be “attenuated” (DEIS 20-13). Moreover “[t]he noise levels and the impacts predicted exclude noise from aircraft operations at LaGuardia Airport, which is adjacent to the District” (DEIS 23-14). As a result, the livability analysis is flawed and does not adequately address whether existing noise-level conditions should preclude outright residential and particularly school uses on the site. Furthermore the analysis only takes into consideration the incremental change in noise pollution due to the plan and does not assess whether the existing conditions are appropriate for residential living and schooling. The question is: how will the current site conditions that cannot be altered impact adults and children mentally and physically?

<sup>2</sup> <http://www.theatlantic.com/issues/97aug/langdon.htm>

**Land Use: Transit-oriented Industrial Development and Sustainability:**

The city has been marketing the Willets Point Development plan as a “sustainable” neighborhood development; but, what do we mean by “sustainability”? While technically the plan might certify under LEED-ND, the sustainability criteria associated with this program do not fully address the socio-economic costs associated with the wholesale removal of viable businesses and potential industry clusters; nor does it adequately respond to long-term economic sustainability plans for the city as a whole.

Since the City has only a sustainability framework and not a comprehensive long-term plan, it is hard to weigh the impact of any given individual rezoning action and the consequent redevelopment of particular areas, such as Willets Point. PlaNYC does not offer a long-term vision for economic development and the development of new industries, yet the City continues to propose the removal of manufacturing zones from its land-use map. The City’s plans for Willets Point, among others, raises crucial questions regarding the long-term costs to the City of removing these sites that have potential to host new industries, especially green industries. Since environmental testing has been limited thus far, the full extent of environmental contamination is not known. Some parcels may be more contaminated than others, thereby raising the price of remediation. Rather than supporting or catalyzing redevelopment through public sector investment in infrastructure, the proposed plan facilitates the erasure of an industrial land-base at a time when New York City is rapidly losing areas for manufacturing and industrial firms to locate and expand. Other cities, such as Los Angeles and Chicago are grappling with precisely this issue and initiatives closer to home in the Bronx and Brooklyn should be models of how we plan for a sustainable future that aligns sustainability concerns with real opportunities for economic and industrial growth. This means, however, having a comprehensive land-use plan that understands and incorporates the changing needs of new industries and related firms.

Given its adjacency to other industrial sites, its relative proximity to the College Point industrial park, and its accessibility to major transportation routes as well as the airport, the site may be more appropriate for strategic investment in industrial uses. Access to the Van Wyck is invaluable to manufacturers, especially those with a regional customer base. Prospective industrial developers may have been wary of assembling properties in the area due to the lack of infrastructural investment by the City. The City should, therefore, seriously and thoroughly examine the Municipal Services alternative the EDC has proposed in the EIS for its potential to catalyze industrial reinvestment in the area. Furthermore, the site holds the potential for increasing freight transport via barges. The Maritime study released by EDC in 2007 recognizes barge traffic as crucial to long-term sustainability: “one standard dry barge, which carries garbage, sand, and gravel, can carry

the equivalent of 60 trucks.”<sup>3</sup> The DEIS states that barging activity at College Point is poised to increase in the future as the “converted North Shore MTS, in the College Point Section of Queens, to the east of the proposed Plan becomes operational in 2011.” How does this increase affect other potential recreational uses in the area? Does Willets Point represent an opportunity to increase water-born and intermodal freight transportation?

**Ownership: The *One-Developer Model* has not proven effective**

The Willets Point Development and Urban Renewal plans have been ill conceived.

- The City should invest in infrastructure and site preparation
- The City should incorporate a multiple-developer model with clear public oversight

In reserving the City’s action to rezone the area, acquire and assemble the land -- currently under private ownership -- and subsequently transfer the responsibility and financial burden for brownfield remediation, major site preparation, and infrastructure work to the potential developer, major community benefits, such as significant affordable housing, for example, may be cost-prohibitive and unrealizable.

The Willets Point development plan, which relies on a single developer for site preparation as well as build-out, is a redevelopment model that has not proven to be successful, as demonstrated by the Atlantic Yards and Hudson Yards projects. By eschewing the public sector’s responsibility to prepare the site and provide the public infrastructure necessary for redevelopment, the City is running the risk that the development at Willets Point, as at Atlantic Yards, will stall indefinitely. At the same time, if the City acquires control over the entire site – if necessary through the use of eminent domain – local property owners will have relinquished their stake in the area. This creates the possibility that the site will remain vacant and/or underutilized for years to come.

Battery Park City and Queens West, on the other hand, illustrate that a phased development process where multiple developers are granted development rights and where the project is overseen by a specially designated public authority may be a more effective model. Battery Park City has also demonstrated that such a model provides additional long-term revenue benefits to the City of New York by capturing funds that can be dedicated to affordable housing.

**Will the development result in significant affordable housing?**

As the proposal is currently structured, the City is taking on responsibility only for the acquisition of land from private property owners and for infrastructure improvements

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<sup>3</sup> Maritime Support Services Location Study

outside of the district, while any future developer will be responsible for remediation and site preparation. Since the City is seeking to designate Willets Point as an Urban Renewal area in order to be able to acquire private properties on the site through eminent domain, affordable housing must make up a significant portion of new development on the site should the land-use change be approved. Incentive FAR bonuses are not adequate, however, as they do not guarantee construction of affordable housing on the site. The cost of environmental remediation is unpredictable since Phase I and II testing "was conducted from public-rights-of-way, along street and sidewalk areas" only, and "permission was not obtained for access to the privately owned sites" (DGEIS, 12-5). If costs for remediation exceed what is predicted for the site, affordable housing will likely be the first casualty of a modified plan. Should the rezoning be approved before a final RFP for a single developer is selected, a defined amount of affordable housing, responding to the needs of the surrounding neighborhoods, should be guaranteed for the site; this should be included in the zoning text as *mandatory* inclusionary housing tailored to the specific needs of the surrounding Queens neighborhoods. The City should position itself as the broker of potential construction subsidies for the development, in return for the guarantee of their construction. The public should be advised as to whether market analysis data exists that supports the plan and the feasibility of creating a significant proportion of affordable housing.

### **Urban Renewal**

Underwriting the redevelopment of Willets Point is an urban renewal plan; as such, the plan should establish a nexus between the proposed redevelopment actions and the public benefits to be derived from the plan. MAS believes that the Urban Renewal Plan should meet the following principles:

**Principle: constructive outreach to and participation of all major stakeholders must serve as the foundation of the proposed plan**

The Willets Point plan seems to have been the outgrowth of a planning process primarily focused on the downtown Flushing area. The city appears to have failed to involve on-site business owners and property owners, whose livelihoods will be most directly affected by the proposed plans, in a deliberative process. These stakeholders would include not only the owners of the affected parcels but the operators/leasees of businesses as well. If eminent domain is used, the relocation process of current businesses would be best served by a detailed disposition of the businesses on site and their needs for space. Melrose Commons in the Bronx – also a LEED-ND pilot project – may serve as a model here; in this more inclusive process, property owners were approached on a lot by lot basis to determine who wanted to sell and leave and who wanted to stay with the urban renewal plan being built around them.

**Principle: the plan represents a strategic use of city resources**

The city has already set aside close to 395 million dollars to support the redevelopment of Willets Point; and as part of this plan the city will be using public monies to either buy out the owners or to pay fair market value via eminent domain. The question is whether the resources invested in the acquisition of properties and proposed infrastructure improvements outside of the district represent the best use of public monies when site preparation and site infrastructure improvement cost are to be borne by the developer of the site. The recent experience at Atlantic Yards serves as a cautionary note to the strategy of developer constructed infrastructure, as their decision making is tied more to capital market fluctuations, compared to the public sector.

**Principle: the plan supports long-term planning for sustainability, including social and economic sustainability.**

A widely accepted definition of sustainability identifies the Triple Bottom Line as a measuring tool to assess sustainability, which means developments should “perform to not just a single financial bottom line, but the simultaneous pursuit of economic prosperity, environmental quality and social equity - Profit, Planet & People.”<sup>4</sup> PlaNYC 2030 effectively sets guidelines to move our city in the direction of sustainable and “greener” development by focusing on our environment, our green spaces as well as housing, infrastructure and transportation needs; yet, the city lacks a comprehensive plan of how it intends to grow industries and create employment opportunities that give New Yorker’s the chance to gain skills and build assets as well as long-term security.

The Willets Point plan fails to address long-term economic sustainability. At the same time, the city’s industrial areas, such as the Brooklyn Navy Yard and even College Point just across from Willets Point, have very low vacancy rates, indicating a pressing need for adequate space for industrial firms; therefore, the city should carefully examine a development scenario that invests in and promotes industrial growth. (See above)

**Principle: the plan benefits existing affected community stakeholders**

As the city seeks to catalyze development in areas previously subjected to disinvestment by the city and the private sector, the needs of and costs to the local stakeholders must be carefully weighed against the projected public benefits.

In the case of Willets Point, the needs of the local property and business owners and workers as well as stakeholders in the two neighborhoods adjacent to the site must be carefully considered as the city seeks to declare an Urban Renewal area. The proposed benefits for the existing communities must be guaranteed by binding agreements and delivered according to an agreed upon, reasonable and predictable timeline. In particular,

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<sup>4</sup> <http://www.epaw.co.uk/homegloss.html>

current business owners, land owners and employees must be fairly treated not only to compensate for current losses but to ensure their future economic situation and growth. Employees should be placed in comparable employment in order to secure their families' survival and future. Seriously examining green industries as potential growth engines for NYC' employment base should be a priority when making land-use decisions, and support for such industries should be considered a strategic investment in the City's work force building crucial human capital.<sup>5</sup>

**Principle: the urban design as well as design of open spaces and parks promotes a public, open feeling and ensures public access.**

New Yorker's deserve quality urban design and architecture as well as public open spaces akin to parks or public plazas that are not susceptible to privatization.

As part of the proposed actions in the Willets Point redevelopment plan, the NYC EDC is asking the Planning Commission to demap public streets and acquire private properties to be developed by a single developer; thus, it is imperative that safeguards are included to ensure that the development maintains an open feel, is truly accessible to the public and welcoming to residents from surrounding neighborhoods. As our analysis illustrates, MAS has serious doubts that this is possible given the current site conditions, the proposed demapping of all of the streets and redevelopment under a one-developer ownership model.

**Principle: the plan includes a governance structure to ensure stakeholder participation in the monitoring of the development and design review process.**

Given the lengthy timeline for the Willets Point redevelopment and, consequently, the likelihood that any plan will change over time, a governance structure that gives relevant stakeholders oversight over the planning as well as monitoring process must be established – such as a local development corporation with broad representation.

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<sup>5</sup> New York Industrial Retention Network and Industrial & Technology Assistance Corporation. Manufacturing Green: Producing a Sustainable NYC, June 2006.



**Comments on the  
Willets Point Development Plan  
Draft Generic Environmental Impact Statement  
August 25, 2008**

**GENERAL COMMENTS**

The Municipal Art Society of New York is a private, non-profit membership organization whose mission is to fight for intelligent urban planning and preservation through education, dialogue and advocacy. The Municipal Art Society, having submitted scoping comments on May 14, 2007 and testimony to the Department of City Planning on August 13, 2008 offers the following comments on the DGEIS with the intention of identifying where the document is insufficient or incomplete in describing the scope of the FEIS for the project, the methodology for studying the project, and its impacts.

The Willets Point Development plan currently in the ULURP process requires the following three actions:

- Designation of the site as an Urban Renewal area, defining acquisition and disposition of properties.
- Demapping of all public streets on the 61 acre site.
- Zoning changes from M3-1 and R3-2 to a C4-4 district

MAS agrees with the New York City Economic Development Corporation that Willets Point is in need of reinvestment given the substandard infrastructure conditions that currently exist on this sixty-one acre site; however, *how* and *to what* end this area should be redeveloped are key issues. Given its adjacency to other industrial sites, its relative proximity to the College Point industrial park and its accessibility to major transportation routes as well as the airport, the site may be more appropriate for strategic investment in industrial uses. Furthermore the plan does not seem to address the socio-economic costs associated with the wholesale removal of viable businesses and potential industry clusters; nor does it adequately incorporate long-term economic sustainability for the city as a whole. In addition, given the economic climate it is risky to structure the plan around a single developer model. Finally, in declaring the site an Urban Renewal area and allowing the use of eminent domain, the plan must meet additional criteria for citizen participation and allocation of city resources as articulated in the urban renewal principles presented below.

**The Principles that MAS Believes Should Guide this Project**

In light of the use of eminent domain, the current economic climate and concerns about local sustainability, the following principles ought to guide this project.

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**1. MAS Principle: The project should be based on a plan that considers the input of community stakeholders.**

Willets Point Plan: The Willets Point plan seems to have been the outgrowth of a planning process primarily focused on the downtown Flushing area. The city has not adequately involved business owners and property owners in a convincingly deliberative process to bring on board those stakeholders whose livelihoods will be most directly affected by the proposed plans. This would include not only the owners of the affected parcels but the operators/lessees of businesses as well. If eminent domain is to be used, the relocation process of current businesses would be best served by a detailed disposition of the businesses on site and their needs for space. Another Urban Renewal Area project, Melrose Commons, may serve as a model here; property owners there were approached on a lot by lot basis to determine who wanted to sell and leave and who wanted to stay with the urban renewal plan being built around this more inclusive process.

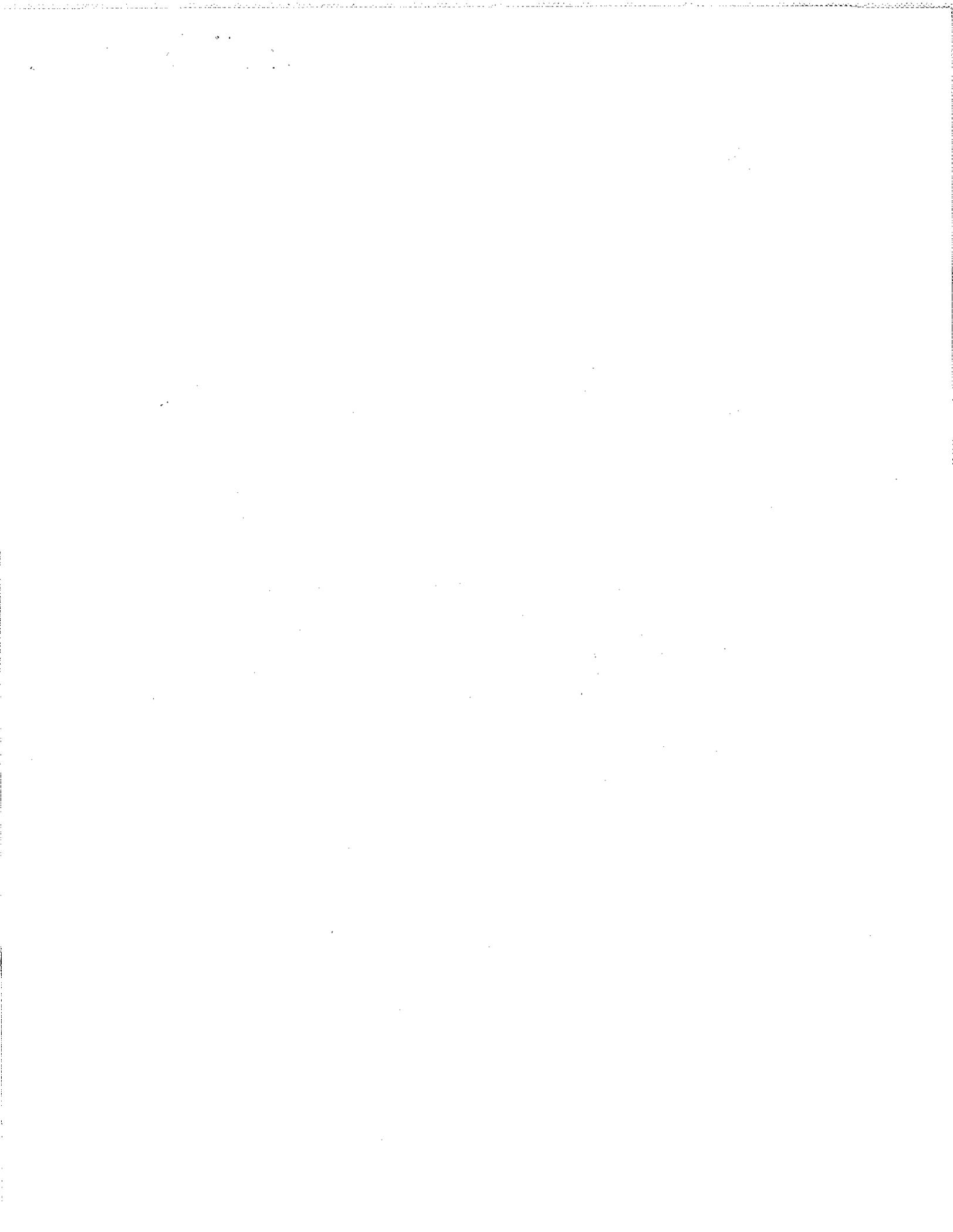
**2. Principle: The plan should represent a strategic use of city resources.**

Willets Point Plan: The City has set aside close to \$389 million dollars (City of New York Executive Budget Fiscal Year 2009) for the Willets Point Development Plan to either buy out the owners or to pay fair market value via eminent domain as well as for infrastructure investments adjacent to the district. The question is whether the resources invested in the acquisition of properties and proposed infrastructure improvements represent the best use of public monies when site preparation and site infrastructure improvement costs are to be borne by the developer of the site. Leaving the site preparation and infrastructure investment on the site to one developer could cause serious delay in the completion of the project. The recent experience at Atlantic Yards serves as a cautionary note to the strategy of single developer model.

**3. Principle: Long-term planning for sustainability should include social and economic concerns as well as environmental issues.** A widely accepted definition of sustainability identifies the Triple Bottom Line as a measuring tool to assess sustainability, which means developments should “perform to not just a single financial bottom line, but the simultaneous pursuit of economic prosperity, environmental quality and social equity - Profit, Planet & People.”<sup>1</sup> PlaNYC 2030 effectively sets guidelines to move our city in the direction of sustainable and “greener” development by focusing on our environment, our green spaces as well as housing, infrastructure and transportation needs; yet, the city lacks a comprehensive plan of how it intends to grow industries and create employment opportunities that give New Yorker’s the chance to

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<sup>1</sup> <http://www.epaw.co.uk/homegloss.html>



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gain skills and build assets as well as long-term security.

Willets Point Plan: The plan fails to address long-term economic sustainability. Rather than supporting or catalyzing redevelopment through public sector investment in infrastructure, the proposed plan facilitates the erasure of an industrial land-base at a time when New York City is rapidly losing areas for manufacturing and industrial firms to locate and expand. At the same time, the city's industrial areas, such as the Brooklyn Navy Yard and even College Point just across from Willets Point, have very low vacancy rates, indicating a pressing need for adequate space for industrial firms; therefore, the city should carefully examine a development scenario that invests in and promotes industrial growth.

- 4. Principle: The proposed benefits to stakeholders and the public should be enforceable.** As the city seeks to catalyze development in areas previously subjected to disinvestment by the city and the private sector, the needs of and costs to the local stakeholders must be carefully weighed against the projected public benefits.

Willets Point Plan: In declaring an Urban Renewal at Willets Point, it is critical to incorporate into the plan the needs of the local property and business owners and workers as well as stakeholders in the two neighborhoods adjacent to the site. Moving forward, the proposed benefits for the existing communities must be guaranteed by binding agreements and delivered according to an agreed-upon, reasonable and predictable timeline. In particular, current business owners, land owners and employees must be fairly treated not only to compensate for current losses but to ensure their future economic situation and growth. Employees should be placed in comparable employment in order to secure their families' survival and future.

- 5. Principle: If the plan moves forward, urban design, parks and open spaces should promote a public, open feeling and ensure public access.** New Yorker's deserve quality urban design and architecture as well as public open spaces akin to parks or public plazas that are not susceptible to privatization.

Willets Point Plan: As part of the proposed actions in the Willets Point redevelopment plans, the NYC EDC is asking the Planning Commission to demap public streets and acquire private properties to be developed by a single developer; thus, it is imperative that safeguards are included to ensure that the development maintains an open feel, and public spaces be truly accessible to the public and welcoming to residents from surrounding neighborhoods.

- 6. Principle: The plan should provide for continued input and monitoring from the public and stakeholders as the project progresses and potentially changes over**



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time.

Willets Point Plan: Given the long-time horizon for the Willets Point redevelopment and, consequently, the likelihood that any plan will change over time, a governance structure that gives relevant stakeholders oversight over the planning as well as a monitoring process must be established. The group, which could be a local development corporation, must have broad representation.

#### COMMENTS REGARDING THE DRAFT GENERAL ENVIRONMENTAL IMPACT STATEMENT

MAS submits these comments on the DGEIS with the intention of identifying clear concerns about the New York City Economic Development Corporation's development plans for Willets Point and to ensure that alternatives to the proposed plan are thoroughly examined and published so that the public can understand the different potential development scenarios for this site and their impact on sustainability, economic development potential and job growth.

#### **CHAPTER 1 - PROJECT DESCRIPTION**

**Site Conditions:** The FEIS should delineate how the site conditions came about, given the long history of disinvestment in the area's infrastructure. Given this history and the site's potential designation as an Urban Renewal area, the FEIS has to clearly spell out and quantify the public benefits derived from the proposed action and secure a timeline for when these benefits will be delivered. The FEIS should furthermore, thoroughly examine alternative development scenarios, such as the municipal services alternative and an eco-industrial park alternative.

**Project Purpose and Need:** The Willets Point site has been slated as a LEED Neighborhood Pilot Project and is being hailed as an opportunity to create a "dynamic sustainable community" (DGEIS 3-2) and "transit-oriented development that would leverage the District's superior transit and highway infrastructure" (DGEIS 6). Although the concept of mixed-use districts characterized by pedestrian friendly, activated streetscapes is a laudable goal the MAS generally supports, we do question whether the Willets Point site is appropriately suited for this type of development.

The site is bounded by major highways that would effectively hem in this new neighborhood and at the same time interrupt pedestrian access to the waterfront. Northern Boulevard, running along the Western side of the site counts multiple lanes of moving traffic on elevated roads with lanes of traffic below. The White Stone / Van Wyck Express Ways, which converge with Northern Boulevard at the Northern tip of the site, also consists of multiple lanes of elevated traffic, not including on and off ramps. Highway underpasses present formidable psychological barriers interrupting pedestrian pathways, and highway noise notably reduces the



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quality life of nearby residents with particularly detrimental effects on children.<sup>2</sup>

The site also abuts an undeveloped MTA site, which according to the DGEIS will remain undeveloped even with the proposed actions (DGEIS 3-28) and is most probably slated by MTA as an expansion site for the Corona Yards.<sup>3</sup> Consequently, as currently proposed, residential development, which is to comprise approximately 62% of the proposed allowable square footage to be developed on the site, would either be built along side major highways or an unsightly undeveloped industrial site. Thus, notwithstanding the potential public health hazards due to the site's location and contamination, its lack of connectivity to surrounding neighborhoods will isolate potential residents of the development.

Additionally, the development is not likely to fulfill the intention of transit-oriented and sustainable development model as potential visitors to the commercial areas are more likely to drive there than take public transit. Furthermore, the DGEIS states that the proposed plan will generate significant vehicular traffic increases. Unlike the "existing lower-density uses currently within the Willets Point Development District...", the Willets Point Development Plan is expected to be a significant traffic generator on both the highways surrounding the District—including the Grand Central Parkway, the Van Wyck Expressway, and the Whitestone Expressway—and the local street network" (DGEIS 17-2). The bleak assessment regarding traffic and parking begs the question: what makes this a sustainable and transit-oriented neighborhood development plan?

Consequently, the FEIS should include the following:

1. A full description of what the LEED-ND designation will entail with the potential point categories on which the site development is slated to receive most of its points. This means a specific breakdown of the measures needed to achieve the different LEED-ND designations should follow in an appendix, with possible points achieved given various potential design requirements. This appendix should also include various scenarios of the different levels of the LEED-ND designation that are possible for the site to achieve (Silver, Gold, and Platinum). (1-14).
2. A full description of how the Willets Point development plan will ensure that the project will meet transit-oriented development (TOD) criteria, given that the DGEIS already acknowledges that the proposed plan will have significant adverse impacts with regard to automobile traffic patterns and congestion.
  - a. How will the city ensure that the proposed plan is linked to adequate public transit options?
  - b. What are the specific measures the plan introduces to reduce parking?

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<sup>2</sup> <http://www.theatlantic.com/issues/97aug/langdon.htm>

<sup>3</sup> NYC EDC (2004) Request for Expression of Interest: Development of Willets Point Queens.



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- c. How does the City propose to link bicycle and pedestrian paths to larger networks to encourage alternate transport?

## CHAPTER 2 – PROCEDURAL AND ANALYTICAL FRAMEWORK

### Proposed Plan: One Developer versus Multiple Developers

The city's actions are limited to the rezoning of the area and the acquisition and assemblage of land, which is currently under private ownership. That shifts the responsibility and financial burden for brownfield remediation, major site preparation and infrastructure work to the potential developer. Our concern is that major community benefits, such as significant affordable housing, for example, may be cost-prohibitive and unrealizable. Furthermore, since extensive environmental testing has not yet been completed on the site, some parcels may have more environmental contamination than others, thereby raising the cost of remediation.

The Willets Point Development Plan, which relies on a single developer for site preparation as well as build-out, is a redevelopment model that has not proven to be successful, as demonstrated by the Atlantic Yards. By eschewing the public sector's responsibility to prepare the site and provide the public infrastructure necessary for redevelopment, the city is running the risk that the development at Willets Point, as has happened in Atlantic Yards, might stall. At the same time, since the City is working toward acquiring control over the entire site, if necessary through the use of eminent domain, local property owners will have relinquished their stake in the area. This creates the possibility that the site will remain vacant and/or underutilized for years to come.

*Therefore, the FEIS must study the scenarios:*

1. The FEIS must present a thorough analysis of the financial feasibility of such a single developer model.
2. The FEIS must present in detail an alternate model that would require disposition of properties to multiple owners and multiple developers.
3. The FEIS should examine any potential revenue streams that a phased model might bring the city (e.g. Battery Park City which has capturing funds that can be dedicated to affordable housing.)

### Analysis of Proposed Uses and Development Scenarios

According to the DGEIS, "The maximum development envelope anticipated under the proposed Plan includes up to 8.94 million gross square feet (g.s.f.) of new buildings, which would include residential, retail, office space, a hotel and convention center, as well community facilities and open space" (2-1).



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The FEIS should include the following:

1. Conduct and release a feasibility analysis of each of the proposed combination of uses.
2. Examine and make public the projected costs of the environmental remediation required for the site, site preparation, including infrastructure costs and the costs to raise the site out of the 100 year flood zone as well as the proposed sources of funding, including subsidy and incentive packages.

Since the proposed actions include an urban renewal plan, it is crucial to disclose the costs to be borne by the public to redevelop Willets Point. Additionally, the public should be given reasonable assurances that the public benefits will be reaped within a predictable time-frame. The current state of the real estate market and the financing problems at the Atlantic Yards site serve as an indication that the public benefits derived from this project may not be off-set by the potential costs.<sup>4</sup>

### CHAPTER 3 - LAND USE, ZONING, AND PUBLIC POLICY

#### Public Policy

**Downtown Flushing Development Framework (DGEIS 3-19):** MAS appreciates that the proposed plan for Willets Point is in some ways an outgrowth of the Downtown Flushing Development Framework, initiated by the New York City Economic Development Corporation (NYCEDC) and DCP.

While it is important to work to create connections between Flushing and Willets Point, the city does not adequately address connections to Corona. Willets Point is physically separated from Downtown Flushing by major infrastructural and utility sites, creating a substantial barrier between Flushing and Willets Point. Connections to Corona, however, are not as visually or structurally impeded, yet the planning process seems to have sidestepped Corona stakeholders.

1. The FEIS should also describe the process through which stakeholders (i.e. property owners, tenant businesses and workers) within the District were included in the planning process and demonstrate how their needs were incorporated into the final plan.
2. The FEIS should delineate a process and governance structure to ensure continued participation of affected stakeholders throughout the planning, development and monitoring of the development.

Furthermore, the Willets Point Plan, rather than enhance some of the goals expressed in the Downtown Flushing Framework, seems to undermine them. The FEIS should make explicit the ways in which the Willets Point plan will be connected to Downtown Flushing.

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<sup>4</sup>"Slow Economy Likely to Stall Atlantic Yards" *The New York Times*. Accessed 7/14/08  
<http://www.nytimes.com/2008/03/21/nyregion/21yards.html?scp=4&sq=atlantic+yards&st=nyt>



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1. What investments are being made to ensure the sense of pedestrian connectivity between the areas?
2. What are other specific design proposals, besides a potential pedestrian bridge, to integrate the two sides of the Flushing River across the MTA site?
3. What have studies shown in terms of the use of pedestrian bridges spanning highways? Do people actually cross these bridges? Do they provide the required sense of connectivity the plan champions, creating an integrating factor?
4. How does the plan propose to “optimize use of the existing highway, public transit, and parking infrastructure to minimize local traffic impacts” (DGEIS 3-20), given that the DGEIS already acknowledges the adverse impact the proposed actions will have on traffic patterns and congestion?

#### **PlanNYC 2030 (3-20)**

MAS lauds the Mayor’s efforts to move New York City toward achieving long-term sustainability. As such, the FEIS should conduct a full review of the proposed actions and weigh them against the goals set out in the Mayor’s PlaNYC 2030. However, since PlaNYC, fails to adequately lay out a plan for the diversification of the City’s employment sectors, and since the City does not have a comprehensive land-use plan, a complete assessment of the Willets Point redevelopment plans must also address the economic imperative to preserve and provide good jobs with decent wages and benefits for New Yorkers in potential industrial growth sectors.

#### **Land Use Compatibility (3-28)**

The DGEIS states the following: “The proposed Plan would not be consistent with the industrial uses currently located along the waterfront to the north and east of the District. However, these uses are separated from the District by the Whitestone Expressway and Northern Boulevard, as well as the Flushing River, and therefore would not result in significant adverse land use impacts on the proposed uses. The proposed uses would also not interfere with the active industrial waterfront uses—including barge operations—in the Flushing River and Flushing Bay” (DGEIS 3-29).

How can the Willets Point site be both isolated from existing industrial uses in the College Point area and connected to retail and residential developments in Flushing when similar infrastructure (highways and industrial uses, such as the MTA, separate the site from both areas?)

1. The FEIS needs to address this inconsistency in the analysis. What urban design solutions will effectively integrate The Willets Point site and the Flushing area? How does the proposed plan effectively overcome the major infrastructure and land use barriers that challenge the proposed plan’s intended goal of creating a pedestrian friendly, sustainable urban neighborhood? (See Socioeconomic and Alternatives sections)
2. The FEIS should study the effective linkages that may tie the site into the surrounding industrial areas.



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3. The FEIS should examine whether maintaining and investing in Willets Point as an industrial economic driver is feasible.
4. The FEIS should include a sector analysis of growth potential industries for the City's economy, their infrastructure requirements, and the potential economic growth this might generate for the City. (College Point, may serve as a point of reference).

#### **Other Land Use Issues:**

##### ***Transit-oriented Industrial Development and Sustainability:***

The city has been marketing the Willets Point Development plan as a "sustainable" neighborhood development; but, what do we mean by "sustainability"? While technically the plan might certify as a Sustainable Development project under the LEED Neighborhood Pilot Project designation, the sustainability criteria associated with this program does not seem to address the socio-economic costs associated with the wholesale removal of viable businesses and potential industry clusters; nor does it adequately incorporate long-term economic sustainability for the city as a whole. The city is increasingly foregoing the opportunity to promote truly sustainable neighborhood development through urban revitalization/renewal that incorporates the long-term goal of economic and social sustainability.

Since the city does not have a comprehensive plan, it is hard to weigh the impact of any given individual rezoning action and the consequent redevelopment of particular areas, such as Willets Point, against a comprehensively conceived plan for the city. PlaNYC, for example, does not offer a long-term vision for economic development and the development of new industries. Yet, in continuing to propose the removal of manufacturing zones from the city's land-use map, the city's plans for Willets Point, among others, raise crucial questions regarding the long-term costs to the City if we continue to remove potential sites for new industries, and potentially green industries, in New York City. Other cities, such as Los Angeles and Chicago are grappling with precisely this issue and initiatives closer to home in the Bronx and Brooklyn should be models of how we plan for a sustainable future that directs sustainability concerns into realizing opportunities for economic and industrial growth. This means, however, having a comprehensive land-use plan that understands and incorporates the changing needs of new industries and related firms.

Given its adjacency to other industrial sites, its relative proximity to the College Point industrial park and its accessibility to major transportation routes as well as the airport, the site may be more appropriate for strategic investment in industrial uses. Access to the Van Wyck is invaluable to manufacturers, especially those with a regional customer base. Potential industrial developers may have been wary of assembling properties in the area due to the lack of infrastructural investment by the city.



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Furthermore, the site holds the potential for increasing freight transport via barges. The *Maritime Support Services Location Study* released by EDC in 2008 recognizes barge traffic as crucial to long-term sustainability, “one standard dry barge, which carries garbage, sand, and gravel, can carry the equivalent of 60 trucks.”<sup>5</sup> The DGEIS states that barging activity at College Point is poised to increase in the future as the “converted North Shore MTS, in the College Point Section of Queens, to the east of the proposed Plan becomes operational in 2011.” Does Willets Point represent an opportunity to increase water-borne and intermodal freight transportation?

1. The FEIS should spell out in detail the potential for creating a manufacturing or industrial zone in the Willets Point area, taking into account superior access to transportation and freight transport routes.
2. The FEIS should assess the synergies that might exist or that could be developed between the Willets Point site, College Point and adjacent industrial activities.
  - a. The FEIS should compare potential jobs created under an industrial/manufacturing scenario with the proposed plan in terms of median wages, benefits, and career paths, skill acquisition and upward mobility.
  - b. The FEIS should spell out the cost for site preparation and infrastructure improvement for this scenario in a format that facilitates comparison to the proposed plan.
  - c. The FEIS should disclose the cost to the public under the two scenarios – the proposed plan and the proposed municipal services option as well as an eco-industrial park alternative.

**Residential Uses?**

The DGEIS already acknowledges that the “residential and community facility uses proposed for the District would not be compatible with the industrial activities permitted on the adjacent Metropolitan Transportation Authority (MTA) property. However, the placement of high-density mixed-use or residential districts next to heavy manufacturing districts is not uncommon in the City, and would not result in a significant adverse impact” (3-2).

Therefore the FEIS should include the following:

1. A detailed analysis of whether residential and school uses close to a heavy industrial area and adjacent to major highways as well as an airport are recommendable. The analysis should not just be based on the incremental change measures due to the proposed plan but an assessment whether existing noise and air pollution at the site, including impacts of the airport, are suitable for residential and school uses.
2. Disclosure on possible future uses of the MTA site.

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<sup>5</sup> Maritime Support Services Location Study



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### **Energy**

“The Special District would allow the development of a power plant and an electrical utility substation within the District, provided they would primarily serve the District.” (3-26). This is a significant piece of infrastructure that must be studied in the FEIS in detail, including:

1. What are the potential sites for the power plant?
  - a. What is its potential size?
  - b. What are the potential landscaping treatments that will be used to screen the site?
  - c. How will it affect the final design of the site?
  - d. What impact will it have in terms of noise and air quality?

Furthermore, in line with the energy guidelines set out in PlanNYC 2030 and sustainability goals the FEIS should examine the following:

1. What is the potential for co-generation on the site as well as other potential sources of power, such as solar and wind?
  - a. Does the inclusion of these sources have the potential to reduce the overall footprint of the power plant needed for the site?

### **Parking**

EDC states that “In order to promote the redevelopment of Willets Point consistent with the goals and objectives of the Plan and to eliminate unnecessary rigidities that would prevent the achievement of the best possible site plan, the proposed Special District would waive certain C4-4 district requirements and CPC and New York City Board of Standards and Appeals (BSA) special permits” (Chapter 3, 3-31 – Land Use). Yet, Community Board 7 has asked the City to require that the parking ratio be 1:1 (100% of the parking needs of the residents covered). We applaud the city in proposing the lower ratio, which would fulfill one of the criteria that defines transit oriented development.

1. EDC must ensure that the stricter residential parking requirements are not off-set by additional provision of parking for the potential commercial enterprises located at the site.

## **CHAPTER 4 – SOCIOECONOMIC CONDITIONS**

Additional research must go into the analysis of the businesses in Willets Point. The following recommendations revolve around the potential for the businesses currently there, as well as the potential for other businesses and industries or uses to occupy the existing zoning if the city brings adequate municipal services to the site.

### **Direct Business and Institutional Displacement**

The FEIS should substantiate the claim that the businesses in Willets Point were determined not to be of substantial economic value to the region or City (DGEIS 4-3). The House of Spices is just one example of a unique business with a local, regional, and national market.



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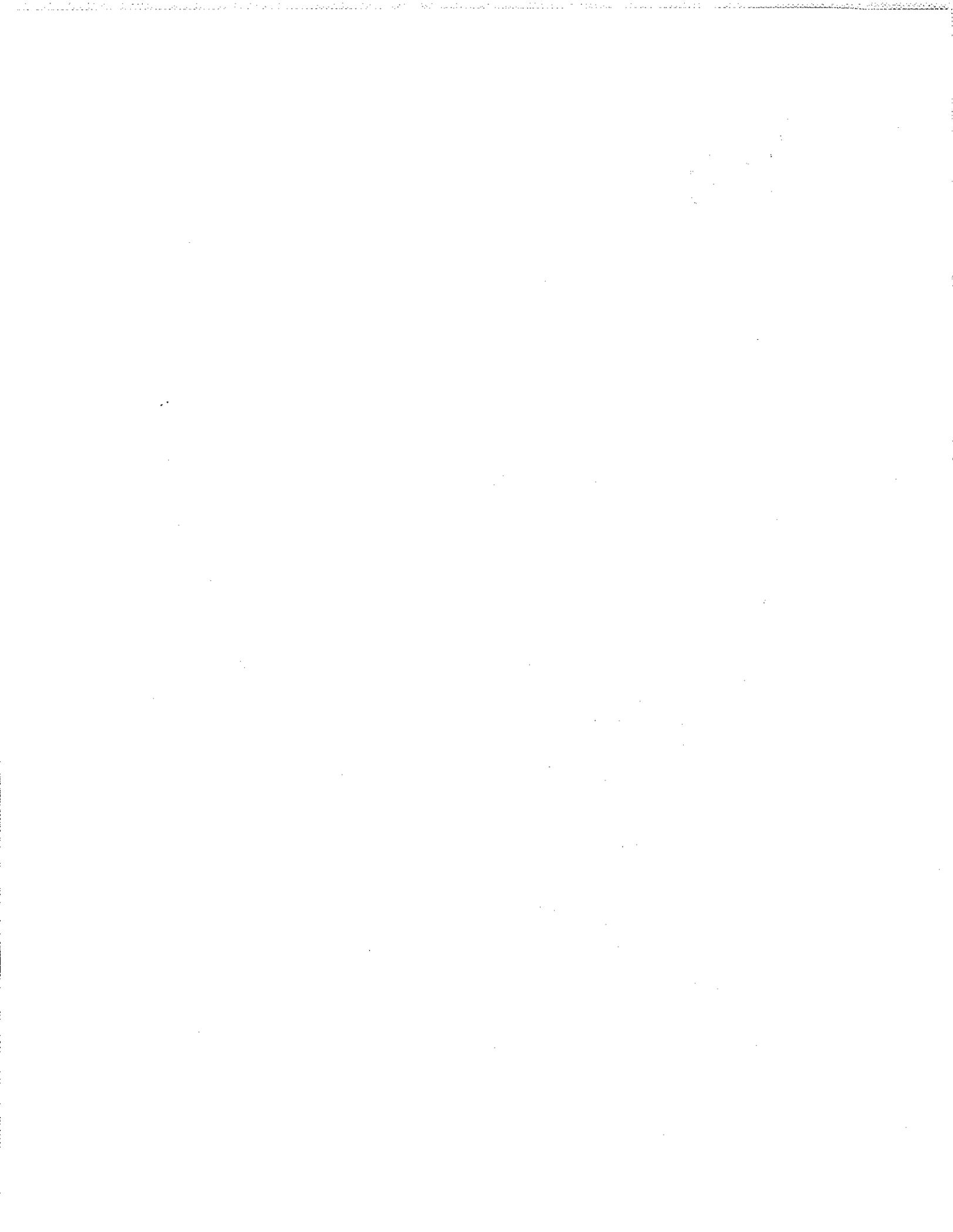
1. The FEIS should substantiate the claim that the displaced businesses hold no significant economic value for the city by disclosing a thorough analysis of businesses that are to be displaced and their economic contribution to the city as well as their position in the market and their intra as well as inter-industry business relationships.

**Effect on Specific Industries: Automotive Cluster:**

The DGEIS states that "with 3,642 auto-related businesses within New York City, auto-related goods and services are available elsewhere. Therefore, the potential displacement of these uses from the District would not jeopardize the viability of any industries that rely on those services" (DGEIS 4-5).

Citing the fact that 3,642 auto related businesses are available throughout the rest of the city is inadequate analysis, given that this cluster is located in an isolated site and not scattered along commercial corridors nor immediately adjacent to residential neighborhoods. Additionally, the factors that are cited as making the site "optimal" for transit-oriented development also make it optimal for auto-related businesses. The DGEIS provides an inadequate analysis of determining the possible advantages represented by maintaining auto-related industry as a cluster. The DGEIS should seriously engage the question of the dispersion of these business into other NYC neighborhoods.

1. The FEIS should substantiate the claim that the Willets Point cluster is not unique and that other auto-related businesses in the city are a suitable substitute for consumers of auto repair services that use Willets Point.
2. The FEIS should thoroughly examine the impact of breaking up the auto-related businesses cluster at Willets Point.
  - a. What is the cluster's market? Is it a localized market or does it serve a regional market because of the clustering effect?
  - b. What is the cluster's combined economic impact?
  - c. The FEIS should examine the impact on other communities where these businesses might relocate should these businesses be dispersed into other New York neighborhoods' commercial strips that are likely to be on the receiving end of dislocated auto repair businesses.
  - d. The FEIS should weigh the above analysis against the impact of maintaining an auto repair cluster in a district isolated from residential areas.
  - e. The FEIS should study the effect of the dispersion of these businesses on the ability of local and regional consumers to secure the array of interrelated auto services offered in Willets Point. What will be the cost be to consumers locally and within the region?
3. The FEIS should include a feasibility study of a potential "green" auto repair cluster; given the skills of the current workforce in the repair of older automobiles, the area could





become a center of green retrofit for these automobiles.<sup>6</sup>

4. The DGEIS states that there would be no net loss from the displacement of the auto related businesses, given the availability of commercial space (CITE). EDC should analyze the customer base of these businesses to more explicitly investigate this hypothesis.

#### **Economic and Fiscal Benefit and Public Costs**

1. The FEIS must construct a comparative table of the median annual income of employees on the site resulting from the current and projected economic activities on the site.
2. The FEIS must spell out the break-down of jobs that are projected to be created as a result of the plan by full-time and part-time, managerial, professional and low-skilled retail and customer service positions, and attach average wages to each categories in order understand the distribution of income across different categories.
3. The FEIS must include a clear feasibility study, given the current downturn in the market.
4. The FEIS must delineate the costs to the public projected over a reasonable number of years should the current activity be erased and no developer be capable of remediating the environmental issues and developing the site.
5. The FEIS should include a clearly delineated fiscal impact analysis.

#### **Residential Study Area Definition**

*EDC must expand the study area for indirect residential displacement into a greater portion of the Corona neighborhood. The 3/4 -mile perimeter distance proscribed by the CEQR technical manual does not take into account the impact of the plan on the residential base and commercial activity in the Corona neighborhood across the Grand Central Parkway. The 3/4-mile definition here includes Shea Stadium and its surrounding parking lot – hardly an area that will affect potential residential displacement. Given the large potential investment by the City in the Willets Point area, it is reasonable to believe that the project will have more of an affect on the part of the Corona neighborhood closest to the project, regardless of distance. There is a "threshold" sense at the edge of the neighborhood where Corona abuts the Grand Central Parkway - meaning that the activity therein is limited by the infrastructure at this edge. Distance would be inconsequential, as the project would offer residential amenities and opportunities not available in the Corona neighborhood. This is particularly relevant to the potential residential uses at the site, as these units would become available in large amounts, a portion of which will be affordable.*

1. MAS therefore recommends that the perimeter of the study area definition be expanded 3/4-mile west from 114th Street.
2. As such, by expanding the study area, MAS also recommends expanding the "Indirect

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<sup>6</sup> "Willets Point: A Defense" *Gotham Gazette.*, April 2006. Accessed 7/14/08:  
<http://www.gothamgazette.com/article/landuse/20060410/12/1815>



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Residential Displacement" study to include the place of residence of the workers in Willets Point. Three quarters of the workers in Willets Point live in Queens and many of them probably make the Corona/Elmhurst area their place of residence.<sup>7</sup>

## CHAPTER 5 – COMMUNITY FACILITIES

EDC must research a rigorous environmental remediation program if a school is to be sited in Willets Point. The level of contaminants that may exist on the site warrant the most sophisticated analysis available to not only protect the young children who will be attending the school (the needs analysis recommend an elementary school). That the building be built as per the NYCSCA Green Guide's specifications is a great start, but the underlying environmental issues must be resolved before construction can begin.

## CHAPTER 6 - OPEN SPACE

EDC must decide the management structure of the proposed public space and park.

1. Will this park be managed by the developer or by the Department of Parks and Recreation? If the developer will manage the park, what guarantees will exist to ensure that the public has access to all of the amenities of the park?
2. EDC must mandate ground level retail at the park's edge in order to guarantee activity and make the park lively (6-3).
3. Since the site is some distance away from the two transit connections (the 7 train and the LIRR) the chosen developer or the city should create a provision for the installation of bike racks at either of these stations. Further, plans to develop designated pathways to either of these stations should also be created concurrent with plans for the development.

## CHAPTER 9 - URBAN DESIGN AND VISUAL RESOURCES

The park space proposed in Scheme A is not large enough to absorb the impact of being surrounded by major roads and would not serve as a viable public space. Activation of the park with accessory uses makes the edges of the park permeable and therefore more inviting.

1. The FEIS should study the impact of a larger park.

The width of the streets would not achieve the goal of creating a pedestrian oriented development. (DGEIS *Street width between CitiField and Willets Point Figure 9-24 - Entertainment and Commercial Center - Elevation*)

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<sup>7</sup> Angotti, Tom. "WILLETS POINT LAND USE STUDY", April 1006. Accessed 7/14/08.  
<http://maxweber.hunter.cuny.edu/urban/resources/reports/willetspoint.pdf>



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2. The FEIS should study narrower streets.

Given the residential character of the site, car traffic should be minimized as much as possible on this street, with diversions of parking traffic to garages and the parking lots that surround the stadium and the site.

3. The FEIS should study moving the convention center towards the Northern Blvd. /Van Wyck interchange.

## **CHAPTER 12 - HAZARDOUS MATERIALS**

The Phase II is not sufficient to determine the extent of the pollution on the site. Until environmental testing can be done on each of the sites, it is impossible to know the extent of contamination. Further, since this environmental remediation will be the responsibility of the potential developer, unexpected environmental remediation could increase projected costs. These increased costs may force the developer to cut costs in other ways. These may include a lower standard of design, less environmental sensitive materials or processes, or the reduction of affordable housing on the site. Due to the potential heavy contamination on the site, EDC must do further studies as to the extent of the potential pollution on the site, as well as develop a reasonable worst-case development scenario (RWCDS) given a high potential cost of remediation.

This RWCDS should also include impacts to the level of affordable housing as well as other public amenities due to the increase cost of remediation (parks, convention center, unionized employment, construction jobs, etc.) promised to the community as part of the benefits availed to the public at-large and the community.

## **CHAPTER 13 - WATERFRONT**

The site plan as presented does not advance Policy 1.2 of the New York City Waterfront Revitalization Program (13-3). This is no fault of the designers of the site plan - the site is simply ringed by major highways that do not allow access to the waterfront. It should be noted that the site achieves the goals of Policy 1.2 by simply being within the "waterfront zone". The program for the site does not provide any access to the waterfront in any shape or fashion and is not of the same tenor of other waterfront projects in New York.

1. EDC should study various scenarios which will allow for legitimate waterfront access. A design charrette, with the specific charge of integrating the neighborhood with the waterfront given the constraints of the site, would be ideal. These constraints include the physical and perceptual barriers presented by a major interstate highway and the prevention of access to the waterfront.



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#### CHAPTERS 14 - INFRASTRUCTURE

Much like the comments in the General Comments and Chapter 12, to what extent are the projections of infrastructure-cost borne by a single developer realistic, given various and unknown levels of environmental contamination? Chapter 12 showed a lack of extensive testing on the site and relies on data from tests in public areas.

1. Is EDC properly considering the factor of costly environmental remediation costs in negotiation for the provision of infrastructure by the developer?

#### CHAPTERS 17 - TRAFFIC AND PARKING

The FEIS must revisit the trip generation statistics used in the DGEIS; the stats used in the FEIS should be more significantly based around transit. The current transit capture rate of 15% is not based around any travel-behavior changing transit infrastructure, such as an exit at the Willets Point #7 train platform, or the provision of a bike share program that would allow residents to get back and forth from the LIRR train stop. Further, if the development were truly transit oriented, it would provide less parking for the commercial areas, based on accepted square footage/parking ratios. While one of the draws of the site is its location near major highways, making it a regional destination, the development would be truly sustainable if it also generated trips via transit not only due to the presence of the residential component but also in relation to the proposed commercial development.

1. Therefore, a study of the transit trip generation rates should be included in the FEIS with recommendations as to amendments to the design to maximize the number of transit users of the site (residential or commercial). This would extend the definition of transit-orientation to the regional retail destinations in the development.

Further, the Willets Point development is a pilot project for the LEED-ND program. Yet unlike the other two projects in New York City (Columbia University and Melrose Commons), Willets is not directly adjacent to, or enmeshed within, a public transportation station.

1. EDC must be more aggressive in planning transportation routes to/from the 7 train and the LIRR. This initiative should include a neighborhood bike and pedestrian plan, as well as the installation of infrastructure that will support and encourage these modes, such as bike racks and separated lanes for bicycle travel, and pavement markings and car free zones for pedestrian traffic.
2. EDC must make public the study that shows the site's potential for generating a population that will create consistent and commuter-based LIRR service, in contrast to the current, baseball game-based schedule. This study shows that the future population of the area will have the potential of being served by regularized LIRR service.



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In line with making the development as transit oriented as possible - in addition to minimizing the extensive paving that surrounds the district - the parking strategies for the district should also attempt to utilize the existing parking infrastructure as much as possible. The parking plan should also include the use of the parking lots for CitiField when it is not in use. "The projected parking demand is anticipated to be satisfied entirely within the District and is not expected to affect other nearby CitiField, commuter, municipal, and other public on-street or off-street parking areas." (17-21, DGEIS).

1. Parking and massing for large retail should take into account current parking opportunities in municipal lots, such as the ones used for game days. Amenities to encourage walkability from these lots to the site should be added to these lots so as to affectively make them "multi-use" - i.e., parking for games as well as for shopping at the stores in the site.

In addition, one of the sources used for the transportation analysis, *Motor Trucks in the Metropolis* (Wilbur Smith Associates, 1969, 17-40), is seemingly out of date and needs to be defended given changes in lifestyle and services since the publication of this book.

1. Does this source account for the current trends in online commerce that relies on truck transportation for the delivery of packages and other uses, such as Fresh Direct? Since the job mix at the site is primarily retail and event based, what will the delivery areas (curb cuts and receiving areas) look like for these businesses?

## CHAPTERS 18 – TRANSIT AND PEDESTRIANS

The transportation components of this project, "Transit and Pedestrians" and "Traffic and Parking" should not be separated into two different chapters, given the "transit-orientation" emphasis of the project. The interplay between these two modes of transportation should be analyzed in tandem, with justifications for the balance (threshold limit of parking needed for commercial/retail viability vs. other uses of space) to be struck between the two. This is not currently mandated by CEQR, yet should be done in order to explain how the site is transit-oriented and to make the project a potential "model" project, placing New York at the cutting edge for this type of development.

## CHAPTER 19 - AIR POLLUTION

### Background Concentrations

The site chosen for background contamination, the Queens College campus, is insufficient due to the unique traffic confluence at the Willets Point site. Willets Point is at the intersection of two



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major highways that are *heavily* trafficked. Moreover, air pollution is particularly worse at congestion levels compared to traffic that is free flowing<sup>8</sup>. Game day and other major event days will create high levels of congestion on these roads, especially with the construction of a new exit off the Van Wyck.

1. The FEIS should include a potential point source pollution monitor placed near this location (Willets Point Blvd and 34th Ave ) in order to properly assess air quality impacts. This background measurement should then be considered in tandem with the potential traffic impacts of the site and the LOS service designations of "E" or worse. This is because the locations selected for Modeled Existing and Future 8-Hour Average CO Concentrations (2006 [19-18] and 2017[19-19], respectively) are insufficient in regards to the prediction of pollutants.
2. A consideration of the air pollutant impacts due to the sites proximity to LaGuardia Airport should also be done. Airport traffic at one of the busiest airports in the nation is already at an all time high, and is projected to increase. An existing and future conditions analysis for this source of air pollution is reasonable given future conditions, as well as airplanes being major sources of PM2.5 pollution.

## CHAPTER 20 – NOISE

Additional building attenuation costs (the highest building attenuation, 40 dBA) should also be considered a requirement across the board for residential buildings irrespective of the market segment served, If the expected costs of sound mitigation are high, protections from market volatility for the provision of affordable housing and infrastructure should be put in place in order for all of the units (including the construction of the school) to have the same protection from potential sound issues.

1. The FEIS should provide a cost analysis of the highest attenuation possible for the proposed residential units.
2. EDC should consider the ability of a developer to successfully market the potential residential units given the proximity of the airport and the potential for noise. Is there potential for the units not being sold at a reasonable price point, given the proximity to the airport?
3. The impacts of airport noise (20-12) must be considered given the proximity to the airport. The justification given for exclusion is not adequate.

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<sup>8</sup> "Value Pricing Helps Reduce Congestion", Berg, John T. and Young, Felicia B. Accessed 7/17/08. <http://www.tfhrc.gov/pubrds/marapr99/pricing.htm>



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## CHAPTER 22 - PUBLIC HEALTH

The public health methodology proposed (22-2) does not include the possible source of traffic as a source of the cause of asthma. Research has shown that proximity to major roads is a potential cause of higher rates of asthma.<sup>9</sup> A possible basis of comparison of asthma rates could be generated around roads with the same levels of traffic as Northern Boulevard and I-678.

Given that the Van Wyck is a major commercial route, the effects of pollutants from diesel engines not involved in the project (i.e. from the proximate highways and streets) must also be considered. The study sites for PM (particulate matter) are away from major traffic and airport influences and are therefore questionable sources for this information. The use of the Bronx Botanical Gardens (22-5) is particularly questionable, given its abundance of old-growth CO-fixing trees. It is understood that these study sites are more for regional air quality analysis.

1. The FEIS should include a more rigorous study of the effects of the air pollution on public health, given the proximity to two major sources of pollution (abundant vehicle and airport traffic). This study should be done with the inclusion of a different air quality monitoring station than in chapter 19. This study should also consider cumulative impacts of these point sources of pollution on livability.

Further, the remark regarding the potential of the effects of exhaust is not substantive. "The relationships between diesel exhaust and asthma have been studied experimentally and epidemiologically with inconclusive results" (22-9)

1. The FEIS must give further justification for dismissing this relationship, including sources and research that shows evidence to the contrary. This is warranted, given the site's overwhelming similarities (proximity to major highways) with other areas of the city that have experienced increased asthma rates.
2. As stated in the critique of Chapter 19, a more rigorous analysis and placement of air quality monitors must be done before it is acknowledged that the background (existing) air pollutants level can be accepted (22-11)
3. And, as stated in the critique of Chapter 20, a more rigorous analysis of airport noise must be done before it is accepted that the impact of LaGuardia will not create any public health issues (22-11).

## CHAPTER 24 - ALTERNATIVES

### Municipal Services Alternative

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<sup>9</sup> A Study Links Trucks' Exhaust to Bronx Schoolchildren's Asthma", October 29, 2006. *The New York Times*. Accessed 8/12/08. <http://www.nytimes.com/2006/10/29/nyregion/29asthma.html?pagewanted=all>



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This improvement in municipal services could lead landlords to remove current tenants for higher and better uses that are allowed under the current zoning. These improvements could allow for more family friendly sorts of uses, such as "commercial tourism", such as a brewery. Most importantly, however, the provision of services would allow the market to lead development in the area and may lead to more creative uses other than that proscribed by the current plan.

1. The FEIS's analysis of how the proposed service enhancements would allow for an improvement in the real estate market in the discrete area of Willets Point must be completed and compared to the benefits of the investment projected for the proposed plan. This boost to market would allow for higher building assessments via more investment by landlords as to attract higher rents or better tenants.

Creative uses of the site would be further hindered under the "preferred single developer" model, as the uses for the site would not be led by the market but rather the financial requirements of this preferred developer (see General Comments). While a single developer is still open to the proclivities of the market, they are much more restrained in the creativity they can demonstrate, given financial risk assessment models by banks that dictate returns on per sq. ft of construction. These financial requirements lead to uniform spaces for predictable "credit" tenants that have a more nationwide stature. While these spaces do create many jobs, the financial return of these businesses is merely second hand - through increased assessments of real property and sales taxes, while the real revenue generated by these businesses moves elsewhere.

1. In line with request #1, a cost benefit analysis must be done to show that the proposed plan will provide the most benefits for the amount of city investment, compared to the provision of municipal services.
2. The FEIS should also provide an analysis for other creative uses of the site, including the creation of a unique "eco-industrial park" that could be an incubator for green manufacturing uses. This is in line with the site's current use as a center of automobile repair, which extends the life of older automobiles. (See Land-use and Socio-economic Chapter sections for direction)
3. The FEIS should conduct an analysis of possible growth industries that could be located at Willets Point given the sites current zoning. ( See Land-use and Socio-economic Chapter sections for direction)

The City has already created incentive for a more creative use of Willets Point by helping to finance the construction of CitiField. By providing basic services to the district, the city can realize a more predictable cash flow from the predictable costs of investment in upgrading infrastructure.

1. The FEIS must present in detail an alternate model that would require disposition of properties to multiple owners and multiple developers.
2. The FEIS should also analyze the feasibility of the site's use as a waterborne transportation facility, given the use of barging across from the site in College Point.



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**CHAPTER 25 - UNAVOIDABLE SIGNIFICANT ADVERSE IMPACTS**

As described in the critique of Chapter 19 and 22, The FEIS should have more rigorous modeling of existing conditions at different points in the discussion of "unmitigable traffic impacts".

**Chapter 27 - Irreversible and Irretrievable Commitment of Resources**

As mentioned in the critique of Chapter 3, the chapter does not mention the irreversible change of zoning from industrial to residential/commercial. The land and the power to change the zoning is a commitment of resources and should be discussed in relation to the land use impacts described in Chapter 3. The site's rezoning should be placed in the larger context for the citywide initiative to rezone former manufacturing areas and the vision that City Planning has for the area.





**MASON TENDERS' DISTRICT COUNCIL  
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**Statement of Michael J. McGuire  
City Planning Commission Meeting  
Re: Willets Point Development Plan Project  
August 13, 2008**

Good afternoon. My name is Michael McGuire and I am the Director of the Mason Tenders' District Council Political Action Committee. The Mason Tenders' District Council is made up of more than 15,000 members in six local unions in the Eastern Region of the Laborers' International Union. Two of these locals are made up of laborers in the construction industry in New York City. Construction and General Building Laborers' Local 79 and Asbestos, Lead and Hazardous Waste Laborers' Local 78 represent some eleven thousand men and women working within the five boroughs as building construction laborers, mason tenders, demolition workers and asbestos and hazardous material abatement laborers.

The Willets Point area of Queens is ripe for development. It is in a prime location that is surrounded by growth, including downtown Flushing and the new home of the New York Mets, Citi Field. Unfortunately, Willets Point is just the opposite. I mean no offense to the businesses that are located there, but the history and condition of Willets Point render it a true blighted area. In the early 20<sup>th</sup> century, Willets Point was a dump where thousands of tons of garbage were burned each year. After that, it housed a variety of industries that had a severe detrimental effect on the area for many years. There has been a history of open petroleum spills and illegal dumping of hazardous

materials and unidentified chemicals. The fact that the area has no sanitary sewers to carry toxins away (including human waste concentrated in area cesspools) means that this contamination mostly remains in the area to this day. I say mostly because some of the contamination does get moved: the area's high water table means that these poisons seep into the groundwater and get carried down the Flushing River and out into Flushing Bay.

There has also been a widespread history of building code and environmental violations that make the area a haven for criminal activity. The area has historically been a mix of legitimate auto shops and illegal chop shops coexisting throughout Willet Point's sixty acres. Of the approximately 250 businesses in Willets Point, roughly 90% are auto related. In this environment, even the most responsible business owner cannot help having some spills of oil, gasoline, transmission fluids and other carcinogenic materials. If businesses of this type remain in the area, the land can never be reclaimed to the point where it's safe for human occupation. Further, these auto related businesses, two-thirds of which are working out of rented spaces, have a history of paying depressed wages, less than 60% of the New York City average for workers in this industry.

As well as eliminating an extremely toxic and dangerous area, reclamation and redevelopment of Willets Point will create a vibrant, mixed-use community. The Willets Point Development Plan leverages the area's close proximity to the airports (particularly LaGuardia airport), Citi Field, the United States Tennis Association, and Flushing Meadows Park to create a new regional tourist destination. Further, the Plan will create housing designed to serve a mix of incomes and demographics, the very building blocks of a solid neighborhood.

Along with more than a million square feet of retail and entertainment space, the plan calls for a convention center and a 700 hundred room hotel, 5,500 units of mixed-income housing, a half million square feet of office space, and a large amount of

community space, open spaces and public squares. The economic impact of these improvements is massive. Permanent jobs will increase five to sixfold, following the approximately 20,000 construction jobs that will be created. This will result in more than \$1.5 billion in additional tax revenues for the City over the thirty year period commencing when the project is completed.

Local 79 and the Mason Tenders' District Council prides itself in working with communities and pledges to aggressively participate in any local hiring plan that is agreed upon with the building trades. Additionally, we support the use of green building techniques to conserve energy, manage storm water and to ensure high performance structures are constructed in Willets Point.

It is our belief, that, while a hardship on some of the businesses that the City will relocate from Willets Point, for the overall good of the community and New York City as a whole, the Willets Point Development Project is a winning plan. Clean up of a toxic, blighted site; the building of more than 5,000 units of housing; the creation of some 20,000 construction jobs and the conversion of 1,000 current permanent jobs into 6,000 future permanent jobs; and more than fifty million dollars in additional revenue for the City every year. No one with the best interests of the community at heart could make the argument that this plan is not the best thing for Willets Point. Thank you.

Respectfully submitted,

Michael J. McGuire

August 13, 2008



New York City  
**Habitat**  
for Humanity®

**Testimony of Habitat for Humanity – New York City  
to the New York City Planning Commission**

**August 13th, 2008**

**Testimony respectfully submitted by:**  
Jonathan Furlong  
Habitat for Humanity – New York City

## Introduction

Thank you for the opportunity to testify today. My name is Jonathan Furlong, and I am the Community Relations Associate at Habitat for Humanity - New York City. Habitat-NYC is a proud member of Queens for Affordable Housing, which is a coalition of community-based organizations that was formed to ensure that new residential development in the borough creates housing that is truly affordable to a diverse mix of Queens residents.

**As an affordable housing developer and advocate, Habitat for Humanity – New York City urges the City to make two-thirds of the housing units included in the Willets Point development in Community Board 7 affordable to working families in Queens, with special focus on affordability for the residents with greatest needs.**

Habitat-NYC was founded in 1984 as an independent affiliate of Habitat for Humanity International, and we build affordable housing in all five boroughs. Our homes are built with the "sweat equity" of our family partner homeowners, who work side-by-side with volunteers.

In addition to building homes, Habitat-NYC is a leading advocate for affordable housing, with the goal of ensuring that every New Yorker has a decent, affordable home. We work to achieve this by creating a social movement to end the housing crisis plaguing New York City and by calling on elected officials to make affordable housing a priority. We were an instrumental voice in the fight for Inclusionary Zoning along the Brooklyn waterfront. Today, we are urging you to create the same kind of affordable housing opportunities at Hunters Point South.

## The Need for Affordable Housing in Queens

The need for more affordable housing in the Borough of Queens is tremendous. Between 1990 and 2000, Queens experienced the largest population growth of any other borough, with its total population increasing 14.2%. Over the next 20

years, the Borough of Queens is expected to absorb the largest share of growth in the New York metropolitan region— making the housing shortage even more acute.

As the borough has grown, real incomes have fallen, while rents have skyrocketed:

- **In 2006 the median monthly rent in Queens was \$983, the second highest out of all the boroughs<sup>1</sup>.**
- **Queens registered the second highest increase in the percentage of residents spending 50 percent of their income – a 27.4 percent increase from 1999 to 2006.**

The housing market in Queens is booming today: More than 16,000 new housing units were built between 1994 and 2003, and more than 5,000 units received residential building permits in 2004 alone. In 2006, Queens had the second highest number of housing starts in any borough, at 7,792.<sup>2</sup> The communities of Ridgewood and Maspeth experienced a 500% increase in housing starts from 2003 to 2005, Astoria 300% and Flushing, Woodside and Jackson Heights 200%.

Unfortunately, very little of this new development includes affordable units. The vast majority of new development in Queens is market-rate and luxury housing. Just across the Flushing River, the Muss Development Organization is building 1,110 condos priced at \$400,000 to \$1.2 million, and the sales price for new condos in Flushing starts at \$650 per square foot. These prices are far beyond the price existing residents can afford. The proposed development at Willets Point represents a tremendous opportunity for the creation of affordable units, where very little has existed previously.

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<sup>1</sup> The Furman Center, State of New York City's Housing and Neighborhoods, 2007.

<sup>2</sup> The Furman Center, State of New York City's Housing and Neighborhoods, 2007.

## Recommendations

The city is proposing to create 5,500 new residential units at Willets Point, but it **must be affordable to residents of the surrounding neighborhoods**. If an agreement is reached to redevelop the 61 acres of land, we would like the city to utilize a tiered approach that genuinely serves very low-income families. Any housing that is created should be accessible to immigrants and also include a dedicated senior housing component. We recommend that:

- **At least one third of the units should be affordable to very low-income families**—households earning less than \$25,000 a year.
- **At least one-third of the units should be affordable to low-, moderate- and middle-income families**, using multiple income tiers to insure affordability at a range of incomes.
- **Most of the units should be affordable to residents of the surrounding neighborhoods, at a range of low-, moderate- and middle-incomes**. As a model, we point to a current EDC development on East 125<sup>th</sup> Street in East Harlem, where roughly one-third of the units are middle-income, one-third are moderate-income and one-third are low-income.
- **The affordable housing units created should be affordable in perpetuity**. This will prevent the crisis of expiring affordable units that exists in many programs.

Thank you for the opportunity to testify today.

# Flushing Willets Point Corona LDC

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Remarks By Claire Shulman

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August 13, 2008 City Planning Commission Hearing on Willets Point

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Council Member, 20<sup>th</sup> District

Hiram Monserrate  
Council Member, 21<sup>st</sup> District

Good Afternoon. I would like to thank the City Planning Commission and the Chair, Amanda Burden, for this opportunity to share my views on the Willets Point redevelopment. I am Claire Shulman, president of the Flushing/Willets Point/Corona Local Development Corporation.

For those of us who have represented New Yorkers who live outside Manhattan, we know that our boroughs are hit hardest during times of fiscal crisis. But thanks to a great deal of hard work over many years, Queens stands ready to serve as a catalyst for job growth and urban renewal not just for our borough, but for all of New York.

Urban renewal in this case is about more than economic development – it’s about cleaning up one of the most contaminated areas in the region and turning it into New York City’s first green neighborhood. The environmental benefit of this project – to our City and to the families in the surrounding neighborhoods – is undeniable.

We can all agree that we need to clean up Willets Point and the Flushing River and Bay. This project will revitalize the Flushing Waterfront and create a place where families can enjoy open space and recreation in what is now a blighted and polluted area.

In order to adequately clean up the site, we need to clean down into the soil beneath Willets Point. This area has been polluted and contaminated since its use as a coal ash dump – and made worse through years of illegal dumping and improper housekeeping. If we don't clean down to the contaminated soil, any efforts to clean up the polluted waterways will be for naught.

We will clean up the contaminated site, but that is just the start. Willets Point will be a model of environmentally sustainable development. The creation of open space, parks, trees, a bicycle/pedestrian connection to Flushing Bay – will have a direct and profound impact on the daily lives of the people living in and around the area. This will be an enormous accomplishment and set a standard for others to follow throughout the city.

The redevelopment of Willets Point comes at a critical time for our City's economy. This creation of New York City's next great neighborhood will help keep our economy moving – but we have to act **now**.

The economic benefits of this project are clear. Situated at the heart of so many cultural institutions and recreational facilities, in close proximity to mass transit and our airports, Willets Point right now is the epitome of unrealized potential. Redevelopment of this area will create close to 20,000 construction jobs and more than 6,000 permanent jobs in a wide array of sectors.

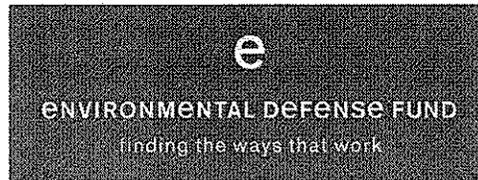
The development will connect Corona and Downtown Flushing – vibrant and otherwise thriving communities whose growth has been stifled by the blighted area currently dividing them. We will create a center of commerce that links these two communities while adding desperately needed convention space

as well as a large hotel. Now is the time to make Queens a destination for business and commerce.

The last aspect of the project I want to discuss is housing. At a time when families face a dire shortage of housing, redevelopment of Willets Point will create 5,500 units of housing in an area that currently has ZERO. As it stands, subject to negotiation, these 5,500 units will contain a healthy percentage of units that will be affordable. The need for these units is especially acute in both the bustling communities of Flushing and Corona.

Having had the privilege of serving in a borough wide post for many years I can tell you that rarely has one plan encompassed so much hope for our future. And lest we forget, the Economic Development Corp. has worked hard not only to describe the project but to assist the businesses and workers in Willets Point to relocate and prosper. I commend the city for its efforts and for all their hard work.

For our economy, for our environment and for those seeking an affordable place to live this plan must go forward. For those reasons and many more I hope you will all strongly consider adding your voices to those people supporting this project. Thank you.



Statement of Environmental Defense Fund  
before New York City Planning Commission  
13 August 2008

Willetts Point is a site of great environmental degradation and neglect. Environmental Defense Fund is pleased that the current plan for Willetts Point calls for a thorough clean-up of the highly contaminated lands that are the result of years of neglect. The Willetts Point cleanup will directly benefit the Flushing River and Flushing Bay, further restoring New York's waterways. Additionally, we are pleased with the City's commitment to promote green building and sustainable design practices in the plan's implementation. No matter what plan is developed for Willetts Point, we strongly urge the City to ensure that these commitments are fulfilled.

This plan represents an exciting opportunity to develop an urban, sustainable community from the ground up. It is appropriate that the plan emphasizes open space and pedestrian friendliness. And at a time when the price of gasoline is headed toward \$5 per gallon, new developments must offer residents alternatives to driving. To that avail, it is critical that Willetts Point does not become another car-dominated community. The New York City region has the dirtiest air in the nation after Los Angeles. Adding more vehicles on the road will only worsen the problem.

The Willetts Point Environmental Impact Statement predicts a significant increase in automobile traffic surrounding the development. The City must think creatively about how Willetts Point can mitigate that traffic burden by becoming a less car-dependent community. This could mean creating easy mass transit access by making sure the MTA opens up the nearby LIRR stop not just on game days, or working with the MTA to add inter- and intra-borough bus lines, depending on where it is people in Willetts Point are actually working. If the City can determine where it is residents are working, it would be possible to determine where improved transit options would allow more residents to switch from car to transit. The City has begun to develop a car-sharing program for Willetts Point. Programs like these have the potential to greatly reduce the number of cars per person in Willetts Point. Generally, 1 shared car can replace between 7 and 10 privately owned cars. Car-sharing programs, such as Zip-Car, offer a cheaper alternative to driving for those who need a car only infrequently or only on weekends. We call on the city to make sure Willetts Point has desirable mass transit options for its residents.

In order to discourage the use of cars and encourage mass transit use, Environmental Defense Fund would not like to see any increases in the number of planned parking spaces within the Willetts Point development. We realize the number of parking spots has

been reduced from the original plan. We fully understand that at the end of the day, residents have to get to work. But if Willets Point residents were to be given desirable mass transit options, they may choose to leave their cars at home.

Finally, and most importantly, it is essential to ensure there is a complete clean up of the contaminated land in Willets Point and that there is minimal runoff into the nearby waterways. While there are still questions about what exactly gets built at Willets Point, we are supportive of any plan that includes green building, waterway protection, brownfield cleanup, and public transportation options tailored to the community. Thank you for your time this afternoon.



Statement read by Carina Molnar | Outreach Coordinator  
CUNY Institute for Sustainable Cities  
~~Community Board 7~~ Public Hearing  
*City Planning Commission*

The Institute supports the concept of making Willets Point a model sustainable community. We feel that lessons learned in this real life laboratory could and should be translated to other neighborhoods of the city that are attempting to lighten their environmental impacts. For much of the past century Willets Point has been associated with environmental problems - stretching back to the 'valley of ashes' and more recently, the petroleum contamination in surrounding water ways.

Officials with the City of New York have proposed a bold plan for the community. But of course, as with any change, there is potential for hardship. CISC acknowledges that the plan will cause the relocation of many businesses and jobs and that the resolution of these burdens must be resolved fairly and equitably. We truly hope there are opportunities to include these workers in the developing green economy.

But CISC's primary focus lays in trying to define pathways through which cities - in their shape, organization, and spirit - can function as solutions for environmental burdens and urban sustainability. We feel that the Willets Point proposal presents an opportunity to combine urban and environmental resilience. The plan once implemented would help remediate some of the pollutant runoff now going into the greater Flushing Bay and Creek watershed and the raising of the surface would make the area less vulnerable to current flooding and future heightened risk associated with climate change and sea level rise.

Most importantly though, ~~some~~ design that seriously considers and integrates sustainability into the everyday experience of people is very much needed. The Willets Point plan moves the question of sustainable design and practice beyond the building and into the neighborhood.

The plan as it stands is not perfect - such plans never are - but we at CISC feel that this is an opportunity to bring together a tremendous amount of innovative thought and cutting edge understanding of sustainable community design. We at CISC are excited to see the plan enter into public debate and eventually move forward.



**Asian Americans for Equality**

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 Tel: (718) 961-0888 • Fax: (212) 961-0988 • www.AAFE.org

**City Planning Commission Public Hearing  
 on Willets Point Development Proposal  
 Wednesday August 13, 2008**

Good Afternoon. My name is Richard Lee and I am the Advocacy Associate for Asian Americans for Equality (AAFE), a founding member of the Queens for Affordable Housing Coalition. I would like to thank the City Planning Commission for giving us the opportunity to express our concern with the EDC's proposal to develop Willets Point.

Queens is amidst an affordable housing crisis, especially in the communities of Flushing, Corona, Elmhurst, Jackson Heights and Woodside. A report by the NYU Furman Center stated that the most populous community in the city is Flushing, while the first, second and third most overcrowded communities are Corona/Elmhurst, Jackson Heights and Woodside/Sunnyside, respectively. This is troubling considering that out of the 51,977 low- and moderate- income housing units funded by the city in 2007, only 2,248 of these were in Queens, which equates to less than 5% of the housing slated to be built. While the EDC claims to be allocating affordable housing, the development plans units only for households making greater than \$55,000 a year (for a household of four). 35% of Queens' residents earn less than \$35,000 a year; in the surrounding communities, this percentage is much higher. The community needs real affordable housing and the Willets Point plan is a unique opportunity for Queens to receive a fair share of the City's affordable housing stock.

Community Board 7 has taken a major step in its recommendation of providing at least 30% of the total planned units for families earning less than \$45,000 a year. We are asking that the City Planning Commission take into consideration the Community Board's recommendation, and build upon that to ensure that:

- At least 1/3 of the planned units be dedicated to families earning less than \$25,000
- At least 1/3 of the planned units be dedicated to low-moderate and middle income families
- That these units remain permanently affordable
- And that the businesses and workers receive fair compensation and relocation

Established in 1974, AAFE is a non-profit community-based development and empowerment organization. AAFE serves thousands of seniors, low-income and working individuals and families each year, offering an array of programs that encompass the organization's comprehensive approach to community development. One area we are able to readily demonstrate our commitment to create stronger communities is through the area of affordable housing. For years, AAFE has been a vocal advocate for the creation and preservation of affordable housing, which we have turned into action by creating and preserving over 600 units of affordable housing in New York City.

**ACORN Testimony in Opposition to the Willets Point Plan  
August 13, 2008**

Commissioner Burden, Members of the Planning Commission, New York City Council members, and my fellow ACORN members and Queens residents;

My name is Marilyn Mayp, and I am speaking on behalf of NY ACORN members throughout this city. We're here today to ask you to do the right thing.

EDC's plan will destroy the livelihood of many of the workers and small businesses of Willets Point with NO GUARANTEE of meaningful relocation or adequate compensation for the nearly 1700 workers and their families. The workers count on those jobs to support their families, raise their children and keep a roof over their heads. They have spent years winning ~~their~~ salaries with sweat under very difficult working conditions. They have the skills and knowledge but the most important thing is that they support their families.

EDC's plan is an insult

~~And~~ Along with displacing so many ~~people~~<sup>workers</sup>, this plan affords NO Guarantees that there will be a real benefit to the people who live in the community. Even the meager 20% of so-called 'affordable housing' that EDC mentions, just mentions, is NOT GUARANTEED and won't be affordable to our members, the Willets workers or to most of the residents of Queens.

<sup>WANT</sup> What we, ACORN members in Queens and throughout the city is 1) a guarantee of compensation and relocation for the workers of Willets and 2) a significant percentage of affordable housing that is affordable

to families making less than \$25,000 a year as well as families making less than \$45,000 a year.

It is the height of arrogance for the Bloomberg Administration to push ahead with this woefully inadequate plan after the community and the City Council have stood up against it, and called for major changes. The EDC plan does not **guarantee** one single unit of housing affordable to the average Queens family. Workers and small business people would get virtually no protection under the plan as well, despite being shut down by the **plan**.

We risk setting a dangerous precedent by ignoring the rights of these workers, and failing to use redevelopment as a tool to increase **desperately needed affordable** housing in this community. It's time for the City to come to the table to work out a new plan that is much more beneficial for all.

The only responsible thing for this Commission to do is to vote against this plan and send a very strong message to the Mayor and EDC that they need to start listening to the community TODAY!

**What do we want?**

**Affordable Housing**

**When do we want it**

**NOW**

**What do we want?**

**Justice for the workers**

**When do we want it?**

**NOW!**

Marilyn Mays  
202-02 109<sup>th</sup> Ave.  
Hollis, NY  
11412



# Community Board 7

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District Manager

August 13, 2008

## Testimony Before the City Planning Commission On Willets Point Redevelopment

Good afternoon members of the City Planning Commission, my name is Gene Kelty and I am the Chairperson of Community Board # 7—Queens. I am here to present testimony before you regarding the Willets Point Redevelopment. On June 30, 2008, the Community Board had a public hearing regarding this issue. The meeting went on way into the night, where a presentation was conducted by the Economic Development Corporation, question and answer period with the full Board members, and comments made by the general public.

By the early morning hour of 12:30 A.M., the Chairperson of the Committee, presented his committee report and the following motion was made:

TO APPROVE THE WILLETS POINT REDEVELOPMENT AS PRESENTED WITH THE FOLLOWING STIPULATIONS (THE FIRST TWO ARE MANDATORY):

1. Postpone disposition of property the city acquires at Willets Pont until a final plan and a developer are chosen to allow CB# 7 and the Queens Borough Board input and final approval.
2. The mitigation fund is extremely small compared to the billions needed to complete this project. CB# 7 insists a mitigation fund equal to 10% o the development costs is established, excluding land acquisition costs.
3. The parking requirement for the residential units should be increased to 100%

4. The 850 seat K-8 public school must be provided on-site and included in the Urban Renewal Plan.
5. CB# 7 does not approve use of Eminent Domain for this redevelopment, but realizes it is a component of the Urban Renewal Plan.
6. CB# 7 insists that the NYC Economic Development Corporation diligently exhaust every means of negotiation and not abuse the method of property acquisition and issued advance notice with supporting documentation to CB# 7 prior to any action of Eminent Domain.
7. NYC Economic Development Corporation must keep their promise of unconditional effort for Business Relocation, Worker Relocation and Job Retraining.
8. The Affordable Housing component should be increased to a minimum of 30%. Income eligibility requirements should be less than \$ 45,000 per year.
9. Half of this component must be designated for Senior Affordable Housing.
10. As per H P D regulations, half of the Affordable Housing component will be allocated to residents of Community Board # 7 Queens. The remaining half should be allocated to residents of Community Board # 3 & 4—Queens, which are located directly adjacent to the Willets Pont Redevelopment.
11. The overall site must conform to LEED-ND Certification standards.

After the above motion was made and second, a friendly motion was made and accepted which stated:

THE REDEVELOPMENT OF WILLETS PONT WORKFORCE SHALL INCLUDE THE FOLLOWING PRIORITIES:

1. Displaced Willets Point Workers
2. Women and Minority Businesses
3. Queens Local Businesses, and
4. Union Labor

The Motion was re read again with the addition of the friendly motion and a vote was taken:

- 21 Board Members voted to Approve
- 15 Board Members voted in Opposition
- 2 Board Members Abstain for Conflict of Interest.

It should be noted that there was extensive discussion on this item.

Approximately 12 committee meeting were conducted over the year with 7 being in the last 2 months. I would like to make sure that the members of the City Planning Commission understand that the Community Board voted **IN FAVOR OF THIS PROJECT WITH 12 CONDITIONS**. Furthermore, in the early stages of our meeting and through out, it was **UNDERSTOOD AND STATED THAT NO BUSINESS FROM THE WILLETS POINT AREA WOULD BE RELOCATED IN THE COLLEGE POINT AREA.**

Respectfully



Eugene T. Kelty --Chair



THE SENATE  
STATE OF NEW YORK  
ALBANY 12247

**TOBY ANN STAVISKY**  
Senator, 16th District  
ASSISTANT MINORITY WHIP

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COMMITTEE ON HIGHER EDUCATION  
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& SPORTS DEVELOPMENT

Willets Point is cited in one of the all time classics of American literature, *The Great Gatsby*. In it, F. Scott Fitzgerald calls Willets Point a valley of ashes...bounded on one side by a small foul river...a fantastic farm where ashes grow like wheat into ridges and hills and grotesque gardens." Despite being a center for various types of businesses, unpaved streets and lack of sewers have led Mayor Bloomberg to call Willets Point a symbol for urban blight. These transformations, though remarkable, have environmentally compromised the area. While surrounding neighborhoods have flourished and prospered, Willets Point has been the antithesis of progress, inhibiting its own potential growth. The area suffers from an array of pollution that threatens and plagues the area, including petroleum, paint contamination, cleaning solvents, and automobile liquids that have permeated and altered the environment including the waterfront. Moreover, the businesses do not have access to the city's sewer and storm systems and flooding is common due to the area's location on a flood plain, creating a public health risk. The pothole-filled streets, the lack of sidewalks, and the derelict cars that are scattered throughout have transformed the region into the very definition of urban blight.

The current redevelopment plans for Willets Point will renovate this neglected region into a vibrant area, utilizing the latest energy efficient technologies. The proposal will provide approximately 5,500 mixed-income housing units, 500,000 square feet of office, space a two-acre park, and 6,100 permanent jobs. Labor unions have been supportive of plans to redevelop the area, seeing it as a positive step for permanent workers in the city. Local government officials and community leaders are working hard to ensure that the transition of both local residents and displaced Willets Point workers run smoothly, providing strong programs that will benefit all. Plans are being put in motion to raise the standards and opportunities for workers in the service and construction industries. The intense thought and the innovative initiatives going into the redevelopment of Willets Point is historic and will change the city's future.

Willets Points' accessibility and its unlimited potential will guarantee its success, providing billions in revenue for the city, vastly enhancing the standard of living for New York residents who work in the area, and add much-needed parks and open spaces that will be available to all New Yorkers. These sustainability plans will also establish Queens as a borough ready to support a green community in the city, instilling in its residents an added source of pride.

Whether watching the US Tennis Open in the fall, enjoying a walk in Flushing Meadows Park, or eating at restaurants in Flushing and Corona, Queens has so much to offer. There is no reason why Willets Point shouldn't become one more reason for us to be proud of our borough. Hopefully when someone writes about the area again, they will not call it a valley of ashes, but instead, a Phoenix, the bird which rose from the ashes to begin life again.