

Coalition for a Livable West Side

<http://www.livablenewyork.org>

email:livablenewyork@erols.com

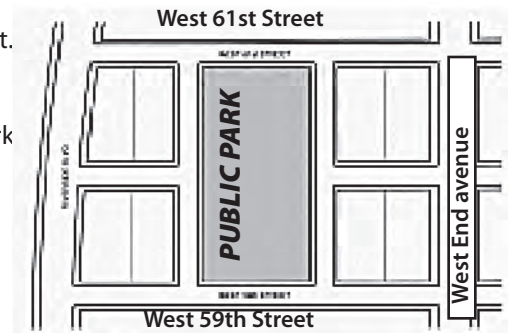
Coalition's Proposal for a Public Park in Riverside Center

Extell is asking the City Planning Commission to approve a 35% increase in zoning (3.1 million sq. ft. for development) well above the approximately 2.4 million sq. ft. that remains under the development rights in the 1992 Restrictive Declaration. The site, now called Riverside Center, is on the southern end of Riverside South (W. 59th - W. 61st St.)

Extell's proposal (see CLW's Nov. 2008 newsletter on livablenewyork.org) includes 5 towers, ranging in height from 623 feet to 400+ feet and a privately owned open space plaza which is approximately 28% of the site. That amount of open space sounds impressive until you realize that is not truly public space and is not a park, merely scattered green places. Coalition hired a noted architect, Craig Whitaker, to analyze the Extell private open space and create a truly Public Park on the site. His drawing and recommendations are below.

- All the new streets are "mapped" and **built by the developer before** the buildings are constructed.
- A two-acre Public Park is **built by the developer**. That allows the community to enjoy the park **before the project's 2018** expected completion.
- The developer turns over title to the park to the Parks Department.
- The park is maintained through contributions from units surrounding it just like at Madison Square Park.
- The buildings surrounding the park would look more like New York and less like "towers in the park."

For Craig Whitaker's full analysis and proposal, send email to livablenewyork@erols.com - Write Craig's Plan in the subject heading.



Coalition's Proposal for Public Park

For more information on "Battery Park City" Redux also known as Extell's Riverside Center's 3.1 million square feet of development (W. 59th - W. 61st St.), email us for a PDF of our Nov. 2008 newsletter. And go to the Community Board 7 website: <http://nyc.gov/html/mancb7/html/announcements/announcements.shtml> for more information.

The Coalition Needs Your Financial Support Now!

A member wrote, "This 'watchdog' group has accomplished much with limited resources. It keeps us informed and it takes action to improve our quality of life. We may not agree with every single stance that they take, but their consistent advocacy does keep other interests more honest. Membership is only \$25. a year. It is a good investment. And if you choose to support them with more, they will come and hug you." Join the Coalition today. Your contribution is tax deductible and will be matched by our Challenge Grant. Membership form on p. 6.

Coalition for a Livable West Side
PO Box 230078
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*Maximize your contribution
via our Challenge Grant*

Join the Coalition for a Livable West Side. Membership form is on page 6

Fordham Fortress Approved By City Lawsuit Filed

"Repeated and intensive attempts by eight Lincoln Square cooperatives and condominiums as well as community organizations and Community Board 7 have failed to persuade Fordham University agencies to modify the university's Master Plan.

"The responsible city agencies rejected community proposals that would provide the university with every square inch of academic buildings that it believes it will need while providing the neighborhood with adequate light, open space and reasonable environmental protection.

"The City has now approved the Master Plan with only minimal modifications that do not significantly alter the overwhelming and fortress-like collection of massive buildings, including 55-60 stories luxury condominiums, that the university plans to build.

"Consequently, the neighboring Alfred Condominium has filed an Article 78 lawsuit in the Supreme Court of New York County to require that the city apply and enforce long-standing zoning and environmental laws and contractual regulations *that prohibit the use of campus land for real estate profiteering.*

"The action is against the City of New York, the Department of Planning of the City of New York, the City Planning Commission, the City Council, Michael R. Bloomberg in his official capacity as Mayor of the City of New York and Fordham University." Alfred Condominium Press Release, 10/31/09

Little Known Fact

The plume from the Con Edison stack may limit the height of buildings in Riverside Center on West End Avenue to 15-18 stories.

In 1989, Manhattan West, now West End Towers, lowered the height of 55 WEA to 180 feet - 18 stories - because of the plume from the Con Edison stack.

Design Streets For Pedestrians Not Vehicles

Assemblymember Linda Rosenthal's goal to reduce older pedestrians' accidents resulted in "The Upper West Side Pedestrian Safety Plan, November 2007". This pedestrian safety action plan, was prepared by Transportation Alternatives (TA) and developed by local senior citizens who recommended strategies for making their streets safer to cross and the neighborhood a more inviting place to walk.

Although, New York City Department of Transportation's "Safe Streets for Seniors" focused on 25 areas that are problematic for seniors, West End Avenue (WEA) was omitted from their study. WEA from W. 55th St. to W. 86th St. are now part of the study due to the efforts of **Assembly member Linda Rosenthal.**

DOT should focus on, and immediately implement the recommendations in the 2007 TA study which includes many of the recommendations made by DOT in its own "Safe Streets for Seniors" study.

They include:

- timing traffic signals to correspond with slower walking speeds - 2.5 seconds;
- giving pedestrians several seconds of dedicated crossing time before cars can start moving and/or turning;
- repairing and establishing pedestrian ramps to make steps on and off the curb safer and more convenient for all people, particularly those with walkers;
- shortening crossing distances which can be done as curb extensions or chicanes;
- installing pedestrian islands in wide streets.

Installing pedestrian islands It is very critical to pedestrian safety on West End Avenue in light of the fact that DOT removed the pedestrian island between West 57th and West 61st Street. It must be restored!

See page 5 and 6 for more on traffic.



The Coalition Supports the Lawsuit Against the City's Approval of Fordham University's "Master Plan"

Fordham University's "25 year Master Plan", approved by the City, is not a Master Plan, it is a "tabula rasa", a clean slate.

Fordham has to-date left unspecified **almost all details** about the design of individual buildings, their architectural materials, the design of the residential and commercial overlays, and the resulting aesthetic and environmental impact on its immediate neighbors, including Lincoln Center.

The approved "tabular rasa" provides about 2.35 million square feet of additional gross floor area at Fordham's Lincoln Center campus – a superblock - Columbus to Amsterdam Avenue and West 60th to West 62nd Street .

And a more egregious aspect is the fact that Fordham would sell about 736,504 gross square feet to private developers for new residential space – on two sites on the northwest and southwest corners of the superblock - to finance the Fordham plan. That land was originally obtained through eminent domain - at \$7. per sq. ft. - with thousands of residents being displaced.

Gas Drilling in the NYC Watershed or Would You Like Some Poison in Your Drinking Water? Borough President Scott Stringer Leads the Battle to "Kill the Drill" in the NY Watershed Area

Borough President Scott Stringer, along with elected officials - *Congressman Jerrold Nadler, State Senators Tom Duane and Eric Schneiderman, State Assemblymembers Linda Rosenthal and Danny O'Donnell, City Councilmember Gale Brewer* and environmental advocates - called *for the state to ban drilling for natural gas near the city's water source* because the proposed buffer zones around the watershed are inadequate to protect the watershed from contamination. But that is not enough.



On April 7, 2009 *Community Board 7 (CB7)* urged *Governor Paterson and the NYS DEC to ban hydro-fracing drilling in the Delaware/Catskills Watershed and in aquifers and watersheds elsewhere in New York State. The Coalition for a Livable West Side fully supports CB7's position. It is not enough to protect just NYC's watershed. If it's not safe in the watershed which supplies NYC's water, it is not safe for anyone else's water supply.*

The Issue – The Safety of New York City's Drinking Water:

The entire West-of-Hudson portion of the New York City Watershed (which supplies 90% of drinking water to more than 50% of the state's population) sits on top of part of the Marcellus Shale, a large mineral reserve deposit 6,000 - 10,000 feet beneath the earth's surface that oil and gas companies want to drill into.

If the NYC Watershed which supplies unfiltered drinking water to more than 9 million New Yorkers becomes polluted from the hydro-fracing process, NYC would have to build a filtration plant that could cost taxpayers more than 10 billion dollars.

Prohibiting drilling in just the NYC watershed area would only put a relatively small portion (8%) of New York's Marcellus Shale off limits to industrial drilling. *But the water supply of the entire state must be protected* from this process of hydro-fracing. Rivers in Wyoming were contaminated by hydro-fracing operations 28 miles away from the drilling site through underground fractures in the geological formations. (see paragraph 4 on P.4 for other damning evidence from EPA's 2004 report).

Drilling companies have already leased tens of thousands of acres. Fortuna Energy and Chesapeake Energy offered at least \$5,500 per acre, plus 20 percent royalties, to a group of 600 property owners - for a total of 35,000 acres - on the New York and Pennsylvania sides of the Marcellus Shale.

News flash: "Bowling to intense public pressure, Chesapeake Energy Corporation, the largest leaseholder in the Marcellus Shale, will not drill for natural gas within the upstate New York watershed." NY Times. October 28, 2009.

Industry Claims and the Truth

INDUSTRY: "Industry representatives maintain that the drilling fluids are mostly made up of non-toxic, even edible substances, and that when chemicals are used, they are just a tiny fraction of the overall mix."¹

TRUTH: "To extract natural gas from the mineral reserve, oil companies plan to use a process called "hydraulic fracturing" using technologies developed by Halliburton. The new gas drilling technology involves blasting millions of gallons of so-called slick water into the shale bed to break up the stone and release the trapped gas. Slick water is a cocktail of water, sand and as many as 278 toxic chemicals. Many of these, like benzene, naphthalene and chromium, are either carcinogenic or associated with numerous health problems affecting the eyes, skin, lungs, intestines, liver, brain and nervous system."¹

NYSDEC: "New York State Department of Environmental Conservation (DEC) maintains that New York City's watershed will be protected. It also told state legislators that hydraulic fracturing was safe."⁷

TRUTH: "DEC stated that hydraulic fracturing was safe, even though the agency had not studied or discussed the sometimes dangerous chemicals that it uses and that later wind up in its waste."¹ "As much as a third of injected fluids used in hydraulic fracturing remains in the ground and benzene, toluene, ethylbenzene, and xylenes in the water will likely be transported by groundwater flowing according to regional hydraulic gradients."²

INDUSTRY: "Mike John of Chesapeake Energy reported that of the fracturing fluid used, most is water and sand and, "just under 1 percent is a mixture of other chemicals".³

TRUTH: "Large amounts of chemicals are used for each fracturing. Hydraulic fracturing requires millions of gallons of water. For a 3 million gallon fracturing, Chesapeake's figures would mean 30,000 gallons of toxic materials are being injected into the ground."³

Would You Like Some Poison With Your Water ?

INDUSTRY: "Our drinking water is not at risk from hydraulic fracturing because industry is fracturing at depths below the aquifers from which our communities are locating water wells."⁵

TRUTH: "There are number of ways in which hydraulic fracturing threatens our drinking water. As the few studies that are available have shown that at least 20-30% of fracturing fluids may remain trapped underground."⁵

INDUSTRY: "The practice of hydraulic fracturing and creating underground fractures is well-tested, controllable and safe."⁵

TRUTH "It is critical for communities and decision makers to understand that hydraulic fracturing fluids not only contain toxic chemicals, but this operation utilizes high volumes of fluids and high pressures to intentionally open up underground pathways for gas or oil to flow. Injected fluids have been known to travel as far as 3,000 feet from a well, and fracturing fluids may remain trapped underground. Computer models have shown that fractures can behave differently than predicted."⁵

NYSDEC: "DEC states that hydraulic fracturing is safe."⁷

TRUTH: "In addition to toxic water and groundwater pollution, hydraulic fracturing *causes toxic air pollution*...At each stage of production and delivery, tons of toxic volatile compounds, including benzene, toluene, ethylbenzene, xylene, etc., and fugitive natural gas (methane), escape and mix with nitrogen oxides from the exhaust of diesel-driven, mobile and stationary equipment to produce ground-level ozone."⁴

NYSDEC: "DEC said drillers would have to ship the wastewater to neighboring Pennsylvania."⁶

TRUTH: "ProPublica found that Pennsylvania's specialized treatment plants don't have the capacity for the waste."⁶

EPA: A 2004 US Environmental Protection Agency (EPA) study "concluded that hydraulic fracturing posed "no threat" to underground drinking water because fracturing fluids aren't necessarily hazardous, can't travel far underground, and that there is "no unequivocal evidence" of a health risk."²

TRUTH: "Buried deep within the EPA report are statements explaining that fluids migrated unpredictably -- through different rock layers, and to greater distances than previously thought -- in as many as half the cases studied in the United States. The EPA identified some of the chemicals as biocides and lubricants that "can cause kidney, liver, heart, blood, and brain damage through prolonged or repeated exposure." It found that as much as a third of injected fluids, benzene in particular, remains in the ground after drilling and is "likely to be transported by groundwater."²

Questions for DEC

1. How will the waste fluids and gas drilling "sludge," laced with heavy metals, chemicals, etc. be disposed of?
2. Where will the vast amounts of water needed for fracturing come from?
3. How many inspectors will be required to monitor the planned hundreds, if not thousands, of sites to ensure compliance?

DEC presently has 17 inspectors to monitor compliance.

4. The Environmental Conservation Law, §23-0303, *provides for the supersedure of all local laws or ordinances relating to the regulation of the oil, gas and solution mining industries.* How can that provision be changed so that localities can protect its citizens?

Footnotes:

1. Buried Secrets: Is Natural Gas Drilling Endangering U.S. Water Supplies? by Abraham Lustgarten, ProPublica - November 13, 2008 <http://www.propublica.org/series/buried-secrets-gas-drillings-environmental-threat> - click on ProPublica: "Buried Secrets: Is Natural Gas Drilling Endangering U.S. Water Supplies?" Abrahm Lustgarten, 11/19/08
2. EPA, June 2004: "Evaluation of Impacts to Underground Sources Drinking Water by Hydraulic Fracturing of Coalbed Methane Reservoirs"
3. The Daily Review, March 6, 2009: "Chesapeake Meeting Draws Sizeable Crowd". Tiffany Peden, March 6, 2009
4. The Endocrine Disruption Network: "Chemicals in Natural Gas Production. Go to: <http://www.endocrinedisruption.com/chemicals.introduction.php>."
5. Hydraulic Fracturing Myths and Facts. <http://www.earthworksaction.org/publications.cfm?publicID=395>
6. "New York State Paves Way for Gas Drilling With Release of Environmental Review" A. Lustgarten. Pro-Publica , September 30, 2009. .

You can help by contacting: Commissioner Pete Grannis, New York State Department of Environmental Conservation , 625 Broadway , Albany, NY 12233-0001 Email Commissioner Grannis: <http://www.dec.ny.gov/about/407.html>

AND

Sign the on-line petition at <http://www.thepetitionsite.com/1/NY-Statewide-Ban-On-Natural-Gas-Drilling>

Bills to Repeal Exemption for Hydraulic Fracturing in Federal Safe Drinking Water Act FRAC Act (S. 1215/ H.R. 2766.)

The bills repeal the exemption for hydraulic fracturing, also known as the "Halliburton Loophole", in the Safe Drinking Water Act and would require public disclosure of the chemicals used in hydraulic fracturing that are mixed with the water and sand when they are pumped underground in the fracturing process, information that has largely been protected as trade secrets.

The oil and gas industry has spent millions of dollars lobbying against fracturing regulation over the last two years. Officials with the Environmental Protection Agency in Washington have said that the exemption for fracturing is unique, and that the oil and gas industry is the only industry to be exempted from oversight under one of the nation's landmark laws to protect drinking water.

New Yorkers are proud that our elected officials, **Senators Charles Schumer and Kristen Gillibrand** are key co-sponsors of the Senate bill (S. 1215) and that **Congressman Jerrold Nadler** is a key sponsor of the House bill (H.R. 2766).

Pedestrian Safety, Traffic Calming, Air Pollution

For Cleaner Air in New York City

Federal law requires the New York State Department of Environmental Conservation (DEC) to submit a Clean Air Act State Implementation Plan (SIP) that demonstrates how state air pollution control programs will be carried out to reduce pollution and to ensure that air contaminant levels are in compliance with the National Ambient Air Quality Standards (NAAQS). The SIP includes plans to bring areas that contravene the NAAQS into compliance.

Presently, New York State's SIP limits the amount of parking that can be attached to development below 60th Street based

only on the level of Carbon Monoxide (CO).

If DEC adds two additional criteria for parking in its SIP - particulate matter (PM) and ozone - it would mean that adding new parking (O) garages would trigger 'air quality' impacts and would require greater scrutiny.

Write to: Commissioner Pete Grannis, NYSDEC, 625 Broadway (14th Fl.), Albany, New York 12233. Phone 1-518-402-8545 (ext 1010), Fax 1-518-402-8541, email: <http://www.dec.ny.gov/about/407.html>.

W. 75th St. Block Association Asks NYC DOT

For Curb Extensions on W. 75th St. - Central Park West - Riverside Drive

"Our streets are where our seniors are most vulnerable. Their impaired mobility makes it harder to cross the intersections in time to avoid the light change. There is also the issue of turning vehicles onto the side streets. Many times we all step off the curb to enhance our sightline for oncoming traffic.

"The construction of curb extensions at every corner on West 75th Street is needed to calm the traffic enough to allow for our older, disabled citizens and children a sense of security when crossing the street. It will also serve to lessen the distance they have to walk before reaching the security of the sidewalk." Testimony to Community Board 7, Dee Rieber, West 75th Street Block Association President

Community Board 7 Voted on May 5, 2009 to Endorse Curb Extensions to Promote Pedestrian Safety

Community Board 7 endorsed curb extensions as a way to promote pedestrian safety .

It requested that the Department of Transportation (DOT), in consultation with CB7 and the W. 75th St. Block Association, immediately begin putting in place the type of temporary improvements it is promoting in Times Square and Herald Square, including the use of composite gravel, planters and paint on the streets to outline the curb extension without major construction, and the implementation of increased

"day lighting," at intersections, i.e., banning automobile parking within 10 ft. of the crosswalk and use of signage to slow down traffic and improve sight-lines for safety.

Community Board 7 formed a sub-committee to work with DOT to study and identify appropriate locations in CB7 - with special attention to dangerous intersections and those located near senior citizen centers and schools - where curb extensions would promote pedestrian safety, including but not limited to West 75th Street.

Curb Extension



Curb extensions are a traffic calming method.

They are also known as bulb-outs or neckdowns and extend the sidewalk or curb line out into the parking lane, which reduces the effective street width.

Curb extensions significantly improve pedestrian crossings by reducing the pedestrian crossing distance, visually and physically narrowing the roadway, improving the ability of pedestrians and motorists to see each other, and reducing the time that pedestrians are in the street.

Motorists are encouraged to travel more slowly at intersections or midblock locations with curb extensions, as the restricted street width sends a visual cue to motorists.

Turning speeds at intersections can be reduced with curb extensions (curb radii should be as tight as is practicable).

Curb extensions also provide additional space for curb ramps and for level sidewalks where existing space is limited.

Curb extensions reduce the amount of roadway available for illegal or aggressive motorist activities such as failing to yield to pedestrians, making high-speed turns, and passing in the parking lane.

It has also been observed that motorists are more inclined to stop behind the crosswalk at a curb extension, and that pedestrians are more inclined to wait on the curb extension than in the street.

Cellphone Towers

Some believe that sufficient time has not elapsed in order for us to have conclusive data on the biological effects of cell phones and cellphone towers. However, growing evidence indicates that we should reduce exposures while research continues.

Consider This - US Standard for Radiation Exposure Least Protective in the World

The current U.S. standard for radiation exposure from cell phone towers is 580-1,000 microwatts per sq. cm. (mW/cm²), among the **least protective** in the world. **More progressive European countries have set standards 100 to 1,000 times lower than the U.S.** Australia at 200 microwatts;; Russia, Italy, and Toronto, Canada at 10.; China at 6.; Switzerland at 4. In Salzburg, Austria the level is .1 microwatts (pulsed), 10,000 times less than the U.S. **New Zealand has proposed yet more stringent levels, at .02 microwatts, 50,000 times more protective than the U.S. Standard.** From: Radiofrequency Radiation Health Studies, Wireless Antenna Site Consumer Information Package, Sage Associates, Montecito, CA, 2000, www.sageassociates.net

The Cellular Telephone Industries Association Asks the Federal Communications Commission to Declare New Limitations on Local Zoning Authorities in the Siting of Cellphone Towers

The Cellular Telephone Industries Association (CTIA) spent \$39 million lobbying Congress to pass a law - the 1996 Federal Telecommunications Act - that took away citizen's rights to oppose cell towers based on health reasons. The law essentially gave cellphone companies the right to

place these towers in neighborhoods, and made it *next to impossible* to oppose them based on health reasons. But some communities have passed laws banning cellphone towers near schools, etc.

On July 11, 2008, in response to those community efforts, the Cellular Telephone Industries Association (CTIA), **petitioned the FCC to declare new limitations on local zoning authority as it affects cell tower siting.** The FCC has not issued a decision yet (11/1/09).

Did you know that in May 2009, **France banned cell phones in primary schools** and is requiring manufacturers to create handsets that allow only texting to reduce health risks to children. Go to: <http://sn.im/ktfa2>

Trucks Consistently Ignore Laws - Endangering Everyone

Trucks are a serious concern in New York City because they are major noise polluters, cause most of the wear on our streets, and contribute disproportionately to severe crashes and traffic congestion.

A law sets the maximum truck size at 55 feet yet hundreds of grossly oversized trucks roll daily through our streets.

There is a law that bans trucks from West End Avenue but it is constantly ignored. The City must better enforce existing truck rules and routes and install traffic calming measures that discourage trucks from driving on banned streets.

Council member Gale Brewer, is working closely with the 20th and 24th Police Precincts to ensure that they enforce the "truck" laws.



Name _____ Address _____ Apt. _____ City/State _____ Zip _____

Annual Dues: \$25 New Member Renew - Year 2009 Dues Pre-Pay Year 2010 Dues

My contribution is: I wish to support the Coalition for a Livable West Side's efforts on behalf of the community.
\$500 \$75 I can help with publicity. I can attend important meetings, hearings, etc.
\$250 \$50 I can distribute the Coalition newsletters, important flyers, etc. in my building. I need _____
\$200 \$25 I can help with _____
\$100 other _____

Please make checks payable to: CALW, Inc. - Write Challenge Grant in lower left-hand corner of check.

Mail to: CALW, Inc., P.O. Box 230078, New York, N.Y. 10023. Contributions are tax deductible [section 501c3]

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. We are all volunteers. If your membership has expired (see label), please renew. If you are not a member, please join.

We send out frequent updates via e-mail. If you are interested, send your e-mail address to livablenewyork@erols.com. We NEVER give anyone or organization your email address. E-mails are sent as blind copy.