

**MAJOR  
COMMUNITY  
VICTORY!**

## The Community Wins - DOT and Trump Lose Can't Close 72nd Street Miller Highway Northbound Off-Ramp

On October 8, 2004, Supreme Court Justice Doris Ling-Cohan ordered an **"Injunction prohibiting any further construction, demolition or other work that would result in the closure of the 72nd Street exit ramp until such time as the NYCDOT has fully complied with SEQRA/CEQR".\***

The decision also affects the city's plan to implement the so-called West End Avenue Improvement Plan, which would turn West End Avenue from 57th to 70th Street into a 7-lane roadway/speedway.

Mayor Bloomberg and Commissioner Weinsahl ignored our petitions with 5,391 signatures - but they can't ignore this!!

Special thanks go to our fellow plaintiffs: our elected officials - State Assemblymember Scott Stringer, Councilmember Gale A. Brewer, Congressman Jerrold L. Nadler, State Senator Eric T. Schneiderman, and State Assemblymember Daniel O'Donnell; to the Association of Tenants of Lincoln Towers, Inc., the West Side Federation of Neighborhood and Block Associations, the Far West 74<sup>th</sup> Street Block Association, and the nine coop/condo boards.

We are grateful for the support of the community in collecting signatures, attending rallies, meetings and forums.

Special kudos go to our brilliant attorney, Richard Lippes and our dynamic engineer, Ken Kaliski.

Our attorney stated in our lawsuit filed on April 13, 2004, that the City violated both the State and City environmental review laws (SEQRA and CEQR).

He asked the court to revoke DOT's illegal approvals for the closure of the northbound exit ramp at 72nd Street from the Miller Highway and the implementation of the West End Avenue Improvement Plan.

Justice Doris Ling-Cohan found that "...a thorough and exhaustive review of the 1992 FEIS [Final Environmental Impact Statement] fails to reveal that any identification was made of areas of environmental concern that are specifically related to the 72nd Street exit ramp's closure, let alone the requisite 'hard look' by the agency.

"...the inadequacy of the 1992 FEIS, as it relates to the 72nd Street exit ramp, cannot be remedied retroactively, by the drafting of a mere technical analysis in 2003, 11 years later, which also fails to comply with the requirements of SEQRA/CEQR; nor can one or more private meetings with a few representatives of petitioners substitute for mandated 'public review and comments' as respondents have 'only allowed limited participation and scrutiny'.

"...Finally, respondents attempt to shift the responsibility of proposing alternatives to the exit ramp closure to petitioners. This also contradicts the specific terms of the statute, which provides that it is the lead agencies which must prepare an EIS which includes a reasonable range of alternatives including a 'no action' alternative, to the proposed action. In fact, the 1992 EIS assumed that the 72nd Street exit ramp would be closed, so it did not address any 'alternatives' much less a 'no action' alternative'.

**"Given respondents' failure to comply with the provision of SEQRA and CEQR the approval given to close the 72nd Street exit ramp is rendered null and void."**

Although the community has won this significant legal victory, the *fight will continue*. The community will be deeply involved in the environmental review process. Meanwhile, NYCDOT is considering an appeal.

Justice Ling-Cohan's full decision can be found on our web site: [www.livablenewyork.org](http://www.livablenewyork.org)

\* SEQRA/CEQR are the state and city environmental review statutes.

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## More Victories for the Community



Walk time signals lights for pedestrians on WEA (66th-70th St.) is so short that it is dangerous for seniors to cross. The community has been engaged for months in a multifaceted campaign to increase the walk time on WEA. And now we have a victory.

The NYC Department of Transportation (DOT) is in the process of **increasing** the “Walk” time (the Walk and Flashing signals) to **30 seconds** on West End Avenue from W. 59th St. to W. 70th St.

On July 13, 2004, at a well-attended meeting of CB7’s Transportation Committee, **Assemblyman Scott Stringer** spoke about the grave problem seniors had in trying to cross West End Avenue safely. He cited information from the Coalition for a Livable West Side’s study, “Pedestrian Crossing Time on West End Avenue”.

Both he and **Councilmember Gail Brewer** emphasized the need to increase pedestrian crossing time on West End Avenue which was clearly evident in our study. (see below)

**Assemblymember Stringer** gave the study to DOT’s Manhattan Borough Commissioner, Margaret Forgione.

She promised that she would read it carefully. She obviously did so because the “Walk” time is being increased. Thank you, Commissioner Forgione.

We will do a follow-up pedestrian crossing study in two months to determine if the change has made crossing WEA safer.

### Pedestrian Crossing Time Study on West End Avenue

A study - on behalf of the Coalition for a Livable West Side - was conducted in May 2004 of pedestrian crossing time on West End Avenue between W. 66th and W. 70th Streets in Manhattan to determine pedestrian safety factors. The study was in response to the New York City Department of Transportation’s planned implementation of the West End Avenue Improvement Plan. The report was compiled and written by Richard D. Sadowski, President, Association of Tenants of Lincoln Towers. The observations were recorded by Richard D. Sadowski and Irving Kleiman, Project Open, Lincoln Towers.

There were 225 pedestrians in the sample and their ability to cross West End Avenue (66th to 70th St.) in the allotted signal time was measured.

The study clearly showed that there was insufficient time for seniors and people with disabilities to cross West End Avenue safely, even though many were already off the curb and into the street as their crossing times began to be measured. The parked cars on both sides of West End Avenue - 66th-70th St. -gave pedestrians “buffer zone” of almost 10 extra feet. Thus shortening the time needed to cross West End Avenue. And they still had difficulty crossing safely.

The study cited the fact that residential housing on both sides of West End Avenue contain *NORCs* (*Naturally Occurring Retirement Community*)- the majority of whom are over the age of 75.

The study recommended that DOT **increase** the walk time on WEA because the needs of pedestrian safety for senior citizens has to outweigh vehicular traffic movement.

Our study could well be a model for other communities faced with similar pedestrian problems.

The full Coalition study can be found on our web site: <http://www.livablenewyork.org>

There is excellent study by Transportation Alternatives on pedestrian safety for seniors. Go to: <http://www.transalt.org> for their study.

### Update on the Work on West End Avenue - West 57th to West 70th Street

For years, the medians on WEA (57th-62nd St.), provided a safety zone for pedestrians.

DOT “jumped the gun” when they allowed Hudson Waterfront Associates’ contractors to remove those medians as part of the so-called West End Avenue Improvement Plan.

At a July Community Board 7 meeting, DOT was asked why they were rushing to implement the dangerous West End Avenue Plan

when a lawsuit had been filed against it. Their reply was that the lawsuit by the community was weak and would be dismissed!

The demolition work was done in the late evening and early morning. It was a nightmare for people living at 55 and 75 WEA, as well as at 101 WEA.

We do not know if the increase of “Walk” time to 30 seconds will make up for the loss of the medians. We ask that you **keep us** informed.

According to the City’s attorney, all work on West End Avenue has been completed (ie., removal of the medians and the striping of the 7-lanes).

The **good news** is that there will be **NO** change in the traffic pattern on West End Avenue.

The West End Avenue Plan is dead for now. So **parking remains** on both sides of West End Avenue.

## The “Far” West Side Development Plan - The Stadium, Javits Center, Office and Residential Development



Thank you Bill Gallo for permission to use your cartoon.

### The Development and Traffic

The stadium's Draft EIS claims that traffic generated by the stadium will actually **improve** with a Manhattan stadium.?

Under the West Side plan, the developers of the commercial and residential buildings must build parking spaces for cars - 9,300 to 14,000 commercial spaces and 3,000 to 6,000 residential spaces - built over a period of 20 to 30 years. The city claims there would be a net increase of **only** 8,000 spaces for cars.

The city's own zoning plan states that that type of construction adds to traffic congestion!

In addition, there will be 500 spaces in the rail yard, and 950 spaces in a garage between 34th and 36th streets under 10th and 11th Avenues. Those spaces would be built **before** the new development begins. Will they really be parking spaces for the stadium?

### Where Will the Power Come From?

The 28 million sq. ft. of office space, the 12 million sq. ft. of residential towers, the Javits Center expansion, the Jets Stadium and the hotels, would all need a new source for power generation. Where will the power come from?

### Who Pays for the Infrastructure?

This huge development will require its own infrastructure- police, fire, education, health, sanitation and other city services. The “Plan” does not include these costs.

There are dozens of articles that attempt to explain the complex issue involved in the Mayor's plan for developing the “Far” West Side of Manhattan.

An article by Glenn Pasanen, “The Mayor's West Side Gamble”, we believe, puts the plan in proper perspective for NYC taxpayers who will bear the burden for paying for the plan. There is no “free lunch” in this plan.

The Mayor's Plan does not allow for any oversight by our elected officials, either in the City Council or in the State Legislature. Also eliminated in the plan, is oversight by the City and State Comptrollers - our “Public Watchdogs.”

### From: “The Mayor's West Side Gamble”

D “The Mayor's plan for development of Manhattan's West Side looks more and more like a fiscal gamble of huge proportions.”

D “The plan gives the mayor enormous discretion on financial decision-making, outside the normal process.”

D “Recent fiscal-monitor reports on the plan underscore the expensive, shaky, and undemocratic assumptions behind the plan.

D “According to these recent reports, the mayor is ready to commit the city to as much as \$7 billion in financing costs for the plan's three components:

- the expansion of the Javits Center
- the building of a Jets/Olympics stadium
- and several infrastructure projects, including the extension of the #7 subway line and a platform over the MTA's eastern rail yards.”

D “The great bulk (if not all) of the financing will be set up by or through so-called public benefit corporations - in other words, public authorities controlled by the mayor that work outside normal democratic budget procedures. This will turn out to be very expensive.”

D “But the most ominous part of this plan may well be the extraordinary and unaccountable power given the mayor through the new authority.”

D “This will **minimize public discussion of risky assumptions in the plan**, notably its optimistic projection that there will be a need in the future for 28 million square feet of office space as well as equally optimistic estimates of construction schedules and costs. The plan... has the potential for unknown major costs in the future.

D “... the mayor's plan for the largest part of the West Side plan - the area to the east of the proposed Javits Center and stadium projects - would be financed through a new public corporation, the Hudson Yards Infrastructure Corporation. ...

D “...the plan avoids the normal capital budget process... and the mayor avoids the political conflict and possible defeat of his proposal. As a report by State Comptroller says, the mayor ‘has limited the involvement of the City Council and the City Comptroller, and circumvented the customary capital planning process.’

D “...[if] the sale of development rights on the West Side through the rezoning of the area [fall short], the city could be forced to bail out the West Side plan, at the expense of other priorities.”

D “Some of the debt will not be paid off until 2054, a fifty-year financing plan that gives the current generation the fruits, but asks future generations to pay the bill.”

D “The uncertain fiscal implications of the West Side plan rest largely on the mayor's almost complete control over its financing.”

D “... a plan that imposes unknown costs on the city for the next 50 years deserves a broad public debate.”

D “The use of a politically insulated entity like the Hudson Yards Infrastructure Corporation is fiscally suspect and democratically unsound.”

Go to :<http://www.gothamgazette.com/article/finance/20040915/8/1112> for the full article.

### Sewage and the Development

The development would generate more than 8.6 gallons of raw sewage for the North River Sewage Plant. It won't be able to handle it, so millions of gallons of raw, untreated sewage would be pumped into the Hudson River.

## Sewage , The North River Sewage Treatment Plant and Trump's Riverside South Project

Sewage is a vital issue for West Siders. The North River Sewage Treatment Plant, located in Harlem , was originally designed to treat 220 millions gallons of raw sewage per day from the West Side of Manhattan. Its capacity was reduced to 172 million gallons per day because of budget cuts.

And from the day the plant opened in 1986, it immediately and continuously exceeded the 172 gallons per day limit and dumped millions of gallons of raw sewage into the Hudson River. .

We believe that the city's reports on the daily sewage flow to North River do not reflect the **actual amount** of sewage the plant receives. But strangely, they do reflect the figures used in the 1992 Riverside South EIS that "estimated" water usage is between **112 and 133** gallons per day for North River. At the time that the city accepted those figures, the city was selling Water Bonds that stated that the per capita average daily water consumption for New York City in 1991 was **200** gallons per day. In June 1994, Marilyn Gelber, then the Commissioner of DEP, stated that "City water usage averages **200** gallons per day."

An April Fool's Day joke was played on the west side community on April 1, 1994 when **twenty-four million gallons** of raw sewage flow *vanished* from the North River Sewage Plant in

just two hours. That precipitous drop could have occurred if **160,000** West Siders suddenly moved out in that 2-hour period! Respected engineers ridiculed the administration's claims that the city's water conservation efforts were responsible for the reduction in the plant's flow. The "mystery" was never solved

Some have linked the precipitous drop to:

- 1) the need of the holders of Trump's Riverside South long-overdue mortgage to sell the property and
- 2) the need for the owners of the site to obtain a permit for a sewage hook-up to North River for the planned buildings.

When secondary treatment is applied to the raw sewage, a residue called sludge remains. Although the daily flow counts have gone down unbelievably, the **sludge count has not.**

How can the sewage from the the rest of Riverside South and the gigantic proposed Hudson Yards development be absorbed by the North River plant? We need accurate figures!!



### Sale of School's Air Rights

Will the revival of selling a school's air rights affect any of our West Side schools?

Crain's New York Business (10/11/04), reported that, "In a plan to help pay for new construction at local public schools, the New York City Educational Construction Fund is looking to revive the program to lease air rights above select schools.

"The city's Department of Education and Economic Development Corp. also are involved in these projects."

We will monitor this issue in our community and keep you informed.

### More Trucks on WEA

Did you know that the city wants to send all of Manhattan's commercial garbage -about **2,000 tons** - to a new Transfer Station on **W. 59th St. and the Hudson River.**

That would mean **more trucks** in our community. Will the City be able to come up with fresh, effective ideas on how to cope with the increased traffic?

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### Be Pro-Active -Join the Coalition for a Livable West Side

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I wish to support the **Coalition's** lawsuit to overturn DOT's approvals of ramp closing and WIP. [  ]  
 I wish to support the **Coalition for a Livable West Side's** efforts on behalf of the community . [  ]  
 My contribution ( ) \$500. ( ) \$250. ( ) \$200. ( ) \$100. ( ) \$75. ( ) \$50. ( ) \$25. ( ) other  
 Annual dues \$25. [  ] New member [  ] Renew - Year 2004 Dues [  ] Pre-pay Year 2005 Dues

If your company has a Matching Gift program, please apply on behalf of the Coalition. **We now can accept gifts of stock.** We have no paid staff. If your membership has expired (see label), please renew. If you are not a member, please join.

I can help with publicity. ( ) I can distribute the Coalition newsletters, important flyers, etc. in my building. I need ( ) copies. I can attend important meetings, hearings, etc. ( ) I can help with \_\_\_\_\_