

FOR THE RECORD

Testimony of RitaSue Siegel
August 12, 2008

City Council's Zoning & Franchises Subcommittee

I went to the Kramer Levin website thinking I would find a finely crafted advertisement for their expertise in zoning changes, special permits, variances, landmark proceedings, air rights transfers, and you know what? I did. This is the description on their site for their Land Use practice:

In Brief

Kramer Levin Naftalis & Frankel LLP's Land Use Department has one of the largest and most sophisticated zoning practices in New York City. Our attorneys have deep experience handling all aspects of site development, including zoning changes, special permits, variances, landmark proceedings, air rights transfers, tax abatements and economic development incentives. Our expertise is broad and diverse, having worked with major corporations, financial institutions, non-profit organizations, and commercial and residential developers on matters ranging in scale and complexity from securing zoning approvals and negotiating economic incentive packages for many of New York City's most prominent office towers, to individual variances and landmark approvals for alterations to existing residential and commercial buildings. Our Land Use Department also has significant experience in zoning matters in suburban areas in the New York Metropolitan Area.

Principal Areas of Focus

Our attorneys appear regularly before City and State agencies that have land use jurisdiction including the City Council, the City Planning Commission, the Borough Presidents, the Board of Standards and Appeals, the Landmarks Preservation Commission, the Metropolitan Transportation Authority, the Empire State Development Corporation, the Economic Development Corporation, the Department of Buildings and Community Boards. In addition, we appear regularly before town and village Planning Boards, Zoning Boards of Appeal and other suburban municipal bodies.

The combination of our transactional experience and knowledge in our Land Use practice makes us unique in being able to offer all legal services necessary for site acquisition and development in the City of New York and the surrounding area.

Representative Clients/Transactions

Recent transactions in which our attorneys have been involved include:

- Representing a major investment bank in obtaining zoning approvals to facilitate development of a 45-story, 1.25 million square foot world headquarters, utilizing the transfer of 286,000 square feet of landmark development rights from Grand Central Terminal, the largest such transfer to date

- Securing land use approvals, including a rezoning, a zoning text change and special permits for a recently completed 230,000 square foot addition to a world-renowned modern art museum
- Securing land use approvals for a distinguished teaching hospital's roughly one million square foot enlargement on a platform above the FDR Drive
- Representing a major media corporation in the development of an enlarged headquarters facility by securing landmarks approvals to add a 36 story 650,000 square foot tower above a designated landmark and zoning approvals for a 120,500 square foot floor area bonus for providing transit improvements
- Advising a prominent university with numerous real estate holdings on zoning and development issues and obtaining land use approvals for all of its new development projects
- Representing a leading REIT, the largest owner of office property in New York City, on its land use matters, including approvals for a new mixed-use tower planned at a former midtown department store site
- Representing the developer of a regional "power mall" in Suffolk County, New York in obtaining land use approvals and ensuing litigation

We also counsel clients on obtaining tax exemptions and other economic development incentives from governmental agencies. We approach a project with a comprehensive understanding of the various incentive programs and opportunities available to the client. Recently, our experience in this area led a major civic organization to request that our attorneys assist the City of New York in the development of the Revitalization Plan for Lower Manhattan. Other examples of our work in this area include:

- Representing numerous developers of residential housing in obtaining tax exemptions under New York City's Section 421-a program
- Securing tax exemptions under New York City's Industrial and Commercial Incentive Program for developers of office buildings, hotels, retail buildings and other commercial projects
- Negotiating incentive packages for corporate and institutional clients considering whether to relocate or remain in New York City

It is an irresistible offering to developers and in the person of Michael T. Sillerman, a partner in the Land Use practice, leads them through the process, allowing development sites with avenue zoning, using ZR Section 74-79 to buy unlimited air rights from nearby landmark buildings, and using ZR 81-212 amend related zoning texts that enables them to

1. Loosen requirements for Loading Docks (affects traffic, adds to congestion)
2. Cut back Window Distance from lot lines (cuts back access to light & air)
3. Cut back Pedestrian Circulation Space
4. Cut back size of Inner Courts (cuts access to light & air)

5. Cut back access to light and air; Alternative Heights and Setbacks, ignoring the results of daylight evaluation studies

He shows developers

1. How to use ZR Section 74-711 so that bulk modifications can be made without zoning text changes by the developer.
2. How to undermine the system of public participation and government scrutiny of development plans

He erodes the law with repetitive assaults

Over the past few years, Sillerman has paved the way for developer after developer to make a series of modifications so that modifications have become easier to obtain. At this point, the various modifications engineered by Kramer Levin have created a cumulative impact on the Special Midtown District's already loaded infrastructure. For example, if a waiver of a loading dock requirement is granted in the case of 610 Lexington, how could the application be denied to waive a loading dock requirement at the MoMA Hines development?

His ultimate target is revealed

The West 54 – 55 Street Block Association believes that the current short term target of the various modifications that Sillerman has proven are so easy to arrange is the outrageously scaled MoMA/Hines development project. Sillerman has been systematically weakening ZR Section 74-79 without interference from the entities that are supposed to be looking out for the public interest and for which the laws were put in place to protect.

Who is going to work with the West 54 - 55 Street Block Association to prevent the erosion of ZR Section 74-79?

RitaSue Siegel, Chair, Landmarks Committee, West 54 – 55 Street Block Association

17 W 54 St, Apt. 9B

New York, NY 10019



West 54 – 55 Street Block Association

City Council's Zoning & Franchises Subcommittee, Public Hearing, August 12, 2008
610 Lexington/375 Park Ave N 080177 ZRM & C 080178 ZSM
Testimony of Veronika Conant, President

I am Veronika Conant, President of the West 54 – 55 Street Block Association located North of the Museum of Modern Art in the Preservation Subdistrict of the Special Midtown District. We are grateful to Council Member Dan Garodnick for today's Hearing.

The developer is seeking a ZR Section 74-79 transfer of air rights from landmark Seagram Building on Park Ave to a small adjacent development site on Lexington to build a 63 stories high condo hotel, and is asking for a Special Permit and zoning amendments, which would apply to the entire Special Midtown District. **They would loosen requirements for a loading dock, cut back on how close windows be built to a lot line, cut pedestrian circulation space, size of inner courts and access to light and air. We are against any text amendments. This is an omnibus request** in order to affect all future zoning regulation in the Special Midtown District.

The applicant does not reveal the consequences of the amendments in Attachment G. Missing from a list of landmarks with floor area available for similar transfers is **University Club at Fifth Avenue & West 54 Street where the same lawyer and developer are planning to use ZR Section 74-79 for the transfer of unused air rights to the MoMA/Hines development site.**

For all environmental effects from shadows, hazardous materials, traffic and parking to transit, pedestrians and air quality they claim **"site specific analysis can not be provided"**.

Since the developer admits not to know the consequences of the text amendments, a thorough study is needed to show their impact on future developments before accepting them. This would be better addressed by a comprehensive approach to the section by the Department of City Planning and a full public debate on the merits of changes than allowing developers to dictate zoning regulations.

The developer argues that the modifications are not significant because all developments under 74-79 will still be subject to the Special Permit process. However, the modifications would set a precedent. For example, if a waiver of the loading dock requirement is granted in this case, it would be very difficult to deny an application anywhere else.

Both CB 5 and 6 voted against 610 Lexington, the Borough President conditionally opposed it. However, the City Planning Commission voted for the development plans and zoning text amendments.

The development plans would be possible without zoning amendments. Since 610 Lexington is adjacent to the Seagram, the developer could use ZR Section 74-711. This would allow bulk modifications without zoning text changes.

Present landmark laws already allow unlimited sale of air rights by landmarks and unlimited buying by developers at sites with avenue zoning. Additional zoning amendments could seriously weaken 74-79, and the benefit to the landmark is not balanced by the negative impact on the community, especially the loss of air and light on side streets, increase in congestion and the loss of pedestrian circulation space.

The developer cites a recent 74-79 Special Permit application, approved last Fall at 400 Fifth Avenue, with text amendments for the Special Midtown District & Fifth Avenue Subdistrict. The lawyer for the project was once again the same, Kramer Levin.

Council Members, please do not allow developers to write our laws, protect ZR 74-79 from negative effects on our neighborhoods and city. Please oppose this project. Thank you.

City Council's Zoning & Franchises Subcommittee
Public Hearing about 610 Lexington Avenue/345 Park Ave
August 12, 2008
N 080177 ZRM
C 080178 ZSM

Galina Marchenko, 45 West 54th Street, New York, NY 10019

Testimony

Dear Council Members,

Thank you for this opportunity to express my opinion.

In my experience, the best and most effective decisions are made when the costs and benefits of an important decision are borne by the same party. However, under the proposed zoning text modifications this would not be the case. It is clear that the benefits of the requested modifications would be realized by the developers, and the incentive of the developers to propose these modifications are also very clear - i.e. to maximize the profit from the project/building. However, the continuing or long-term costs of these modifications would be borne by the public and near-by communities.

Therefore, we oppose this proposal for text amendments to the Zoning Resolution Section 81-212 for the Special Midtown District. Furthermore, since the City Planning Commission chose to ignore the stated recommendations of both Community Boards 5 and 6, and voted for the development plans and zoning amendments, we think that an independent agency (the City Council), which does not have a special vested interest in this project, should make an independent study and perform sufficient due diligence of the effects that the buildings of this size (with the requested modifications before you) would create on the current and future public and midtown community (i.e. surrounding communities, pedestrian and traffic circulation, and all infrastructure – including water, sewage, garbage collection, electricity, telecommunications, etc.).

In addition, impact of this development on public safety should be evaluated – in particular, fire trucks access and fire regulation along with ambulance and police access and ability to quickly pass through this already busy westbound designated through street; morning to early evening general traffic along with proposed street loading/unloading of trucks; effect on public traffic, and daytime and nighttime pedestrian flow; all of which are impeded by the modifications requested in the plan before you. Based on results of such study/analysis, the independent agency would be best suited to make appropriate recommendations to the City Planning Commission, City Council Subcommittees, and to the public. We also think that there should be a public debate on the merits of changes to the zoning regulations or other mechanism that will include public opinion in the decision making process.

Our main concern is that if we continue to allow massive building construction by stretching zoning regulations, it will create significant impact on the infrastructure and safety of the current and future of the City. Again, allowing the developers to decide zoning regulations misplaces the benefits and costs of these decisions. Furthermore, these modifications will set a precedent for further modifications lobbying by the developers and will clearly make other modifications easier, which, in turn would create a cumulative impact on the midtown district's already loaded infrastructure. Therefore, we are asking the members of the City Council's Zoning & Franchises Subcommittee to please vote against the development plans. Thank you.

**City Council's Zoning & Franchises Subcommittee
Public Hearing, August 12, 2008
610 Lexington Avenue/375 Park Ave N 080177 ZRM &
C 080178 ZSM**

**Testimony by Hugo Hoogenboom
President, Board of Directors, 45 West 54 Corporation
45 West 54 Street, New York, NY 10019**

We strongly oppose the proposal for text amendments to the zoning resolution – 81-212 – for the special midtown district. We have three main objections. First, it is unnecessary; second, its scope is too broad; third, it would undermine the system of public participation and government scrutiny of development plans.

The changes in zoning requirements that the applicant seeks could as well be done through special permits. Why then do the applicant and its lawyers (Kramer Levin) seek these broader text amendments? The effect of the text amendments may give us a clue as to motivation. The planned 1,100 foot MoMA/Hines tower at 53 West 53rd Street – also represented by Kramer Levin – would be a beneficiary of these text amendments. And the effect of the text amendments would extend to any project in the Special Midtown District, where development is burgeoning. This amendment would enable developers to seek changes in zoning requirements in one special permit, and thus by-pass a lot of the normal review public hearing and review mechanisms established for this kind of thing.

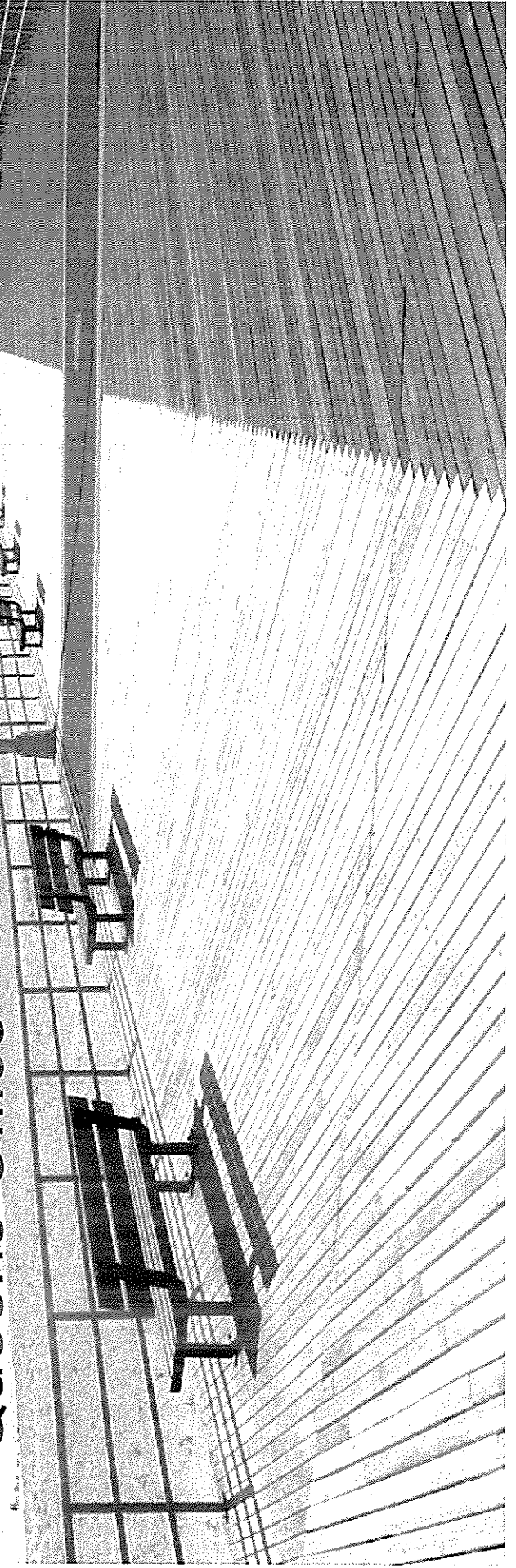
The applicant describes the effect case for the amendments solely on the proposed hotel/condominium at 610 Lexington. We believe that a proper consideration of the text amendments would have to take into account their impact on development now in or near entering the ULURP process, as well as generally their impact on projects that may be proposed. What we have here is a kind of Trojan horse application.

These amendments would mean that more zoning decisions would be made by the City Planning Commission, cutting out the Borough President and cutting out Community Boards, which are the main means through which the voices of local residents are included in the ULURP process, and severely undercutting community based planning. It is well-known that regulatory bodies like the Landmarks Preservation Commission and the City Planning Commission tend to become dominated by the very groups they are supposed to regulate, which underscores the important need for community participation.

We respectfully ask the City Council to oppose these plans.

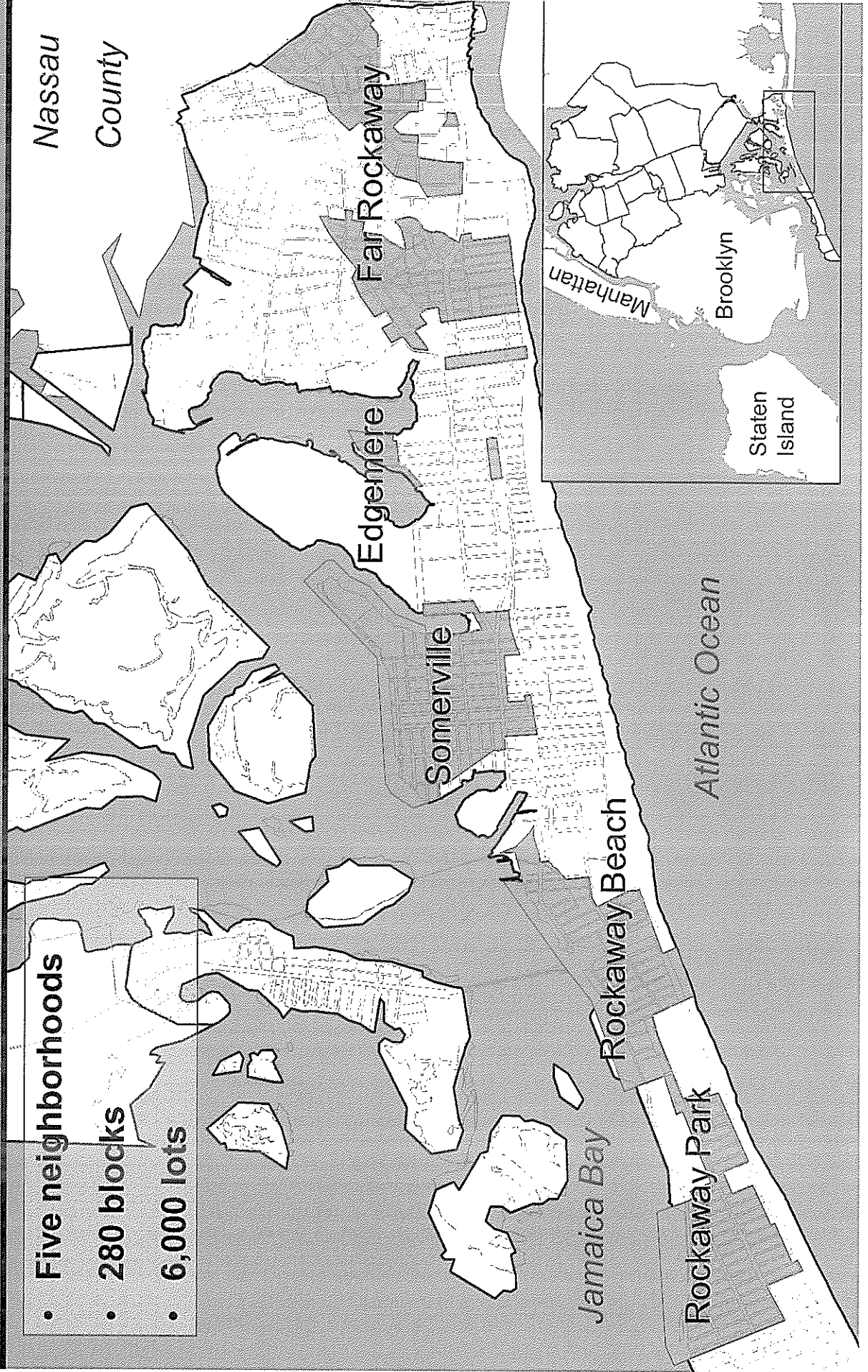
ROCKAWAY NEIGHBORHOODS REZONING

Department of City Planning
Queens Office



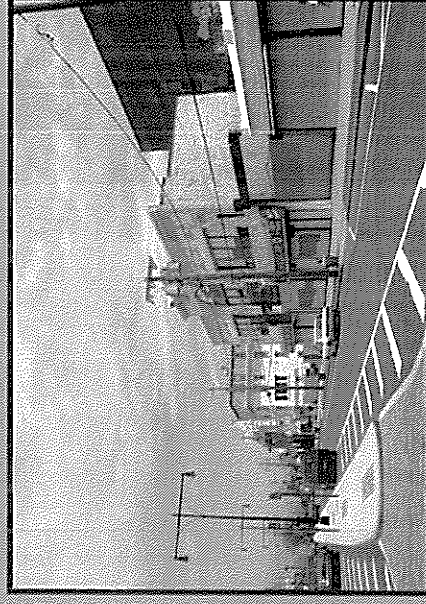
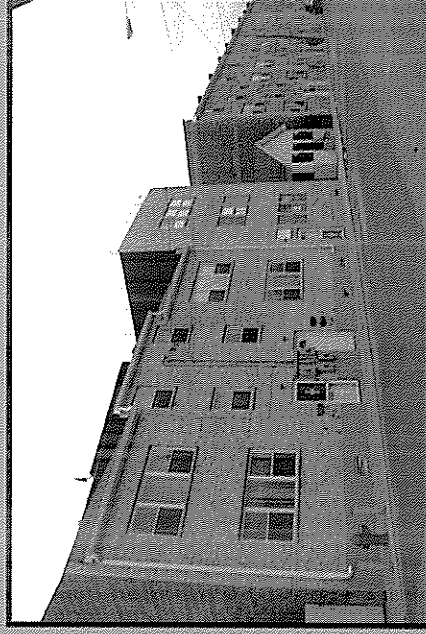
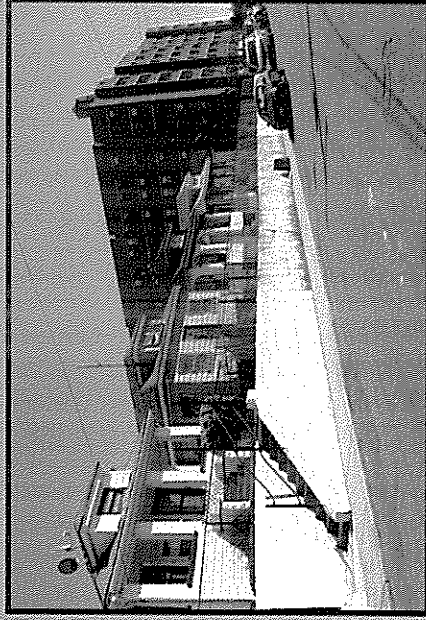
OVERVIEW

- Five neighborhoods
- 280 blocks
- 6,000 lots



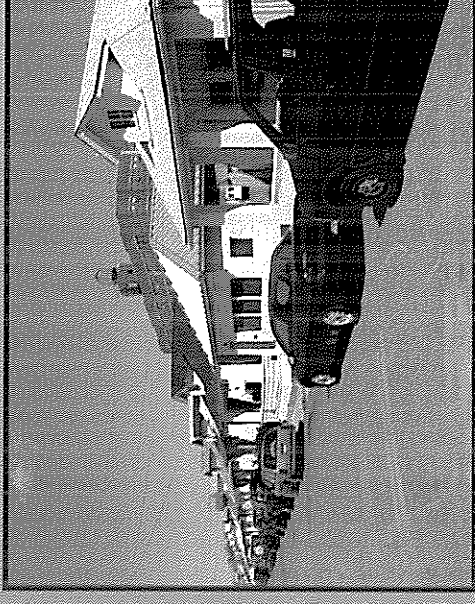
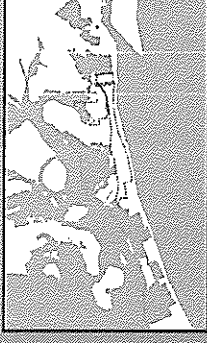
EXISTING ZONING - ISSUES

- Encourages development that is out of character with existing neighborhood context
- Restricts opportunities for mixed used development along the area's wide streets
- Does not reflect higher accessory parking demand in medium density areas



OBJECTIVES

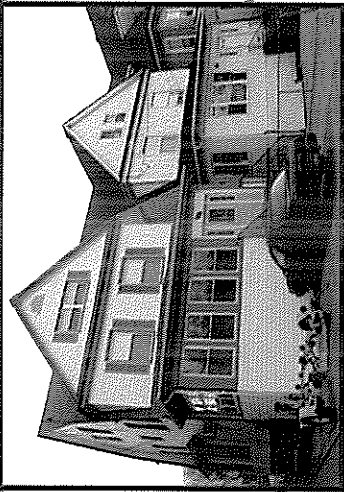
- Establish a low-scale framework to protect and reinforce established building scale
- Ensure the provision of front and side yards, street trees and sidewalk planting strips
- Address community concerns for additional accessory parking requirements in auto dependent locations
- Provide zoning flexibility for residents to enlarge one-family homes in Far Rockaway
- Facilitate a mix of residential and commercial activities in select locations to strengthen existing contexts along wide streets and in areas close to transit.



EXISTING ZONING



Rockaway Park

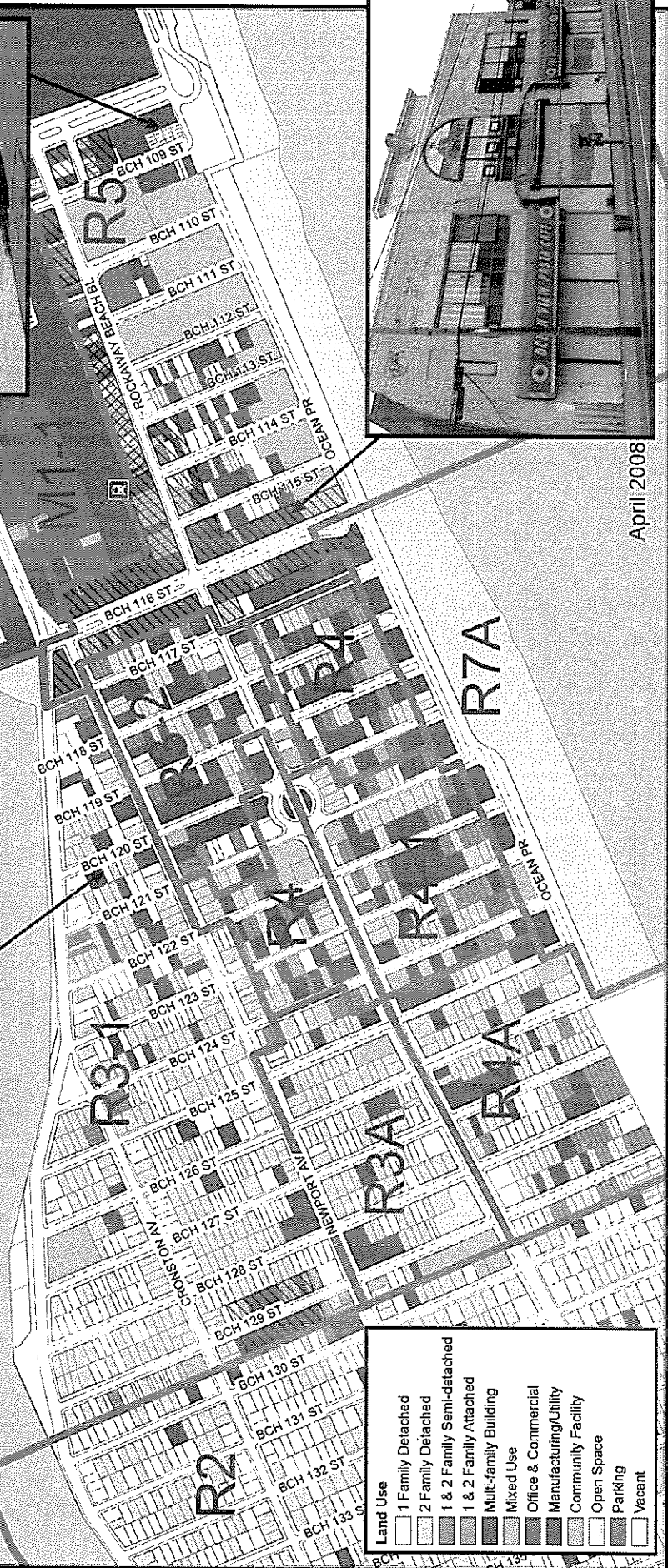


Existing Zoning District

- C8-1
- R5
- R3
- R2
- R7A
- R7B
- R7C
- R7D
- R7E
- R7F
- R7G
- R7H
- R7I
- R7J
- R7K
- R7L
- R7M
- R7N
- R7O
- R7P
- R7Q
- R7R
- R7S
- R7T
- R7U
- R7V
- R7W
- R7X
- R7Y
- R7Z

Existing Commercial Overlay

- C1-2
- C2-2
- C2-4

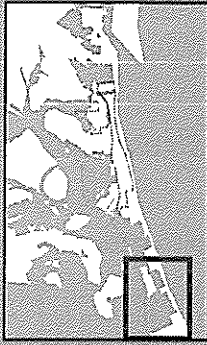


Land Use

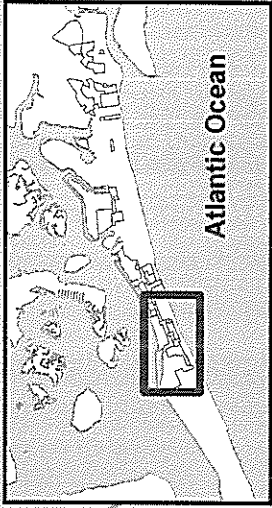
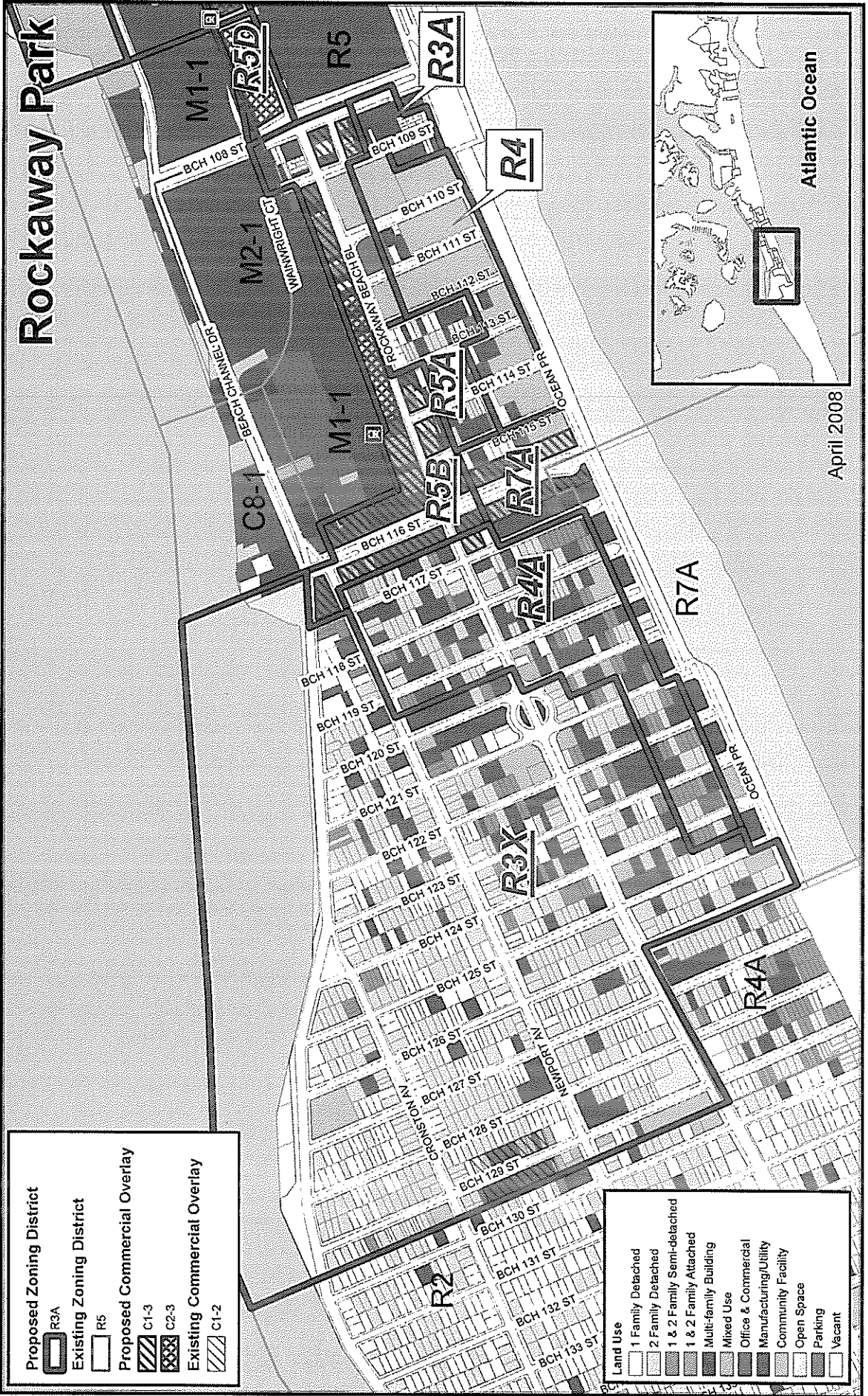
- 1 Family Detached
- 2 Family Detached
- 1 & 2 Family Semi-detached
- 1 & 2 Family Attached
- Multi-family Building
- Mixed Use
- Office & Commercial
- Manufacturing/Utility
- Community Facility
- Open Space
- Parking
- Vacant

April 2008

PROPOSED ZONING



Rockaway Park



Atlantic Ocean

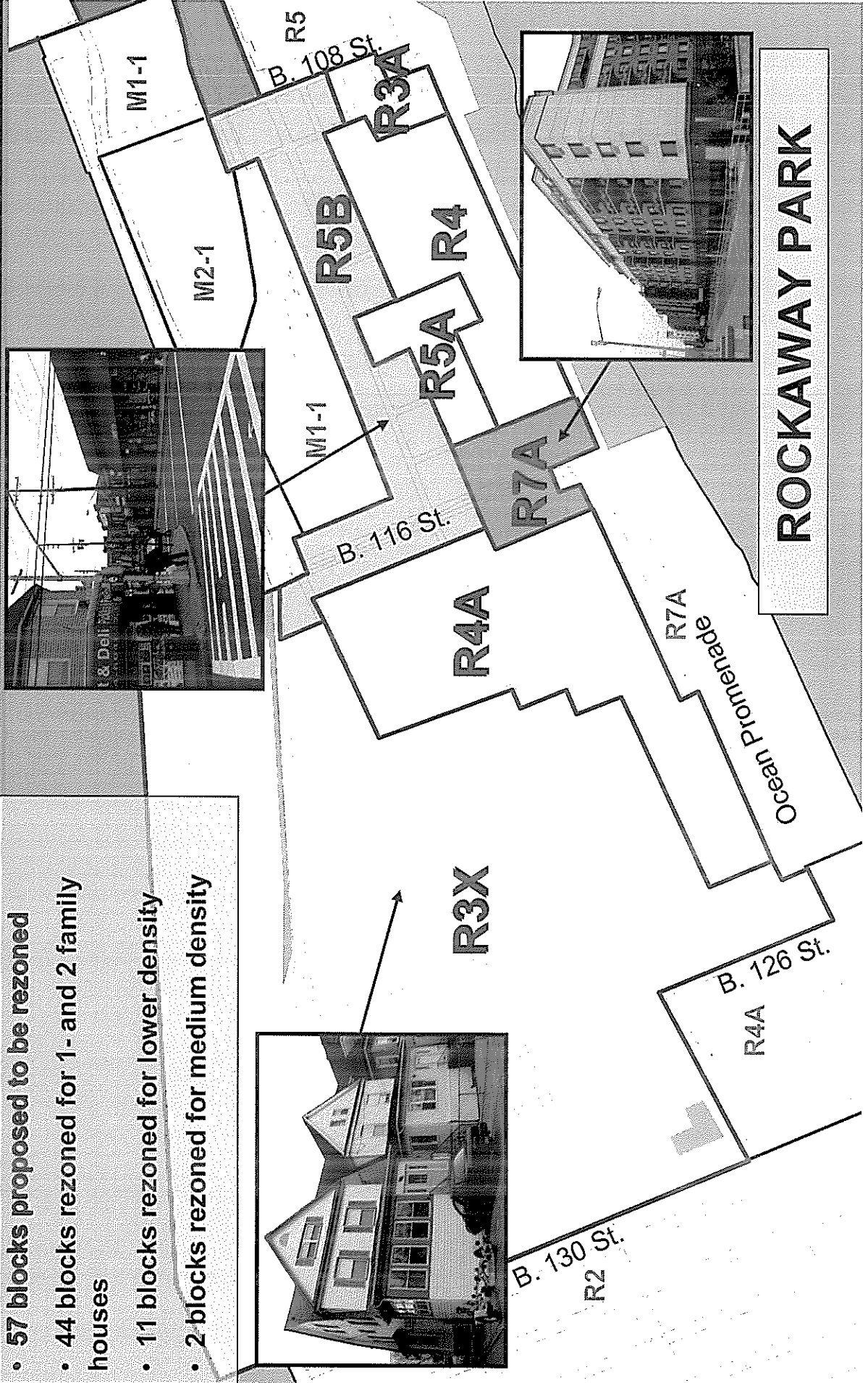
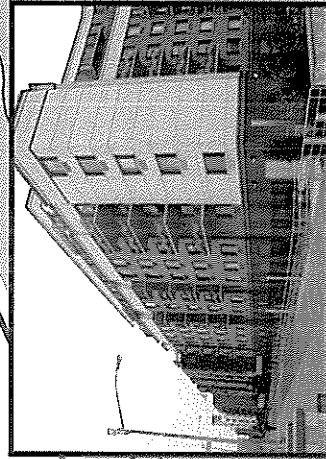
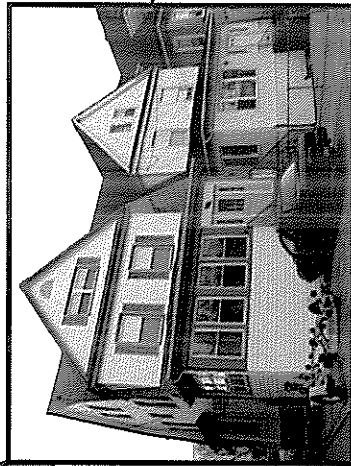
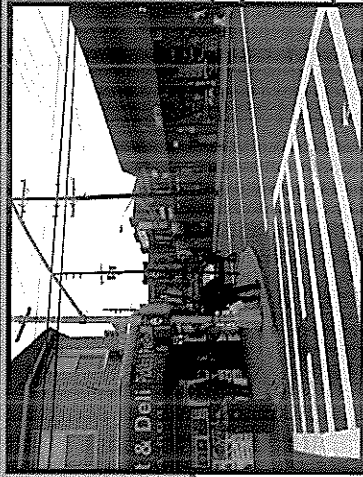
April 2008

	Proposed Zoning District
	Existing Zoning District
	Proposed Commercial Overlay
	Proposed Commercial Overlay
	Existing Commercial Overlay

	Land Use
	2 Family Detached
	1 & 2 Family Semi-detached
	1 & 2 Family Attached
	Multi-family Building
	Mixed Use
	Office & Commercial
	Manufacturing/Utility
	Community Facility
	Open Space
	Parking
	Vacant

PROPOSED ZONING

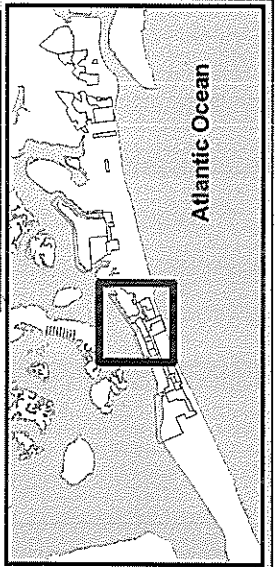
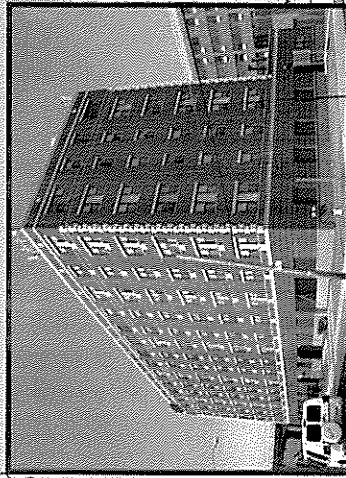
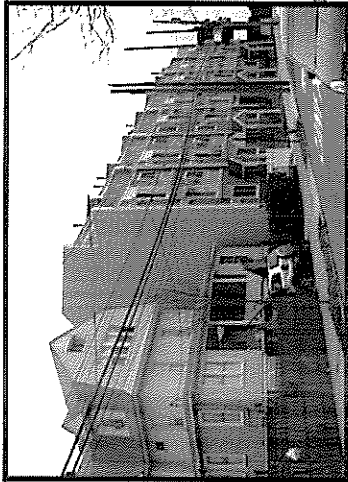
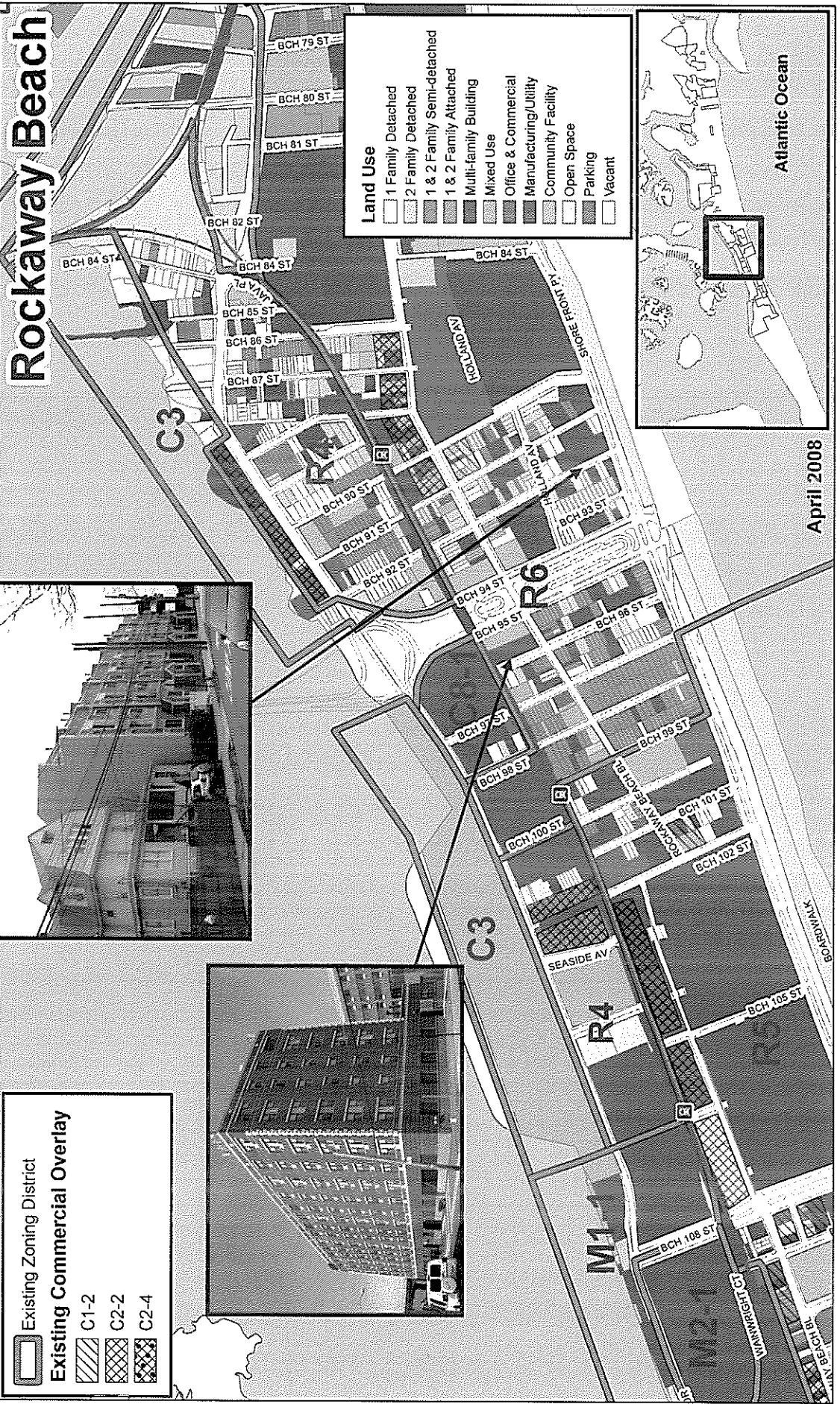
- 57 blocks proposed to be rezoned
- 44 blocks rezoned for 1- and 2 family houses
- 11 blocks rezoned for lower density
- 2 blocks rezoned for medium density



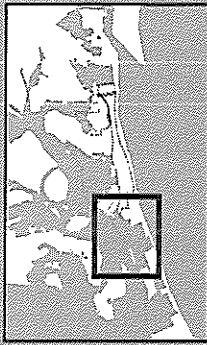
ROCKAWAY PARK

EXISTING ZONING

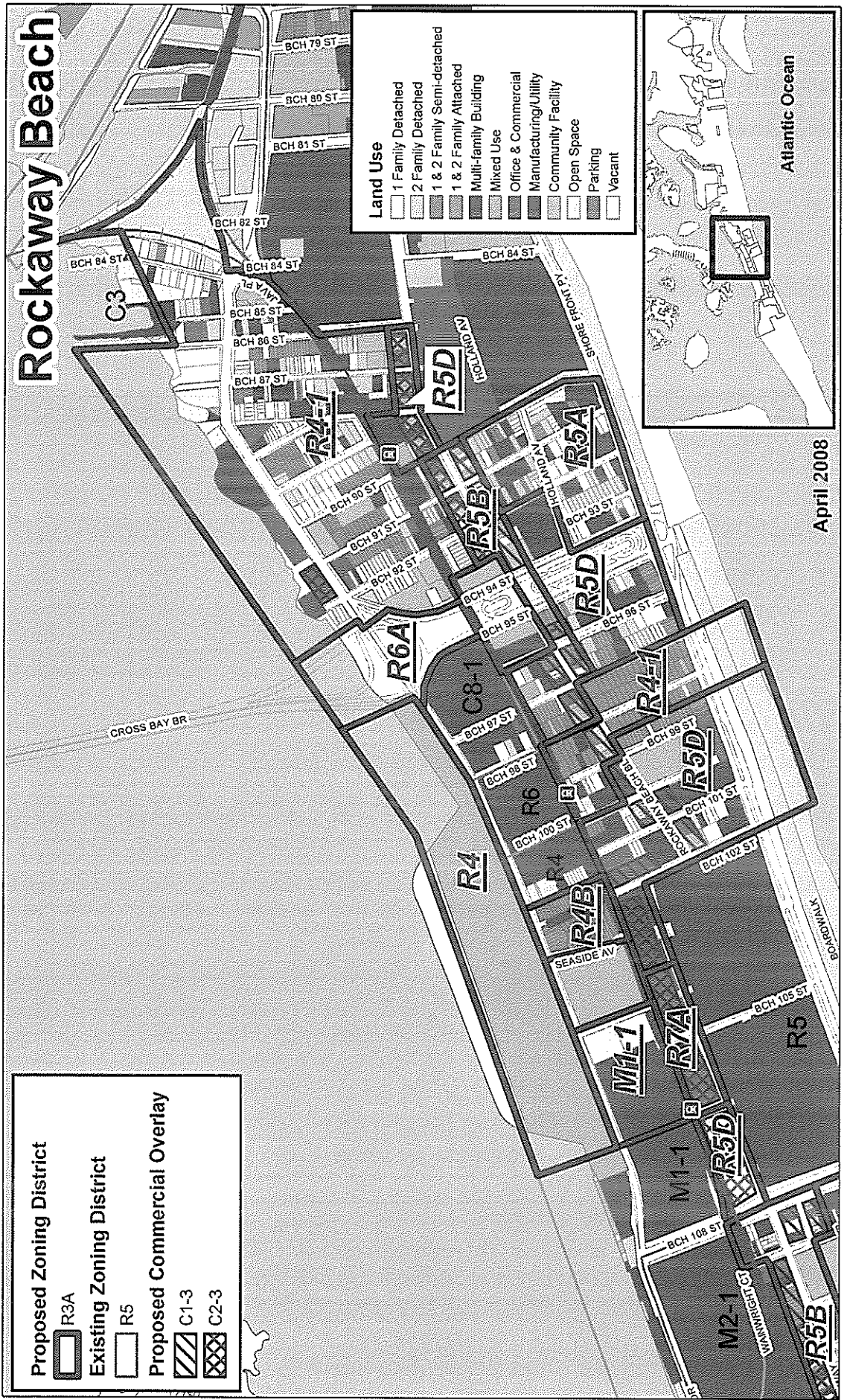
Rockaway Beach



PROPOSED ZONING



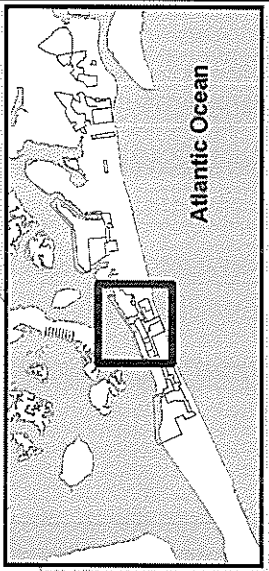
Rockaway Beach



Proposed Zoning District
 R3A
Existing Zoning District
 R5
Proposed Commercial Overlay
 C1-3
 C2-3

Land Use

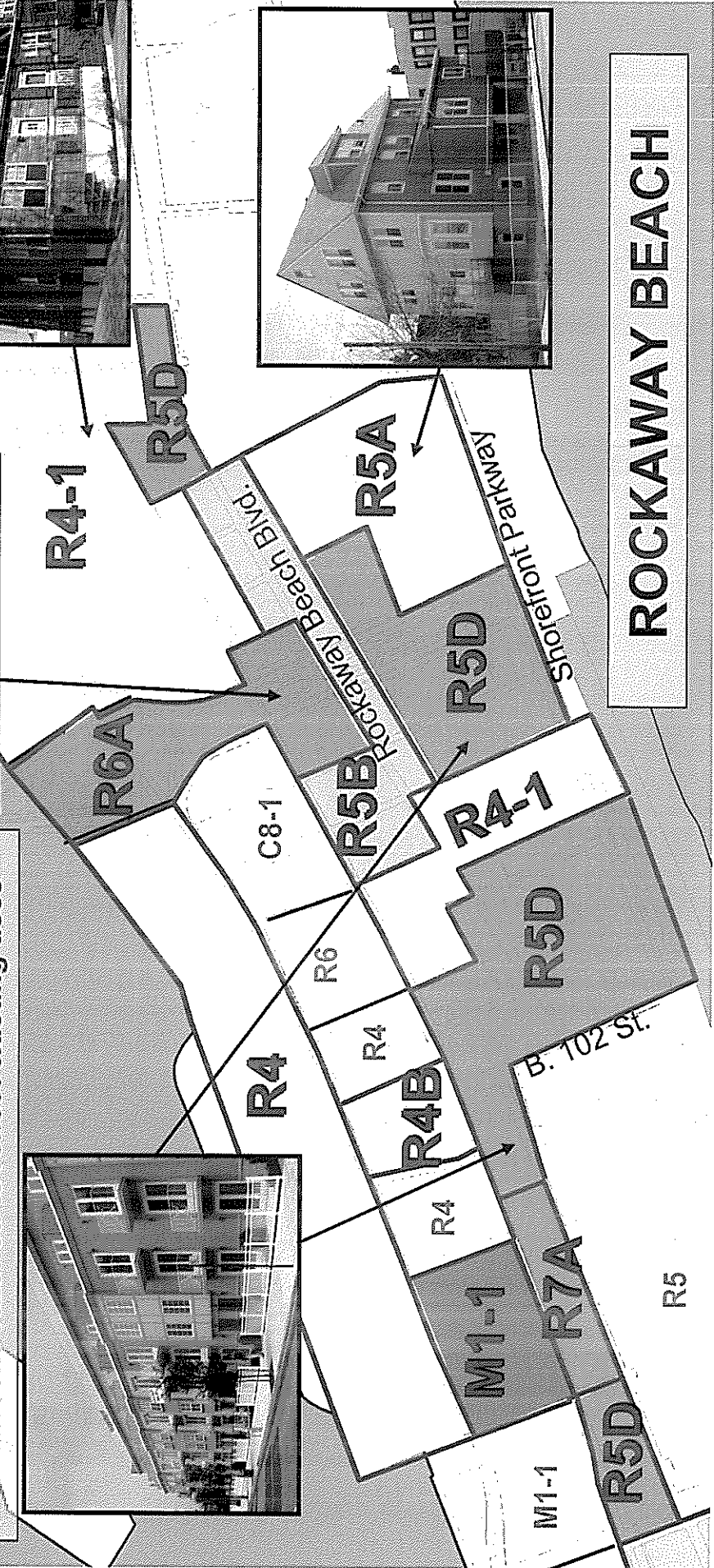
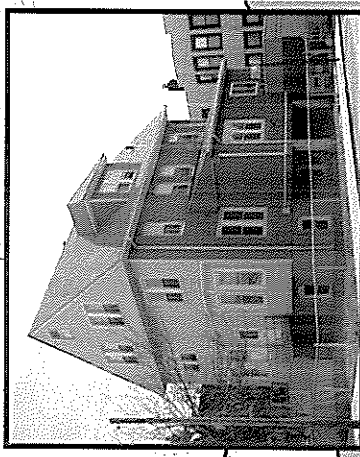
- 1 Family Detached
- 2 Family Detached
- 1 & 2 Family Semi-detached
- 1 & 2 Family Attached
- Multi-family Building
- Mixed Use
- Office & Commercial
- Manufacturing/Utility
- Community Facility
- Open Space
- Parking
- Vacant



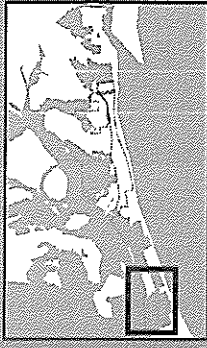
April 2008

PROPOSED ZONING

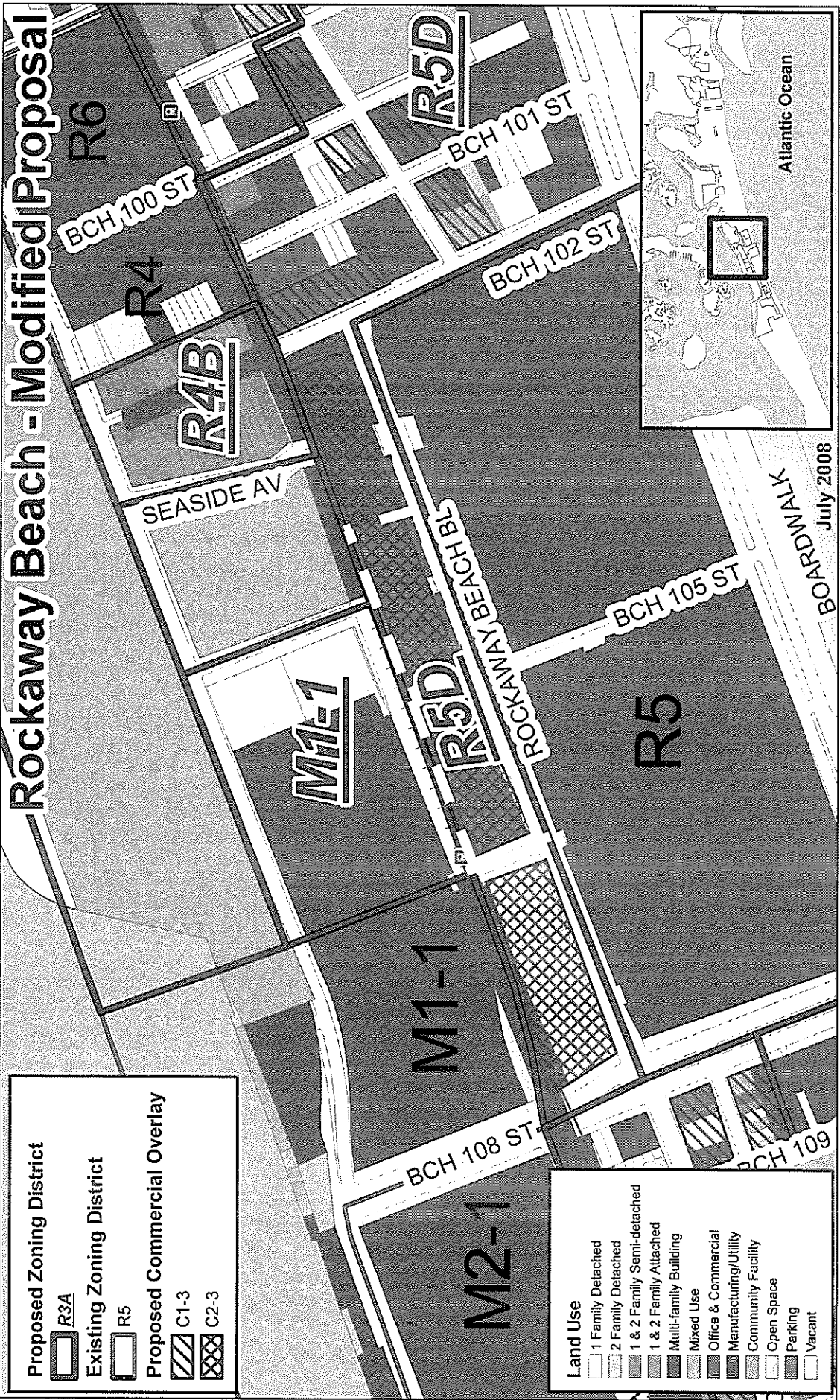
- 66 blocks proposed to be rezoned
- 32 blocks rezoned for 1- and 2 family
- 12 blocks rezoned for lower density
- 20 blocks rezoned for medium density
- 2 blocks rezoned to reflect existing uses



CPC MODIFICATIONS

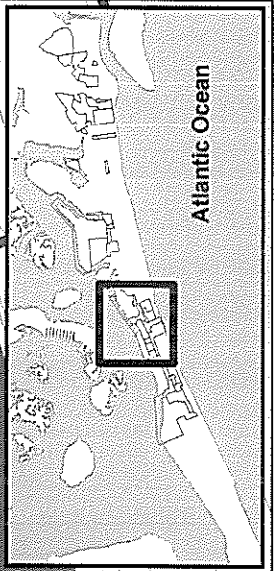


Rockaway Beach - Modified Proposal



	Proposed Zoning District
	R3A
	Existing Zoning District
	R5
	Proposed Commercial Overlay
	C1-3
	C2-3

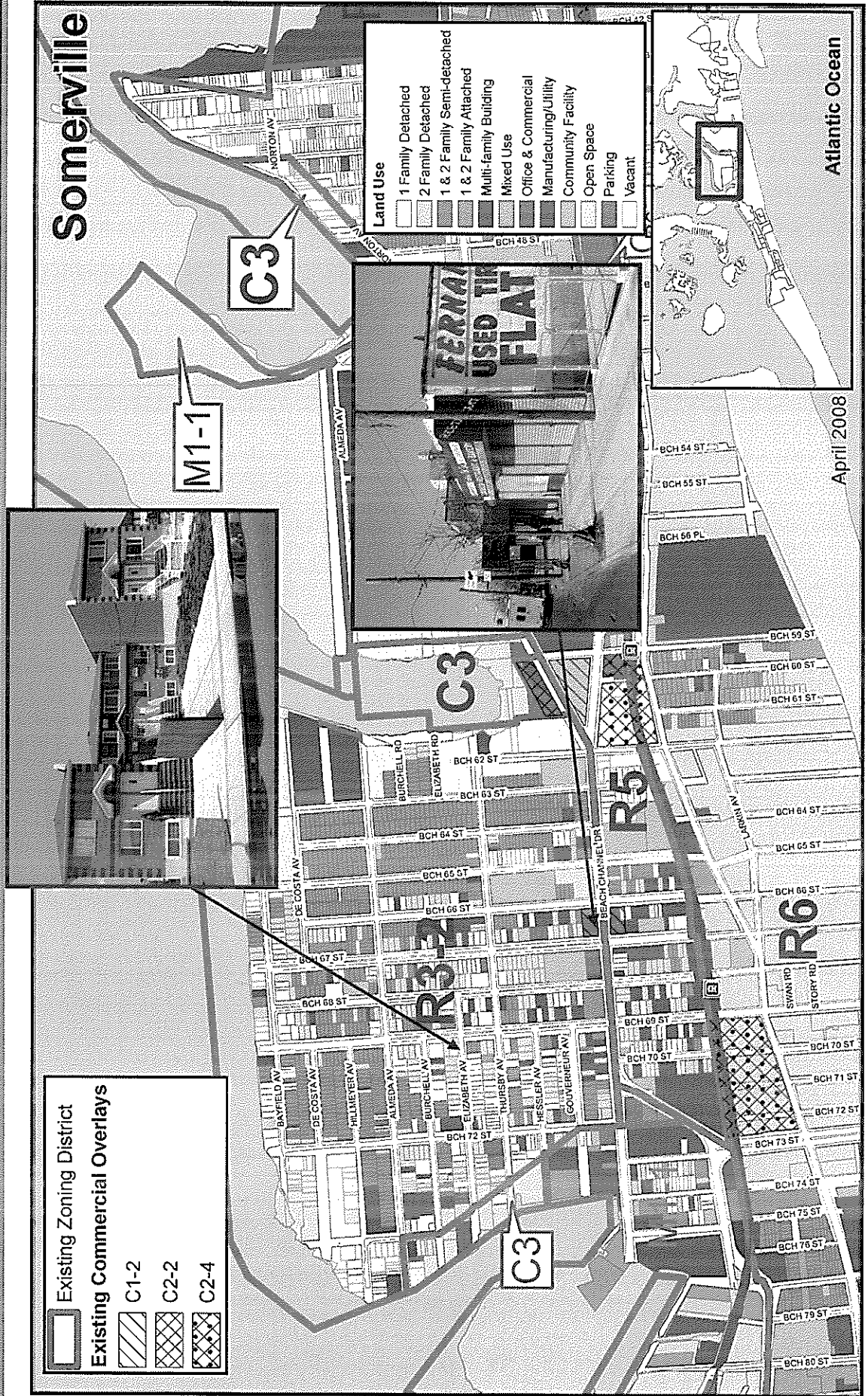
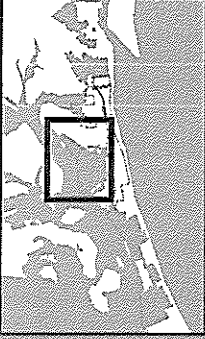
	Land Use
	1 Family Detached
	2 Family Detached
	1 & 2 Family Semi-detached
	1 & 2 Family Attached
	Multi-family Building
	Mixed Use
	Office & Commercial
	Manufacturing/Utility
	Community Facility
	Open Space
	Parking
	Vacant



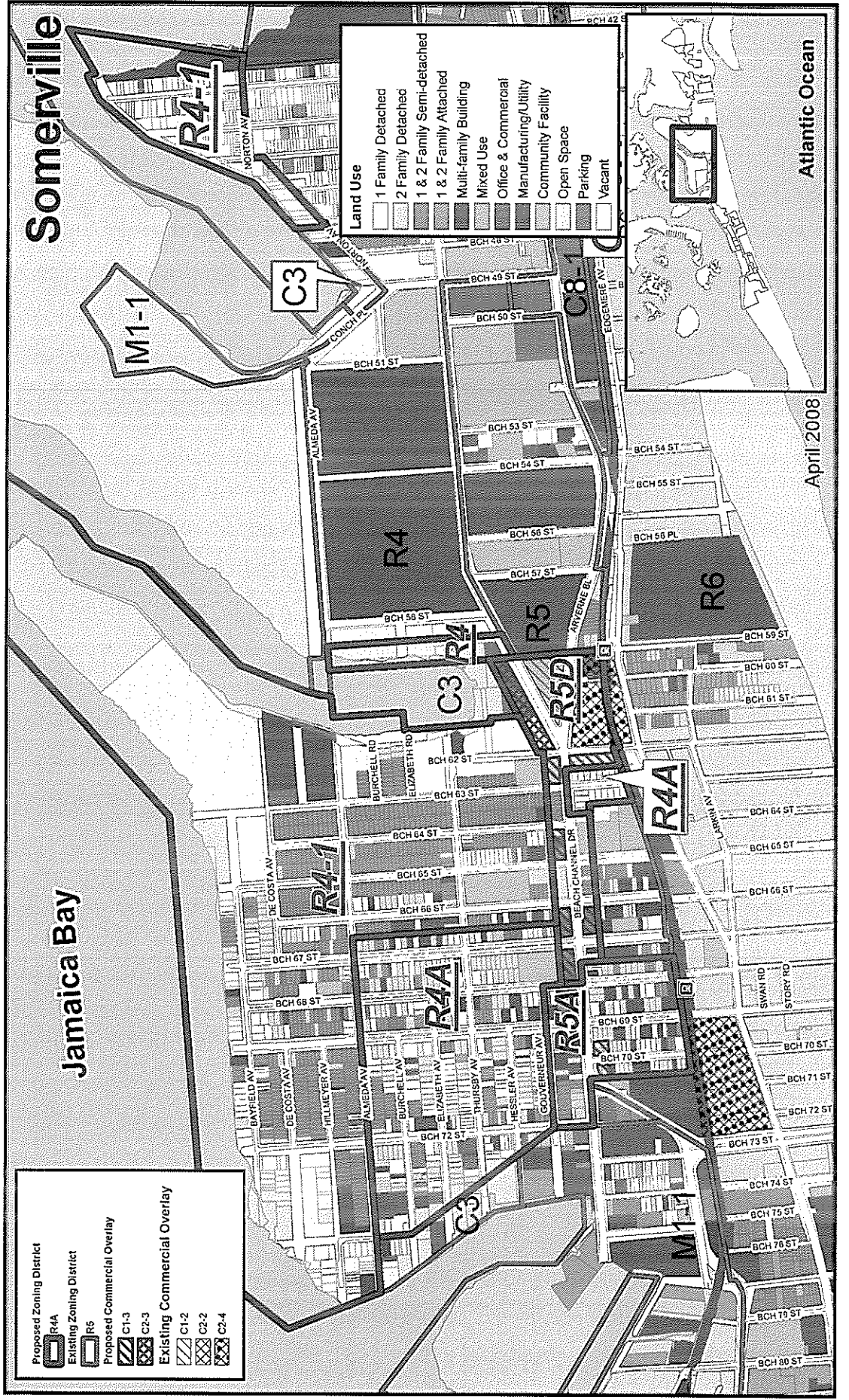
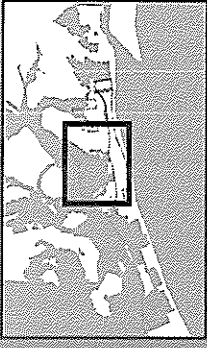
Atlantic Ocean

BOARDWALK
July 2008

EXISTING ZONING

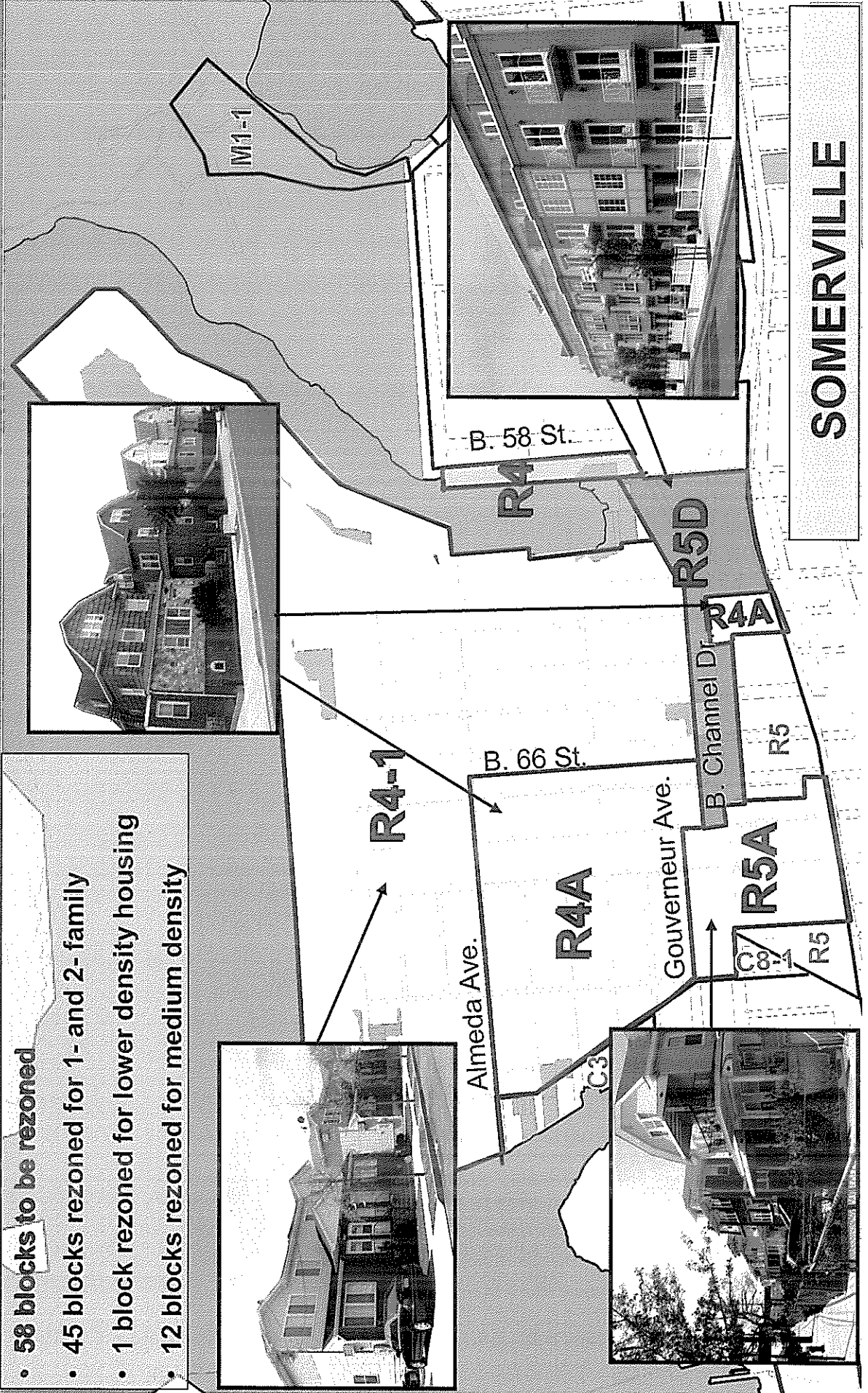
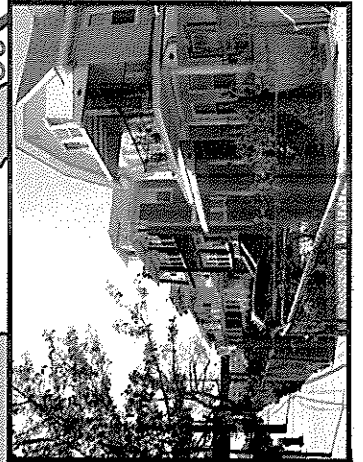
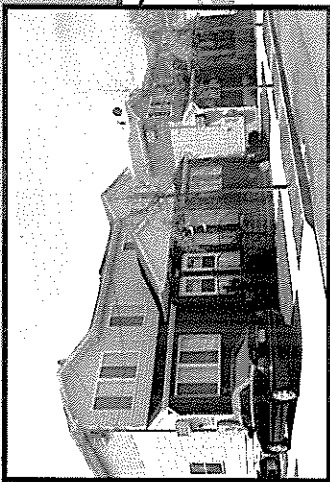
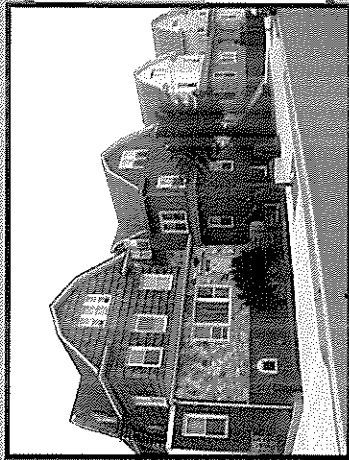


PROPOSED ZONING

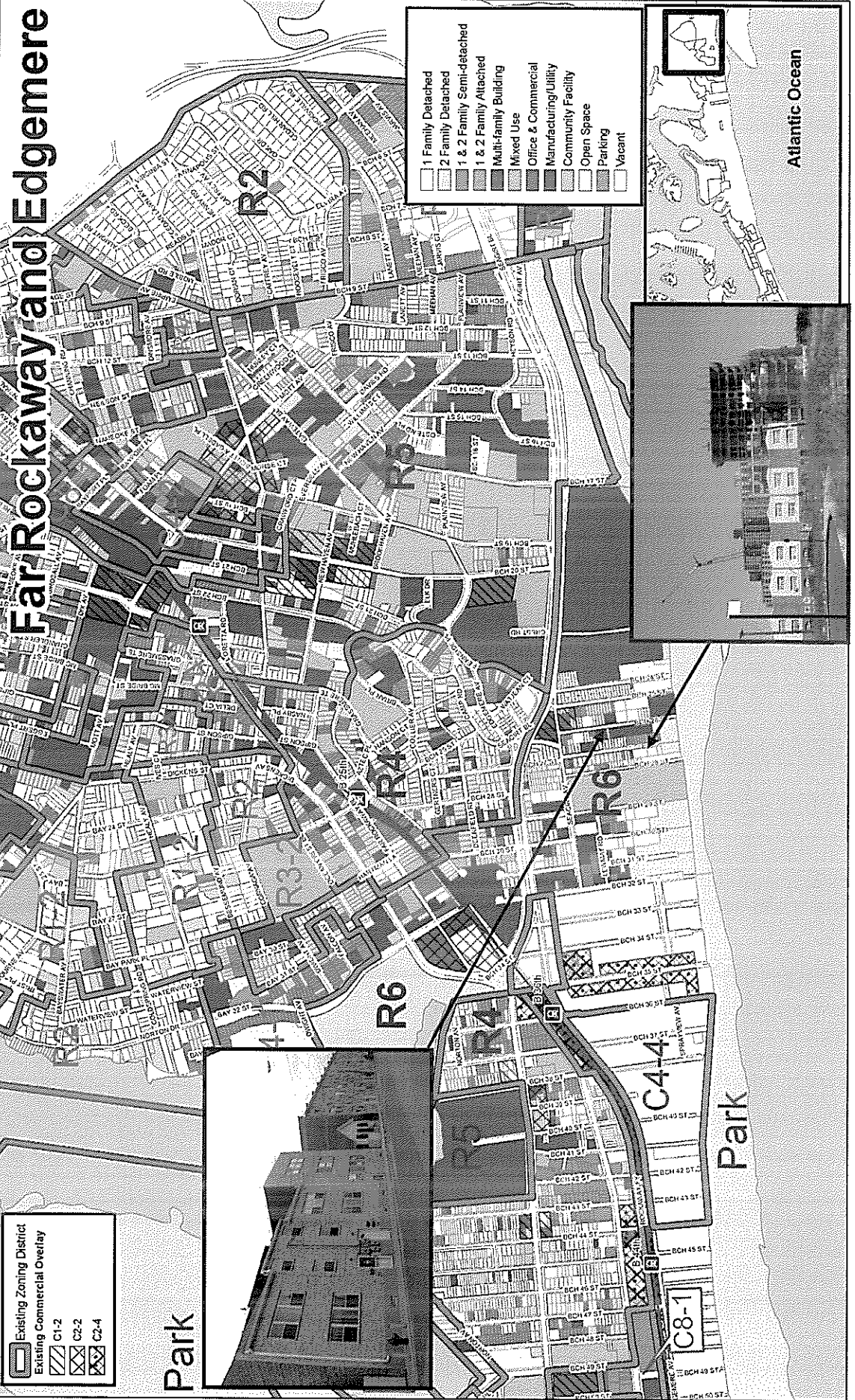


PROPOSED ZONING

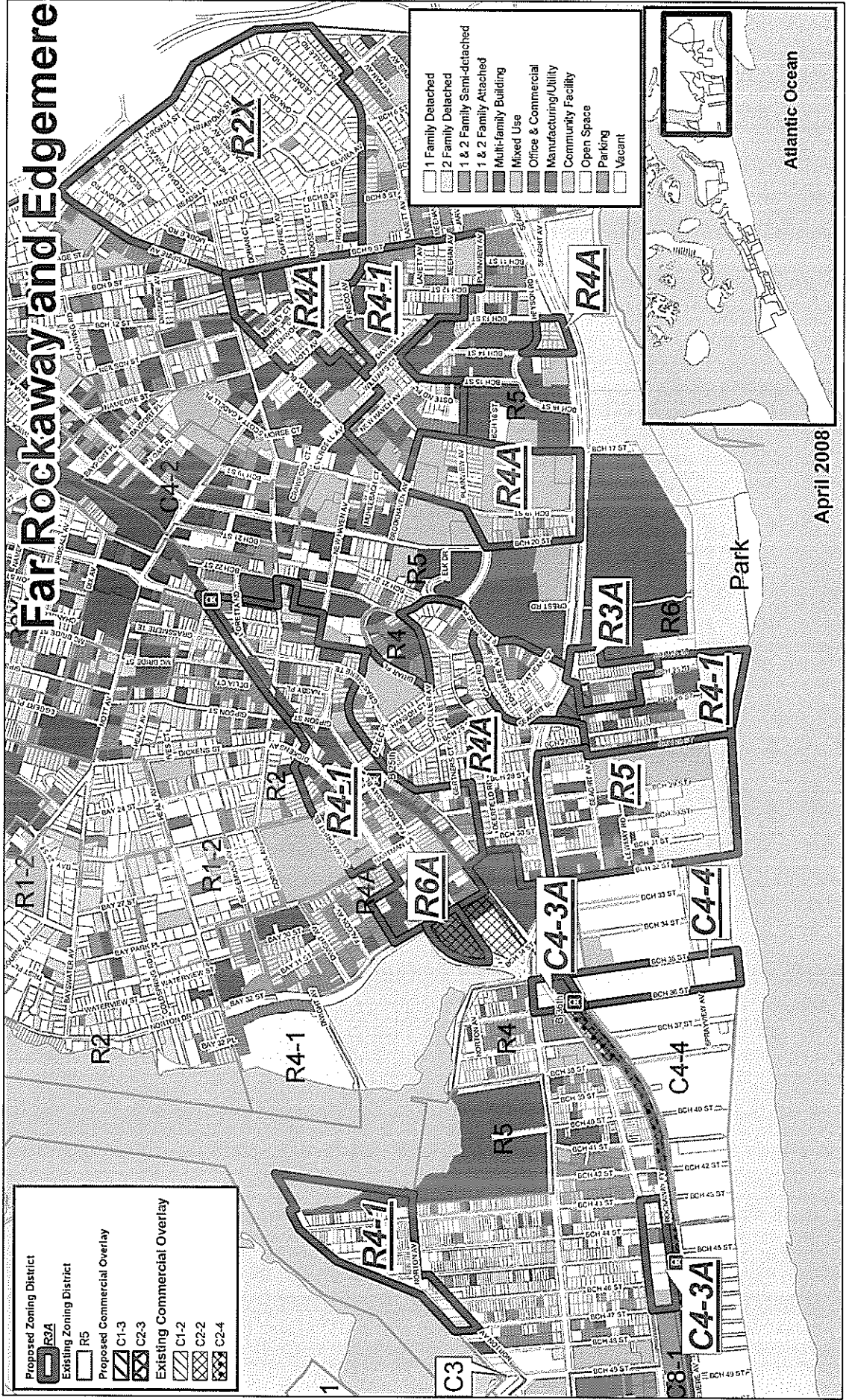
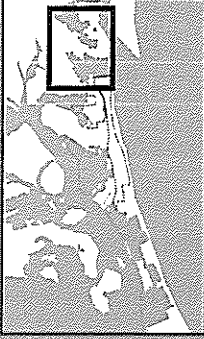
- 58 blocks to be rezoned
- 45 blocks rezoned for 1- and 2- family
- 1 block rezoned for lower density housing
- 12 blocks rezoned for medium density



EXISTING ZONING

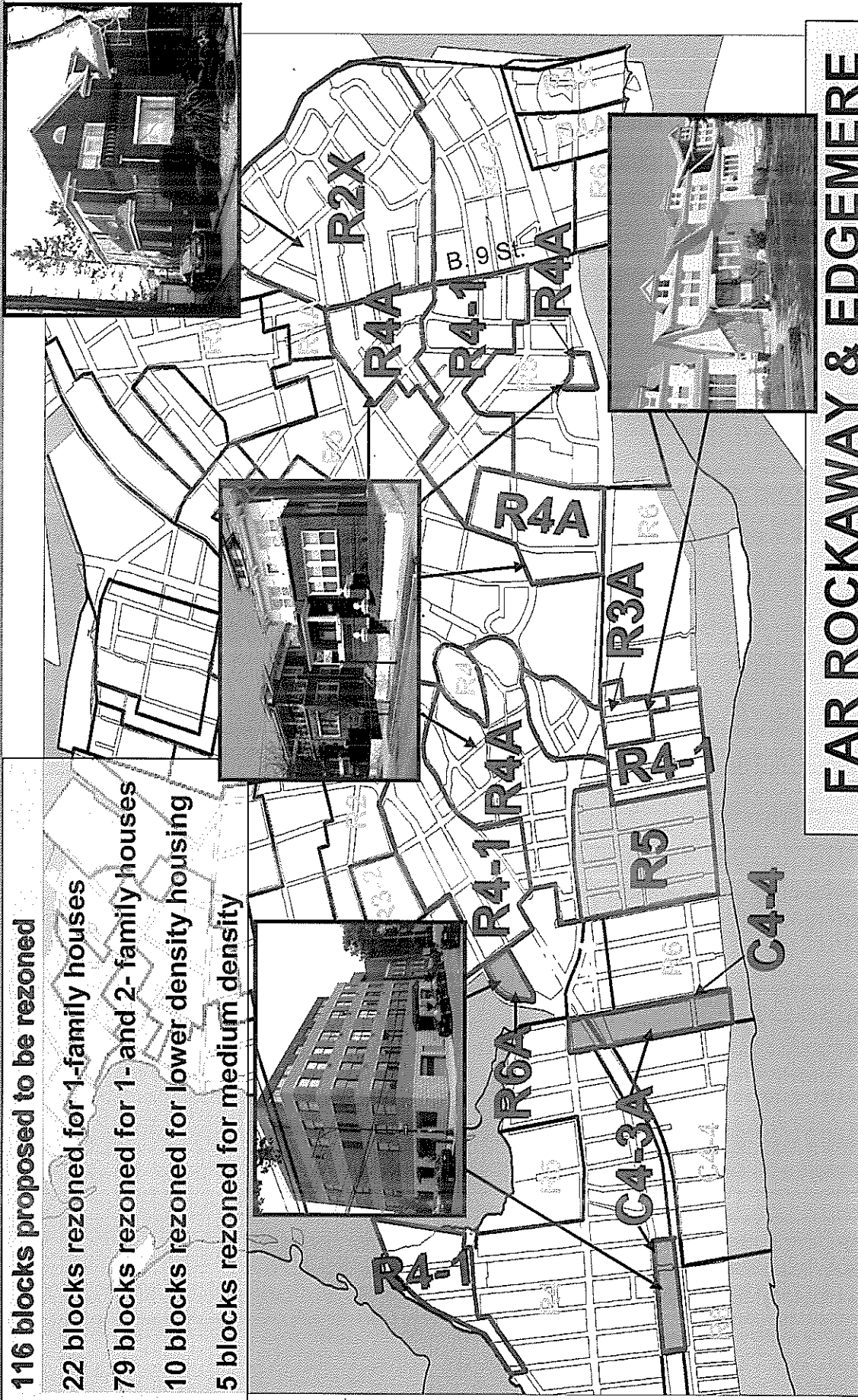
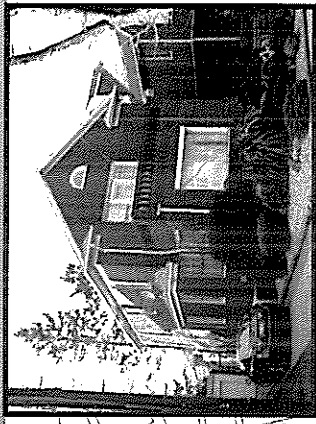


PROPOSED ZONING



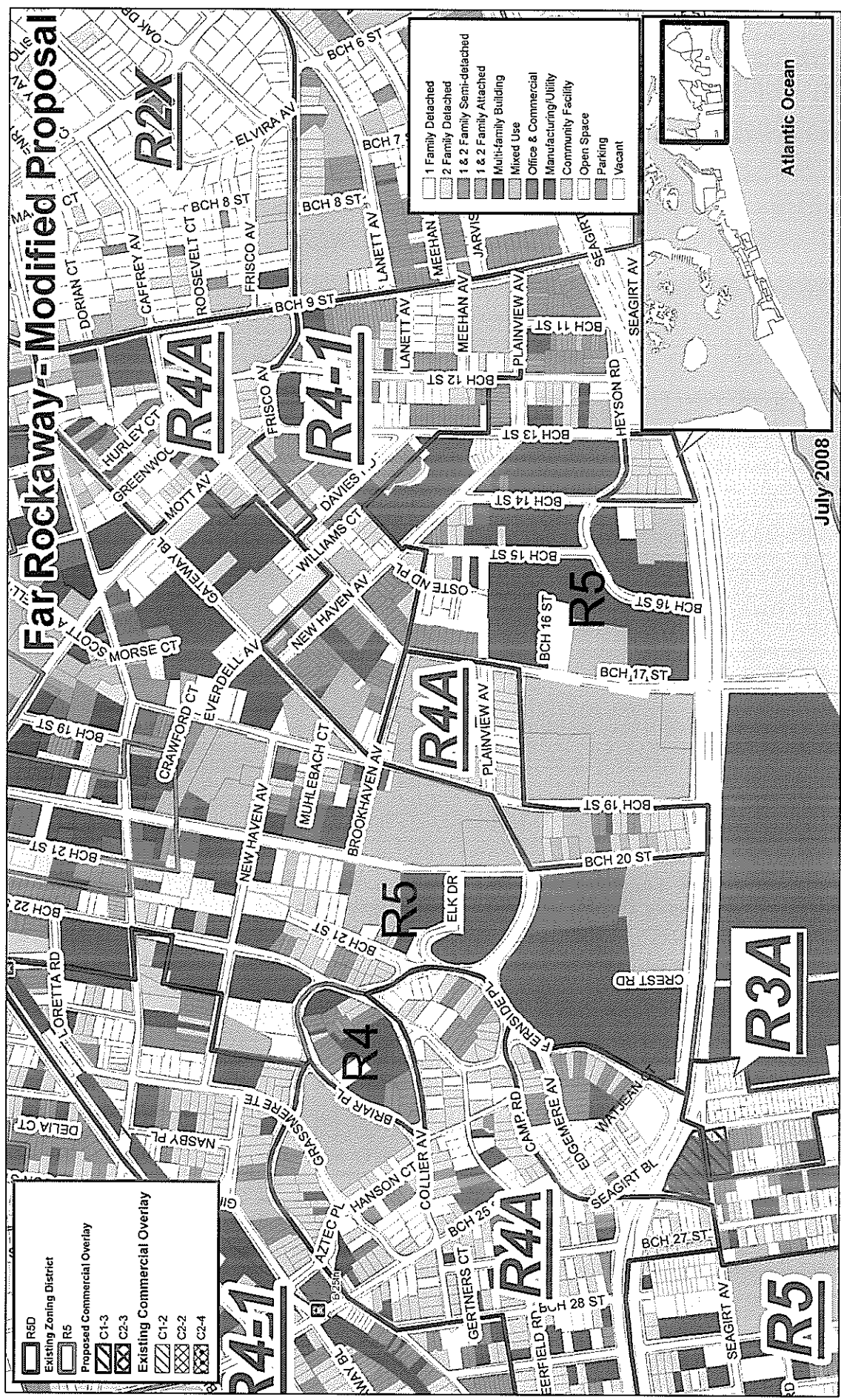
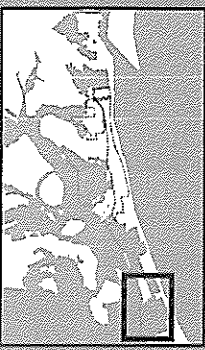
PROPOSED ZONING

- 116 blocks proposed to be rezoned
- 22 blocks rezoned for 1-family houses
- 79 blocks rezoned for 1- and 2- family houses
- 10 blocks rezoned for lower density housing
- 5 blocks rezoned for medium density



FAR ROCKAWAY & EDGEMERE

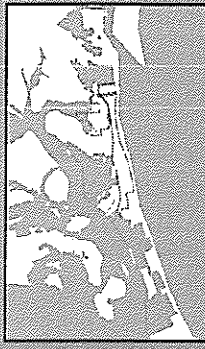
CPC MODIFICATIONS



July 2008

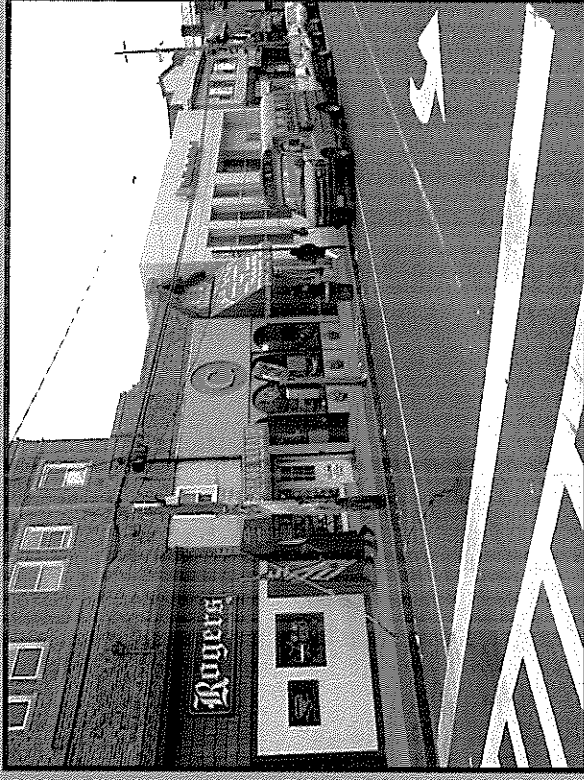
Atlantic Ocean

COMMERCIAL OVERLAYS



Provide new C1-3 and C2-3 commercial overlays to reflect existing commercial uses and provide for commercial and retail expansion

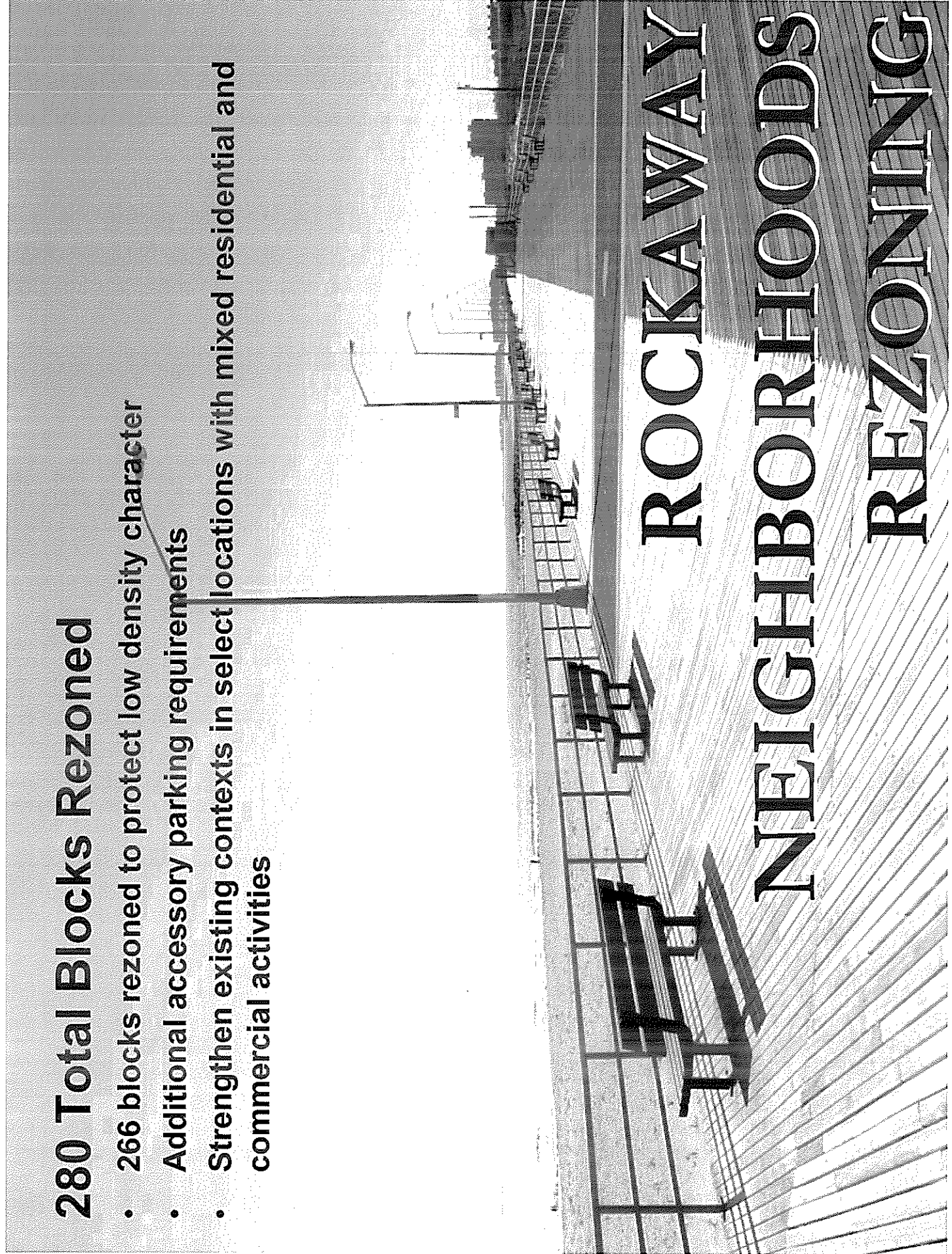
- Rockaway Beach Boulevard
(B. 86th to B. 116th)
- Beach 116th Street
(Ocean Promenade to
Beach Channel Drive)
- Beach Channel Drive
(B. 59th to B. 70th)
- Seagirt Boulevard
(B. 25th to B. 26th)



Beach 116th Street and
Rockaway Beach Boulevard
in an existing R5/C1-2

280 Total Blocks Rezoned

- 266 blocks rezoned to protect low density character
- Additional accessory parking requirements
- Strengthen existing contexts in select locations with mixed residential and commercial activities



**ROCKAWAY
NEIGHBORHOODS
REZONING**

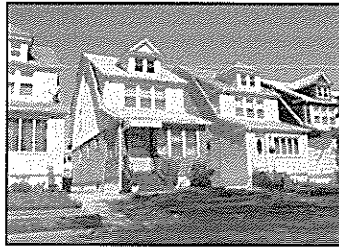
Lower Density / Contextual Zoning

R2X



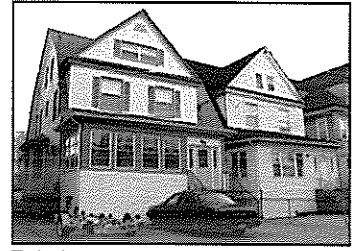
Existing - R2
Proposed - R2X on 22 Blocks

R3A



Existing - R5 and R6
Proposed - R3A on 5 Blocks

R3X



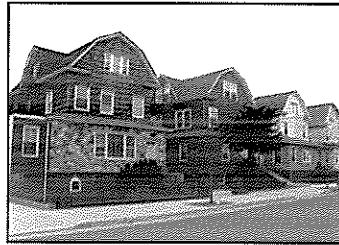
Existing - R3-1, R3-2, R3A, R4,
R4-1, and R4A
Proposed - R3X on 38 Blocks

R4



Existing - C3 and R5
Proposed - R4 on 9 Blocks

R4A



Existing - R3-2, R4, R4-1, R5, and R6
Proposed - R4A on 64 Blocks

R4-1



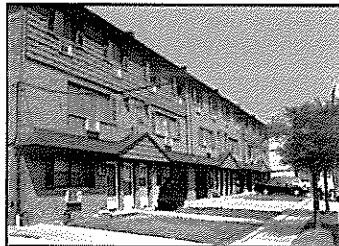
Existing - C3, R3-2, R4, R5, and R6
Proposed - R4-1 on 92 Blocks

R4B



Existing - R4
Proposed - R4B on 2 Blocks

R5



Existing - R6
Proposed - R5 on 10 Blocks

R5A



Existing - R3-2, R5 and R6
Proposed - R5A on 15 Blocks

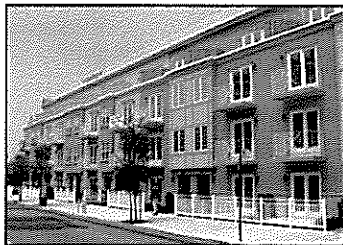
R5B



Existing - R5 and R6
Proposed - R5B on 23 Blocks

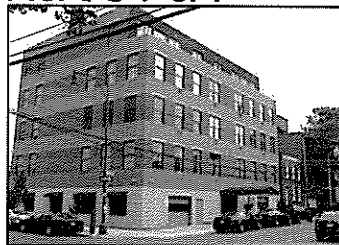
Medium Density / Contextual Zoning

R5D



Existing - R3-2, R4, R5, and R6
Proposed - R5D on 32 Blocks

R6A/C4-3A



Existing - R4 and R6
Proposed - R6A/C4-3A on 6 Blocks

R7A



Existing - R5
Proposed - R7A on 4 Blocks

Rockaway Neighborhoods Rezoning – Zoning Summary Chart

Zone	Building Type	FAR	Lot Width	Wall Height	Building Height	Front Yard	Side Yards (total)	Parking /Unit
R2	1-Family Detached	0.5	40'	25'	NA	15'	13'	1
R2X	1-Family Detached	1.02 ¹	30'	21'	35'	15'	10'	1
R3-1	1-2 Family Detached/Semi-Det.	0.6 ¹	40' Det. 18' Other	21'	35'	15'	13' Det. 8' SD	1
R3-2	All Housing Types	0.6 ¹	40' Det. 18' Other	21'	35'	15'	13' Det. 8' SD	1
R3A	1-2 Family Detached	0.6 ¹	25'	21'	35'	10'	8'	1
R3X	1-2 Family Detached	0.6 ¹	35'	21'	35'	10'	8'	1
R4	All Housing Types	0.9 ¹	40' Det. 18' Other	25'	35'	10'	13' Det. 8' SD	1
R4-1	1-2 Family Detached/Semi-Det.	0.9 ¹	25' Det. 18' SD	25'	35'	10'	8' Det. 4' SD	1
R4A	1-2 Family Detached	0.9 ¹	30'	21'	35'	10'	10'	1
R4B	1-2 Family (All Types)	0.9	25' Det. 18' Other	NA	24'	5'	8' Det. 4' SD	1
R5	All Housing Types	1.25	40' Det. 18' Other	30'	40'	10'	13' Det. 8' SD	0.85
R5A	1-2 Family Detached	1.1	30'	25'	35'	10'	10'	1
R5B	All Housing Types	1.35	25' Det. 18' Other	30'	33'	5'	8' Det. 4' SD	0.66
R5D	All Housing Types	2.0	25' Det. 18' Other	NA	40'	5'	8' Det. 4' SD	0.66
R6	All Housing Types	2.43	NA	NA	NA	NA	NA	0.85 ²
R6A	All Housing Types	3.0	NA	40-60'	70'	NA	NA	0.85 ²
R7A	All Housing Types	4.0	NA	40-65'	80'	NA	NA	0.85 ²

¹ Includes 20% attic allowance

² Within CD14 (proposed)

232 Beach 121 Street
Rockaway Park, N.Y. 11694
August 12, 2008

We need more
time, as do you,
to convince
Councilman
Addabbo,
this is the
right course
of action to
delete R7A
from the
proposed
re-zoning

Dear Members of the Land Use and Zoning Committee,

Today you will be asked to vote on the re-zoning of the Rockaway peninsula. While 99% of the proposal will work for most of the community, the 1% we can not support is the upzoning of the beach blocks of beach 115-117th Streets to R7A, because of the chaos it will create in our community. Therefore, we ask you to separate this area from the ULURP process because the impact of this zoning has not been fully evaluated.

Councilman Addabbo, to whom you will look for guidance, will tell you that this is what the community wants. What he won't tell you is that all the civic associations surrounding the area are adamantly opposed to the R7A.

Councilman Addabbo will tell you that the community board approved the package. And that's the problem...it's a package. He tells us it's a package too good to throw out for one area. What he won't tell you is that at the City Planning meeting earlier this summer, a group from Far Rockaway, including a community board member who voted to support the package, came in at the eleventh hour and asked for a zoning change. The effected area is directly behind a private high school and the change went from a proposed R4A back to its existing R5. This downzoning would have seriously impacted the high school's development plans for faculty housing. This suggests that members of the community board didn't look too closely at the zoning plan, not even for for their own areas, much less for the area surrounding the proposed R7A.

Councilman Addabbo will also tell you that City Planning approved the package. What he won't tell you is that a last minute zoning change was made to Rockaway Beach Boulevard between 104-106 Streets, another area proposed for R7A. It is across the street from a sewerage treatment plant and the R7A would have violated the city's own building rules and regulations regarding building near a water treatment plant. That change was made because for almost a year, the Coalition to Save the Rockaways vigorously voiced their opposition based on the city's own rules. Otherwise, it too would have been part of the package and suggests City Planning, despite their best efforts, does make mistakes. The R7A for our primary commercial street is another mistake.

Councilman Addabbo won't tell you is that developers have already purchased property on the block and other sites are scheduled to go into contract once R7A is approved. There's no plan for the block just a lot of money and opportunity for a select few.

As members of the land use and zoning committee, we ask you to take out the proposed R7A area of Beach 115-117 Street from the re-zoning plan. We want an independent, comprehensive plan developed for these blocks that will ensure us a thriving commercial district and stop the overdevelopment of our area.

Respectfully,
Maureen Walsh

Testimony by Paul King to the Zoning & Franchises Committee, August 12, 2008

I come before you as a 36-year resident of Rockaway and as a business owner on Beach 116th Street to request that you remove Beach 116th Street from the Rockaway Rezoning plan and pass the remaining elements as proposed by City Planning.

I spend more waking hours on Beach 116th Street than almost anyone. I am on a first name basis with the beggars. With this experience as a foundation, I tell you in no uncertain terms the proposed R7A zoning for the Beach 116th area is dangerous and detrimental to Rockaway Park's future.

I say it is dangerous because it will literally put people's lives in danger. Beach 116th Street is a commercial strip on one of the narrowest parts of the peninsula. Practically speaking, there are only two intersections. The proposed block for these towers is a dead end. This is no place to add hundreds of new residents.

Adding hundreds of residents would be disastrous in the event an evacuation was necessary. The northern intersection with Beach Channel Drive is the official evacuation route. If there is a natural disaster this intersection will be under water, as was the case with hurricane Donna in 1960. That leaves Rockaway Beach Boulevard as the only escape route. The boulevard is a narrow road that other people will already be relying on for evacuation. Putting hundreds of new residents on this dead end block is dangerous.

X It is also dangerous on a day-to-day basis. The dramatic surge in population would exacerbate the public safety challenges that you have heard others talk about. Beach 116th is the main beach destination for thousands on working class New Yorkers from Brooklyn and Queens. Every summer we have incidents on the crowded beach that require police, fire or EMS response. It is not uncommon for this block to be inaccessible because of seasonal traffic. How much worse would it be with hundreds on new residents on the block? What would the impact on response time be? Again, putting hundreds of new residents on this dead end block is dangerous.

The long-term impact of R7A on Beach 116th Street is also troubling. It would be detrimental to Rockaway Park's future

Beach 116th Street is our Main Street. With more residents than ever, we need retail services more than ever, as do the visiting beachgoers. R7A would wipe out more than half the retail space on our Main Street. It will make Rockaway Park a worse, not better place to live in the future.

Even worse, these buildings are bad business; a real estate scheme that was hatched before the housing bubble burst. If you know the area, you know residential buildings on this block are destined to fail. Developers may or may not make their money back but our community will be left to deal with the long-term consequences. What will happen to these towers when the landlords can't make the money they need? In Rockaway, we know all too well.

These buildings would be a stake in the heart of our community. Please do not rubber stamp this proposal. Please heed the words of our entire community. Our experience is invaluable; our voices are very clear. Let us work with you to make a better Beach 116th Street. Don't destroy it with R7A.

Please, please remove Beach 116th Street from the Rockaway Rezoning proposal and pass the other elements as recommended by City Planning. Thank you.

YAHOO!

Sonoma Bay

Rockaway Fwy

Beach Channel Dr

Marine Park Channel Dr

Marine Park Ave

Rockaway Beach Blvd

Rockaway Park 116th St

Beach 112th St

Beach 113th St

Beach 114th St

Beach 115th St

Beach 116th St

Beach 117th St

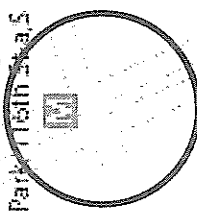
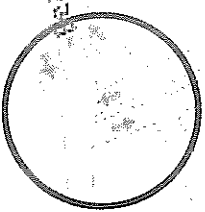
Beach 118th St

Beach 119th St

Beach 120th St

Beach 121st St

Stella Marie High School



©Yahoo! 2008. Data ©NAVTEQ 2008

BROAD CHANNEL CIVIC ASSOCIATION

August 10, 2008

Amanda M. Burden,
Director, Department of City Planning

Joseph P. Addabbo, Tony Avella, Melinda R. Katz
New York City Council
New York, NY

Dear Ms Burden and Council Members Katz, Avella and Addabbo:

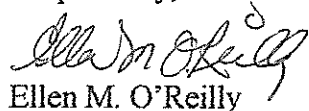
The Broad Channel community is aligning itself with our friends on the Rockaway peninsula opposing the proposed R7A zoning on 116th Street. Approval of the up zoning of this area will increase the burden on an already insufficient infrastructure and we see no advantage to the existing communities. 116th Street, the hub of the peninsula, needs and deserves a comprehensive plan that will revitalize the area. R7A zoning will not enhance it but be detrimental to the future growth of Rockaway.

Additionally, the increase in population and traffic coming thru via Cross Bay Blvd. will put additional stress on our roads and put our residents in danger. Construction and car traffic are at an all-time high speeding through with wanton disregard for our residents. Cross Bay Blvd. roadbed is substandard due its lack of a concrete foundation. And the shuice is already teetering on collapse.

Broad Channel supports our neighbors in condemning this proposal. It is not "up zoning". It is downgrading the quality of life for the peninsula's citizens and their neighbors.

Please vote to modify the current plan.

Respectfully,



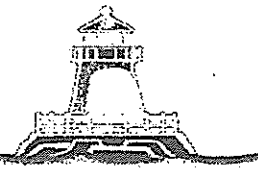
Ellen M. O'Reilly

President

bccrab18@aphos.com

cc: Helen Marshall, Audrey Pheffer, Malcolm Smith, local and citywide newspapers

ROCKAWAY PARK
HOMEOWNERS /
RESIDENTS, INC.



August 12, 2008

Dear City Council Committee on Zoning and Franchises,

As President of the Rockaway Park Homeowners/Residents Association, I write implore you to consider Borough President Helen Marshall's recommendation to the ULURP proposal regarding the R7A (Beach 115-117th Streets) location. The Queens Borough President recommends the approval of the application with the following condition:

"The rezoning proposal for Beach 116th Street between Ocean Promenade north towards Rockaway Beach Boulevard should be reconsidered by the Department of City Planning. Beach 116th Street is definitely in need of revitalization. However, the effects of increased heights and density may negatively impact the bordering streets on either side – particularly the low-density areas to the west."

R7A is our **only** objection to this ULURP proposal. Everyone agrees that Beach 116th needs revitalization. It needs new businesses – NOT housing, as this community is already over saturated – with many new units remain unsold and/or un-rented.

Beach 116th Street is our "Main Street". It intersects with Rockaway Beach Blvd. which has one lane in each direction and is bordered by dead-end streets. It is the hub for our fire and transit departments, library, banks, shopping, and is the last stop on both the subway and two bus lines. Traffic congestion is constant, let alone adding hundreds more housing units, thousands more people, and hundreds more cars.

I find it outrageous that our Community Board voted on this issue without receiving a copy of the Environmental Assessment Plan in a timely fashion. Actually only two board members acknowledged receiving a copy, which was just hours before they were to vote on the proposal. How can our Community Board serve us properly if they're not educated on the subject? Not wanting to hold up the entire process, they voted with a **proviso** – thinking it would be helpful – only to later learn it was useless.

Know that this R7A issue has united the surrounding civic associations and residents like never before. I, along with the Belle Harbor, Neponsit, Broad Channel, Seaside, et al civic associations have voiced strong opposition to R7A, both in writing and at numerous meetings with Councilman Addabbo and others. Unfortunately because of the short notification of this meeting some civic representatives were unable to attend today's meeting do to scheduling conflicts, thus they submitted letters opposing R7A. Through the work of a Coalition, over 1,400 residents sent letters to City Planning, elected officials, and others voicing their outrage to the R7A proposal. **Make no mistake, we are unified on this issue.**

We want and deserve a safe, quality neighborhood that enhances our quality of life, not one which threatens it. **We do not want R7A.**

For years, our narrow peninsula has served as ripe opportunity for developers to benefit at the cost of the community. Arverne by the Sea, which is a little more than a mile away, represents 2,300 new housing units...that's units not residents. Given the magnitude of this development, it is difficult to comprehend why the City still feels the need to increase zoning on this barrier peninsula, especially on Beach 115 - 117th Streets.

Know that approving the up-zoning of this area will compromise public safety, overburden the already taxed infrastructure, and be detrimental to the future of Rockaway residents.

We respectfully request that you:

1. Remove this R7A from the Rockaway Rezoning Proposal and pass the remaining elements as proposed by City Planning, and
2. Explore the creation of a Beach 116th Street Special District that would revitalize this long-struggling block by enhancing retail services for our growing population, as well as the thousands of people who visit here each year.

Residents are outraged that their concerns are not being heard by those who represent them. Many think there is outside pressure to push this project forward. Show those you serve that this is not the case by working with this community and listening to the Borough President's recommendation to make this area a special district, and not R7A.

With your help we can have a comprehensive revitalization plan that will best serve Rockaway's residents.

I'd like to thank the Borough President Helen Marshall and Councilman Tony Avella for their support during this difficult fight to Save Rockaway from this R7A disaster.

Respectfully,


Fran Stathis

JOSEPH P. ADDABBO JR.
COUNCIL MEMBER, 32ND DISTRICT
QUEENS

□ DISTRICT OFFICE
139-53 112ND Street
Howard Beach, New York 11414
(718) 728-1111
FAX: (718) 322-5760

□ DISTRICT OFFICE
98-16 Rockaway Beach Boulevard
Rockaway Beach, New York 11603
(718) 318-6411
FAX: (718) 318-6413

□ CITY HALL OFFICE
250 Broadway, Room 1820
New York, NY 10007
(212) 768-7069
FAX: (212) 341-9509




THE COUNCIL
OF
THE CITY OF NEW YORK

CHAIR
CIVIL SERVICE & LABOR
COMMITTEES
FIRE & CRIMINAL JUSTICE SERVICES
GOVERNMENTAL OPERATIONS
PARKS & RECREATION
PUBLIC SAFETY
STATE & FEDERAL LEGISLATION
TRANSPORTATION
WATERFRONTS

August 12, 2008

Hon. Tony Avella
Committee on Zoning and Franchises, Chair
250 Broadway
New York, New York 10007

Re: Rockaway Rezoning

Dear Chairman ~~Avella~~, 

I hope this letter finds you well. I want to thank you and your committee staff for convening the hearing regarding the proposed rezoning of the Rockaway peninsula. Unfortunately, due to a previously scheduled event, I apologize for not being able to attend said hearing, but would like to take this opportunity to express my position on the proposal before the committee, more specifically as it pertains to Beach 116th Street.

After numerous conversations and meetings with my constituents, elected officials, Community Board 14 members and executive officers, civic leaders, the Queens Borough President's Office, John Young of Queens City Planning, City Planning Commission Chair Amanda Burden, and you, I consider my position to be a well researched and educated one. While I will constantly be concerned with and continue to work on specific issues with the Rockaway rezoning such as, but not limited to, parking, cosmetic appearance, traffic and future development, I believe that one classification of zoning would positively promote the desired commercial and residential development that the majority of the entire Rockaway peninsula is seeking and one that would compliment the full rezoning plan for the peninsula. This is why I support the proposed R7A zoning for Beach 116th Street.

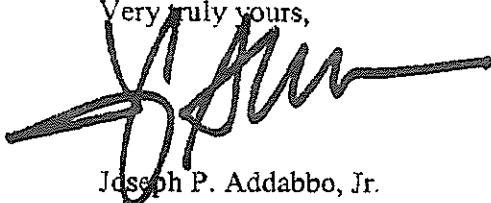
By supporting the proposed R7A zoning, I join together with the majority of my constituents, Community Board 14, the Queens Borough President, City Planning and area elected officials in seizing the opportunity to continue the revitalization of Rockaway and encourage credible local retail development and job growth. In my educated opinion, ignoring or postponing the rezoning of Beach 116th Street would jeopardize the progress of the remainder of the peninsula's rezoning and would place the potential positive development of Beach 116th Street in a most uncertain timeframe and outcome.

I appreciate all the efforts of my constituents, both those in favor and those opposed to the rezoning plan. Their input over the past two years at various private and public meetings regarding this plan was most valuable to me and I hope that in the end we can continue to work together to ensure a future that benefits all the residents of Rockaway for decades to come.

Once again, I apologize for my absence at the hearing and I thank you and the committee for the opportunity to express my position.

If I can be of any assistance to you in the future, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Joe Addabbo', with a long horizontal flourish extending to the right.

Joseph P. Addabbo, Jr.
City Council Member
32nd District

My name is Margaret Powers. I am the third generation of my family to live in Belle Harbor. I am currently raising our fourth generation there. My family owns and operates a business on the beach block of 116th Street which will be directly affected by the proposed R7A upzoning.

We are here today to request that this council approve the ULURP but remove the R7A zoning from the beach blocks of 115th to 117th Streets. *or to ask for more time*

Our peninsula is like a bottle. At the far end on the West is Breezy Point, Roxbury, Roxbury Point and Rockaway Point. As you come East towards 116th Street in Neponsit you have 5 cross streets, in Belle Harbor you have 4, in Rockaway Park you have 3 and finally AT Beach 116th Street you have only 2 cross streets.

It is important to understand what currently feeds into the bottleneck. From the ^{west} ~~East~~ alone residents must cross this main thoroughfare for:

- Public transportation
- Public schools
- Highways
- Access to Queens
- Hospitals and medical facilities
- Fire Department
- Police Department
- Post Office
- Food shopping

Also feeding into the bottleneck is public transportation. This is the last stop on the the A train, the Q53, 35, 21 and a major stop on the Q22. In the summer time, residents from across the city pour into 116th Street to use the beach

There has been significant recent development in the Rockaways which have already taxed our infrastructure:

- Traffic and grid lock on 116th Street, particularly at rush hours,
- Our water treatment plant is reportedly at capacity (depending on who you speak with) but is in need of remediation for the constant and growing odor that emanates from it
- Delays of police, EMTs and Firefighters getting to the beach to deal with injuries and drownings b/c 116th was so congested.
- Overcrowding of our emergency rooms and schools. Children are being schooled in trailers in newly developed areas.

R7A rezoning of this area will affect public access to the beach and seriously jeopardize public safety in the event of coastal evacuation which now predicted as likely to happen.

Joe Addabbo is not representing the people of the Rockaways in this matter. Our civic unions are united in our opposition to R7A for 115th to 117th Streets. We cannot understand his refusal to represent us, except to note that he is not running for reelection in our district.

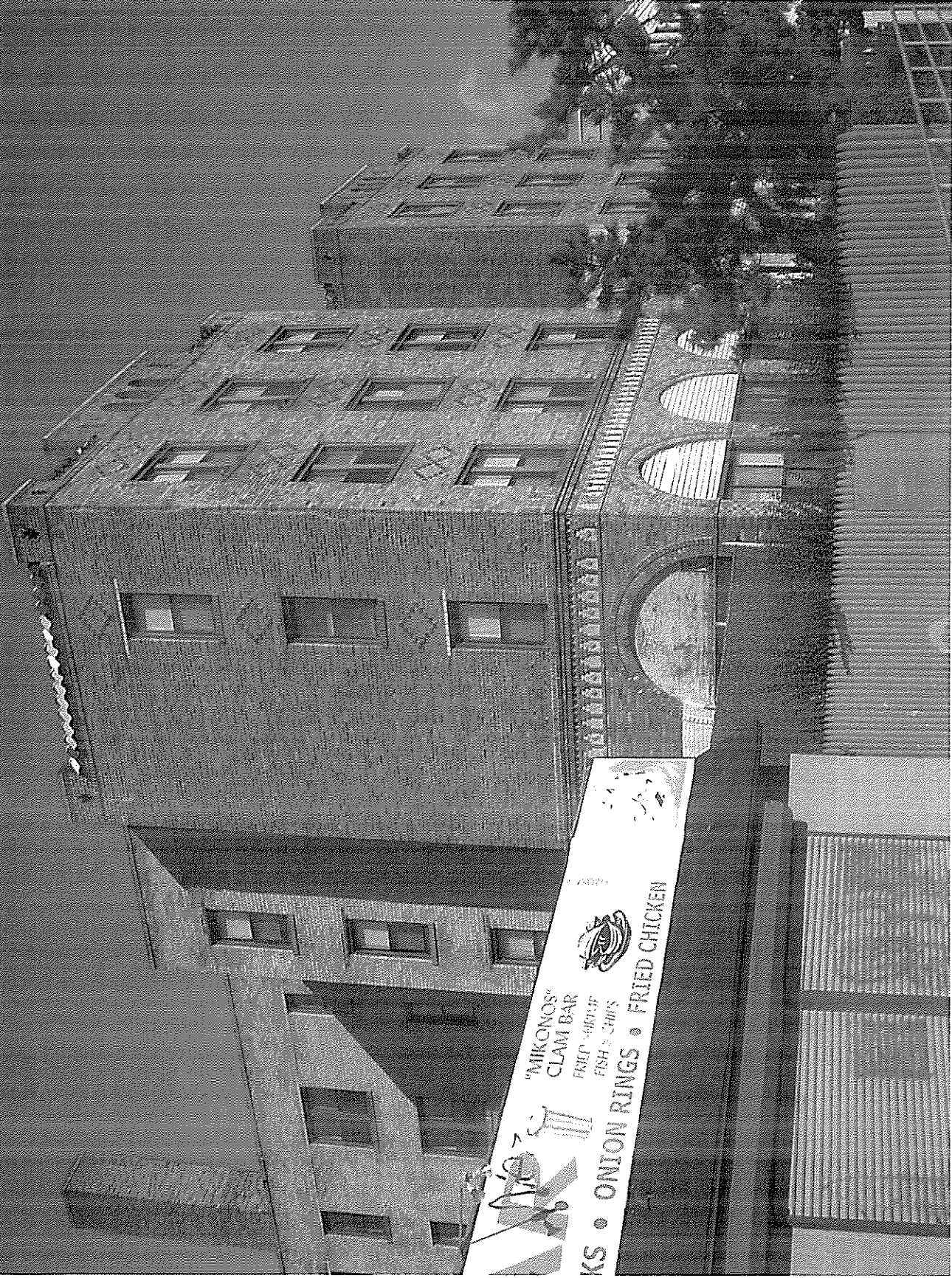
The *residents* affected by the proposed R7A rezoning of this area are also *united* in our opposition to the plan as evidenced by more than 1400 petitions gathered in a two week period and conveyed to our local representative Joe Addabbo. (It should be noted that the Borough President agrees with the position of the residents and has recommended that the area receive further consideration.)

All of the above points to the need for our community to develop a plan for balanced, well-ordered development of this area. We are not looking to freeze population at its present level, as evidenced by the grand scale development and rezoning of the surrounding areas to which we have not objected. We are looking to maximize recent growth by the efficient use of this land so that we can prevent the deterioration of our community into a blighted ghetto with the attendant hazards to health, security and social stability.

Please approve the ULURP but remove the areas from 115th to 117th slated for R7A zoning.

Margaret Powers, Esq.
148 Beach 131st Street
Belle Harbor, NY 11694
718.318.0466

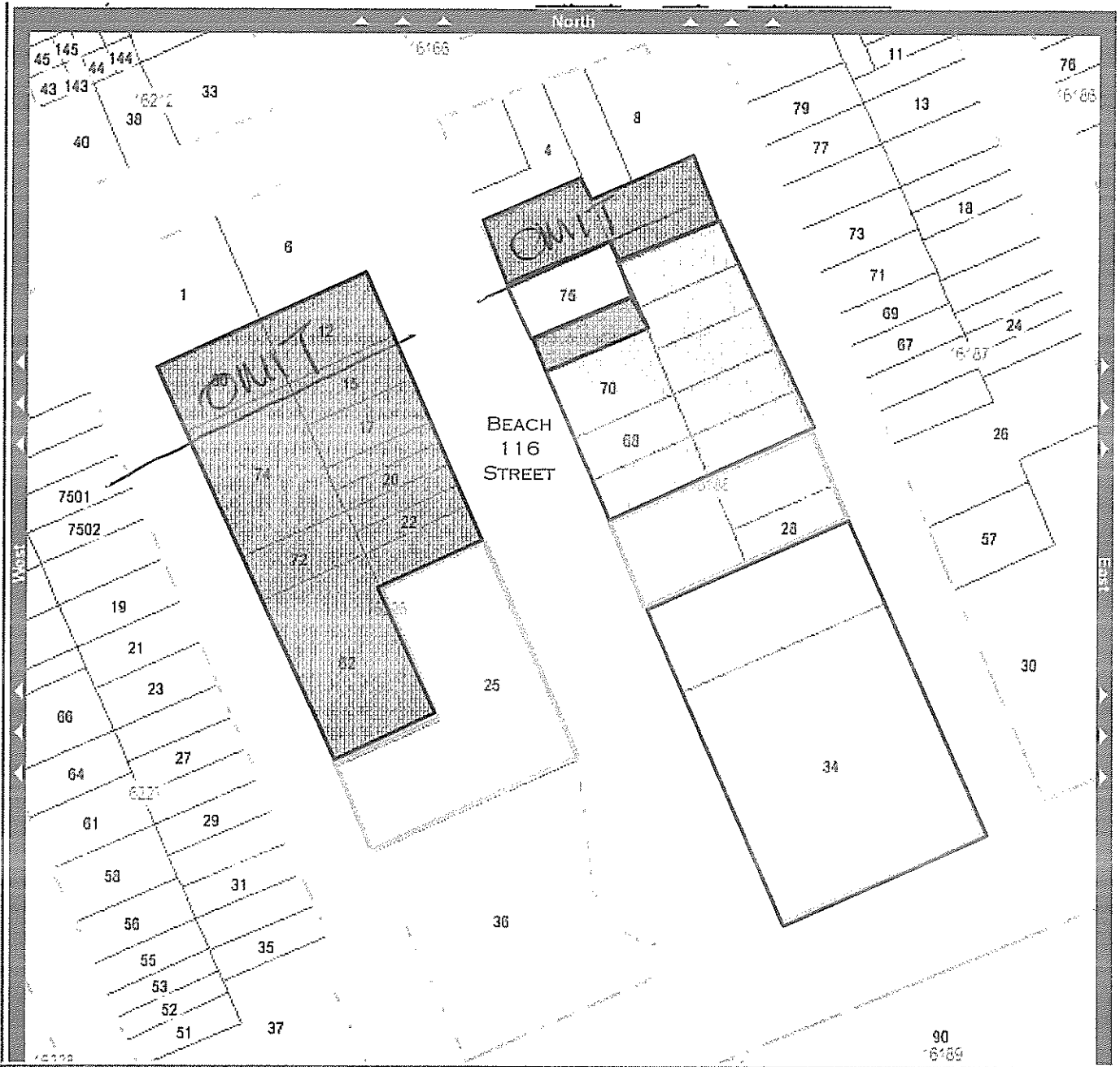
Site 34 from Department of City Planning EAS






PER CITY PLANNING EAS – POTENTIAL SITE
PROPERTY WILL NOT TO BE DEVELOPED WITHIN THE NEXT 10 YEARS

PROPOSED R7A ZONE

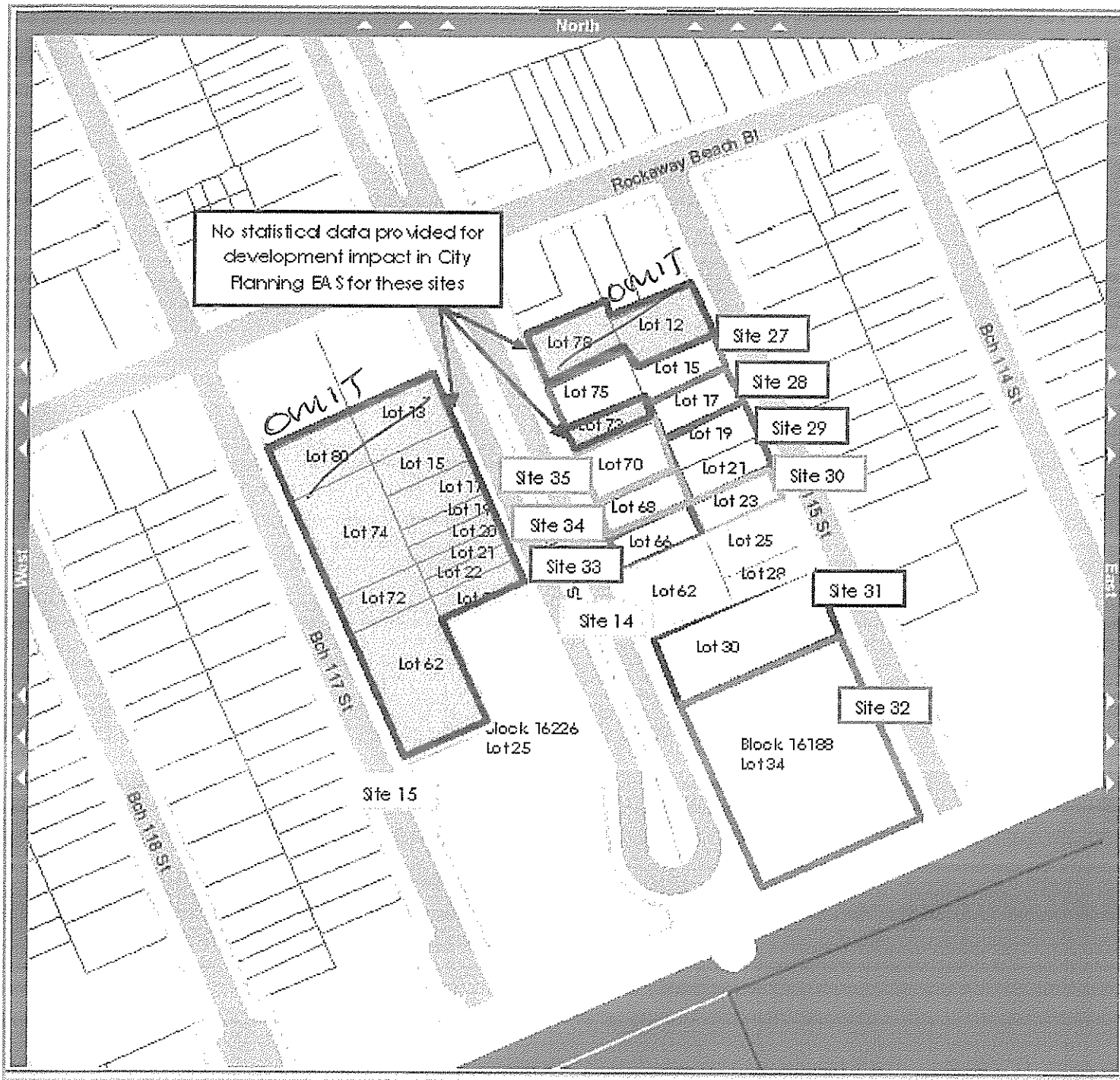
BEACH 115TH STREET – BEACH 117TH STREET



-  Department City Planning EAS indicates these sites will be developed within the next 10 years
-  Department City Planning EAS indicates these sites will take longer than 10 years to see revitalization
-  Department City Planning EAS provides no reference or statistical data for development of these sites

PROPOSED R7A ZONE

BEACH 115TH STREET – BEACH 117TH STREET



**PROPOSED R7A ZONE
BEACH 115 - BEACH 117 STREETS**

Block	Lot	total sq ftg	site	potential	projected	no info
16188	62	16,000	14	16,000	-	-
16188	28	3,200	14	3,200	-	-
16188	25	4,800	14	4,800	-	-
16188	75	5,000	27	-	5,000	-
16188	15	4,000	27	-	4,000	-
16188	17	4,000	28	-	4,000	-
16188	21	4,000	29	-	4,000	-
16188	19	4,000	29	-	4,000	-
16188	23	4,000	30	-	4,000	-
16188	30	16,000	31	-	16,000	-
16188	34	44,000	32	-	44,000	-
16188	66	4,000	33	-	4,000	-
16188	68	4,000	34	-	4,000	-
16188	70	5,100	35	-	5,100	-
16188	73	3,000	n/a	-	-	3,000
16188	78	6,000	n/a	-	-	6,000
16188	12	6,000	n/a	-	-	6,000
SUB TOTAL		137,100		24,000	98,100	15,000
16226	25	28,600	15	28,600	-	-
16226	22	2,000	n/a	-	-	2,000
16226	12	6,000	n/a	-	-	6,000
16226	15	4,000	n/a	-	-	4,000
16226	17	4,000	n/a	-	-	4,000
16226	19	2,000	n/a	-	-	2,000
16226	20	2,000	n/a	-	-	2,000
16226	21	2,000	n/a	-	-	2,000
16226	23	3,400	n/a	-	-	3,400
16226	62	16,000	n/a	-	-	16,000
16226	72	4,000	n/a	-	-	4,000
16226	74	12,000	n/a	-	-	12,000
16226	80	6,000	n/a	-	-	6,000
SUB TOTAL		92,000		28,600	-	63,400
GRAND TOTAL		229,100		52,600	98,100	78,400
PERCENTAGE				22.96%	42.82%	34.22%

omit

omit

omit

54,400

205,100

25%

48%

26%

STATISTICAL INFORMATION PROVIDED IN CITY PLANNING ENVIRONMENTAL ASSESSMENT STATEMENT

BEACH URBAN AREA	site	sq ft of site	no action - leave R5/C1-2					with action - R7A/C1-3						
			max stories	max sq ftg	possible retail	residential units	parking spaces required	parking spaces not required	max stories	max sq ftg	possible retail	residential units	parking spaces required	parking spaces not required
Projected	14	16,000	4	24,000	4,000	20	17	3	7	64,000	4,000	60	51	9
	15	28,600	4	35,740	10,000	26	22	4	7	114,114	9,274	104	90	14
	total	44,600		59,740	14,000	46	39	7		178,114	13,274	164	141	23
	27	9,000	4	11,280	0	11	10	1	4	36,000	5,000	31	27	4
	28	4,000	4	5,000	0	5	0	5	2	16,000	0	16	14	2
Potential	29	8,000	4	10,000	0	10	9	1	7	32,000	0	32	28	4
	30	4,000	4	5,000	0	5	0	5	7	16,000	0	16	14	2
	31	16,000	4	20,000	5,600	14	12	2	8	64,000	8,000	56	48	8
	32	22,000	4	19,800	7,700	20	14	6	14	88,000	9,900	78	64	14
	33	4,000	4	5,000	1,400	4	4	0	2	16,000	1,600	14	12	2
	34	4,000	4	5,000	1,400	4	4	0	2	16,000	1,600	14	12	2
	35	6,000	4	7,500	2,100	5	4	1	3	21,000	3,000	21	18	3
total	77,000		88,580	18,200	78	57	21		305,000	29,100	278	237	41	
Projected and Potential	121,600		143,320	32,200	124	96	28		483,114	42,374	442	378	64	

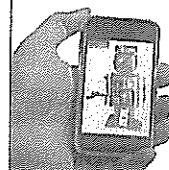
RBB/AREA	site	sq ft of site	no action - leave R5/C2-2					with action - R7A/C2-2						
			max stories	max sq ftg	possible retail	residential units	parking spaces required	parking spaces not required	max stories	max sq ftg	possible retail	residential units	parking spaces required	parking spaces not required
Projected	13	51,971	4	64,964	18,190	47	40	7	7	207,884	19,749	184	121	63
	total	51,971		64,964	18,190	47	40	7		207,884	19,749	184	121	63
Potential	26	55,614	4	69,518	0	70	60	10	30	222,456	16,684	205	175	30
	total	55,614		69,518	0	70	60	10		222,456	16,684	205	175	30
Projected and Potential	107,585		134,482	18,190	117	100	17		430,340	36,433	389	296	93	

COMBINED AREAS	site	sq ft of site	no action - leave current zoning					with action - proposed up zoning						
			max stories	max sq ftg	possible retail	residential units	parking spaces required	parking spaces not required	max stories	max sq ftg	possible retail	residential units	parking spaces required	parking spaces not required
Projected	Beach 116th area	44,600	4	59,740	14,000	46	39	7	23	178,114	13,274	164	141	23
	RBB area	51,971	4	64,964	18,190	47	40	7	63	207,884	19,749	184	121	63
	total	96,571		124,704	32,190	93	79	14		385,998	33,023	348	262	86
Potential	Beach 116th area	77,000	4	88,580	18,200	78	57	21	41	305,000	29,100	278	237	41
	RBB area	55,614	4	69,518	0	70	60	10	30	222,456	16,684	205	175	30
	total	132,614		158,098	18,200	148	117	31		527,456	45,784	483	412	71
Projected and Potential	229,185		282,802	50,390	241	196	45		913,454	78,807	831	674	157	

CRAIN'S

NEW YORK BUSINESS

BUSINESS LIVES
iPhone addicts
are hooked
forever
PAGE 35



VOL. XXIV, NO. 23 WWW.CRAINSNEWYORK.COM

JUNE 9-15, 2008 PRICE: \$3.00

NEIGHBORHOOD JOURNAL

Rockaways to rise above blight

Taking buildings to new heights could spur economy; some fear crowding

FOR DECADES, the Rockaway section of Queens has been the end of the line for subway riders. For almost as long, the area around the train station has looked the part. Riders exiting at the A train's final stop at Beach 116th Street are greeted by the sight of burned-out buildings and vacant lots.

Next week, the City Planning Commission will hold a hearing on the latest attempt to improve the area: rezoning a 208-block swath of the Rockaway Peninsula, which is expected to go to the City Council this summer. Last month, Queens Community Board 14 approved the plan by a margin of nearly 3-to-1.

The proposal is largely intended to maintain the Rockaways' bungalow-style atmosphere by limiting development to one- and two-family homes, but four blocks have been singled out for a different fate. Rockaway Beach Boulevard between Beach 104th and Beach 106th streets, as well as two blocks on Beach 116th Street near the subway, are slated for upzoning that would allow for buildings as tall as nine stories—triple the current maximum.

These zoning changes, designed to encourage the development of upscale condominiums and high-end retail, are hailed by backers as the type of economic injection those blocks need.

"Beach 116th Street is the crossroads of Rockaway, and what's there is a burned-out hotel, an empty movie theater and an empty catering hall," says City Councilman Joseph Addabbo. "If you want to effect change here, you have to change the zoning."

However, a small group of long-time residents is worried that the change will threaten the fabric of their community.

"The zoning would quadruple the population density in that area," says Noreen Ellis, co-head of the Coalition to Save the Rockaways.

She notes that the infrastructure of the beach community, which now serves about 160,000 year-round residents, is already taxed. The addition of some 6,000 people—including residents of Arverne by the Sea, a complex just up the peninsula that's nearly completed—would create massive parking and traffic problems. There are just two main roads serving the community.

"We understand that the area needs a kick in the pants, but this is not the answer," says Ms. Ellis.

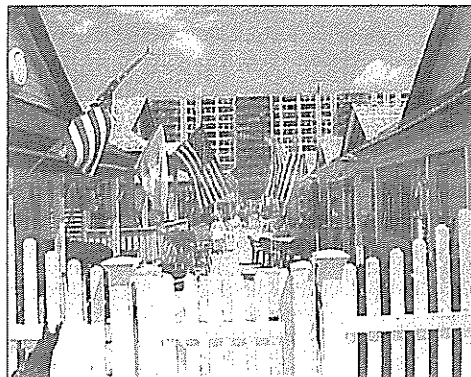
In response to the community outcry, the Planning Commission has upped the usual parking requirements: Any new development in the rezoned area would have to provide parking for at least 85% of the units.

"That's a groundbreaking number," Mr. Addabbo says. In the rest of the city, the requirement tops out at 50%.

While much of this seaside community has enjoyed a real estate boom in recent years, the four blocks in question have stubbornly remained unaffected.

"Everybody agrees we have to do something to spur economic development and spruce up those blocks," says Jonathan Gaska, the district manager for Community Board 14. "Is this the answer? I'm not sure. But clearly, the zoning that's there now is not working."

—HILARY POTKEWITZ



ROCKAWAYS BUNGALOW BONANZA: The rezoning plan preserves the area's low-rise flavor, but targets four seedy blocks for redevelopment.

Testimony for City Counsel Zoning meeting 8/12/08

My name is Michael Tubridy I am a member of CB14's executive committee and co-chair of its zoning committee. Our CB did not have copies of the EAS when we meet to vote on this zoning proposal. Therefore we include a modification request for an EIS to be done as part of our motion approving the Zoning changes. As we all know now the EAS done by City Planning states that there is no negative impact foreseen and therefore no EIS.

However there EAS is extremely limited and does not include the potential impacts of a fully built out R7A. The EAS only studies two locations that it feels will be built within the next ten years and there potential impact as compared to a fully built out R5 and its potential impacts. For this to be called planning we need to know the impacts of a fully built out R7A. At the City Planning hearing its members were asking residents testifying as to what effects the R7A would have on our schools, traffic & safety.

They & we should know these answers before we proceed with these excessive changes from R5 to R7A. Not knowing fully what the potential impacts are is not planning. These changes are proposed in the narrowest section of this barrier reef and on all dead end streets please vote to remove this R7A change from the current proposal.