

Appendix F
Comments on the DSEIS

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NEW YORK CITY

DEPARTMENT OF CITY PLANNING

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CALENDAR NOS. 38, 39, 40, 41 and 42

WILLETS POINT

PUBLIC HEARING

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Spector Hall
22 Reade Street
New York, New York
July 10, 2013
12:40 p.m.

BEFORE:

AMANDA M. BURDEN,
The Chair

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2 COMMISION MEMBERS PRESENT:

3 Amanda M. Burden, FAICP, Chair

4 Kenneth J. Knuckles, Esq., Vice Chairman

5 Angela M. Battaglia

6 Rayann Besser

7 Irwin G. Cantor, P.E.

8 Alfred C. Cerullo, III

9 Michelle R. De La Uz

10 Maria M. Del Toro

11 Joseph I. Douek

12 Anna Levin

13 Orlando Marin

14

15 Also Present:

16 Robert R. Kulikowski, Mayor's Office of
 Environmental Coordination

17

Yvette V. Gruel, Calendar Officer

18

Members of the Staff

19

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The Public

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The Press

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The Media

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Reported by:
Kari L. Reed

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P R O C E E D I N G S

THE CALENDAR OFFICER: Borough of Queens, calendar numbers 38 through 42. Calendar number 38, N 130220 ZRQ. Calendar number 39, C 130222 ZSQ. Calendar number 40, C 130223 ZSQ. Calendar number 41, C 130224 ZSQ. Calendar number 42, C 130225 ZSQ.

THE CHAIR: Since it is located on parkland, we felt it was important for Bob to be here to listen to any public comments regarding the Willets West aspect of the project, and as well as general comments regarding the environmental review.

Just to make it clear, our purview of City Planning Commission really is on the Willets East part of the project, and the temporary term uses there. But Mr. Kulikowski is hearing testimony on any components to deal with the Willets West component of the project.

Now we'll begin to call speakers. As is our custom, since there are speakers for and against, we will go for 30 minutes for speakers in favor, then we will switch to speakers in

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opposition. And the first speaker in favor is Rob Goldrich, who will be followed by David Quart, Richard Browne, Jesse Masyr and John Clifford.

MR. GOLDRICH: Thank you, Madam Commissioner, hello. Hello, Commissioners. Hello Bob Kulikowski from the panel, very exciting to see you there.

I'm Bob Goldrich, senior policy advisor from the mayor's office. And I'm here on behalf of Deputy Mayor Bob Steel to speak in favor of this project today, and introduce the City speakers and the development team.

The administration is very excited to have a real way forward and finally feasibly realize the vision that the City, along with the City Planning Commission support, approved back in 2008. As you know, the Willets Point development plan is an historic redevelopment effort that will finally transform and revitalize a polluted and neglected neighborhood, a goal that has alluded the City for generations. The plan will clean up decades of toxic pollution, and help improve the quality of nearby waterways. It will provide the Willets Point district, located in one of the most

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vibrant parts of Queens, with basic infrastructure that it now lacks. In addition, it will establish a major new, mixed income neighborhood and commercial destination, while creating thousands of jobs and infusing billions in private investment into the local community.

The City's agreement with the joint venture development team will result in construction as originally envisioned in the Special Willets Point District and urban renewal plan when environmental remediation on even more acreage than was originally anticipated in the 2011 RFP. The plan will activate significant acreage on both sides of City Field to create a true center of economic growth for Queens.

The first phase of the project will encompass 23 of the 62 acres which will make up the district, will result in \$3 million in private investment, create 7,100 permanent jobs, and 12,000 direct construction jobs, with MW/BE and local hiring goals at 25 percent. During construction the project will generate over \$310 million in tax revenue. And once operational, will account for over \$150 million in new annual

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2 tax revenue. You will hear from the applicants
3 and New York City's Economic Development
4 Corporation in a joint venture between Related and
5 Sterling Equities, as well as their consultants
6 who are here today to address questions and
7 concerns that you may have.

8 So I'm here to answer any
9 questions as well or just hand it off to the next
10 speakers.

11 THE CHAIR: Let me see if there are
12 any for Rob Goldrich. Yes, Michelle and then
13 Angela.

14 COMM. DE LA UZ: Thanks for being
15 here.

16 MR. GOLDRICH: Thanks, Commissioner.

17 COMM. DE LA UZ: I'm wondering if
18 you could speak to what efforts the City has made
19 to work with the existing business owners that are
20 going to be displaced as a result of the
21 remediation.

22 MR. GOLDRICH: The City has been
23 working very closely with City Council Member
24 Julissa Ferreras, and HPD, who is both property
25 manager, and with EDC, to come up with a plan to

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2 fairly relocate and help to relocate the existing
3 businesses. The City owns about 95 percent of the
4 land currently in Willets Point, maybe a little
5 bit more than that right now. We're the property
6 manager for those properties. And we've been
7 engaging with Cornerstones, and David Quart will
8 be here to speak afterwards, and probably give a
9 little more detail, who is a broker and a
10 consultant that helps source properties and
11 relocations for the businesses. They have been
12 engaged with the businesses for a period of time
13 already, and will continue to do so. The council
14 member has also been very active with us to see if
15 we can come up with any kind of supplemental
16 relocation on top of what the City would normally
17 provide, as obligated under the law to relocate
18 businesses who will be evicted. So we are in
19 current discussions with OMB and with the council
20 member to come up with a plan to supplement what
21 was already agreed upon.

22 THE CHAIR: Angela.

23 COMM. BATTAGLIA: So that would have
24 been my question, but it gives me an opportunity
25 to say welcome.

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MR. GOLDRICH: Thanks.

COMM. BATTAGLIA: I always like when the mayor's office presents. That's how I got to meet Matt LaBule (phonetic) when I was --

MR. GOLDRICH: I sit in Matt LaBule's old chair. I have his old phone number, so.

(Laughter)

COMM. BATTAGLIA: Thank you for coming today.

MR. GOLDRICH: Thanks.

THE CHAIR: Vice Chair Knuckles.

THE VICE CHAIR: Sir, approximately how many businesses are impacted by this? I'm sure we were told this at one point but I just don't remember.

MR. GOLDRICH: I'm going to let David Quart get into that, but it's -- I believe it's less than a hundred businesses that will have to be re -- that will have to move. Willets Point is sort of -- it's an area where there are -- in one property you could have a number of different businesses. You may have one business that's on the lease, but you also have many other smaller

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2 businesses that sit within a building. So it's
3 very complicated. So to answer the numbers
4 exactly I think is a moving target, but David
5 Quart can probably give you more.

6 THE VICE CHAIR: Is it the sense
7 of the City, without perhaps knowing specifically
8 where, but is it the sense of the City that all of
9 these businesses can ultimately be relocated
10 somewhere?

11 MR. GOLDRICH: There have been -- a
12 number of the businesses have tried to, are
13 interested in co-locating. There are a lot of
14 auto businesses there. Some of the businesses
15 will do tires, some other businesses will do other
16 parts of the car. So it's been great for them to
17 all be located currently in Willets Point where
18 someone can come to the windshield place and the
19 tire to another place and so on.

20 Cornerstone has been working to find
21 sites to co-locate businesses, and have also been
22 working to find smaller sites to locate businesses
23 individually. There are -- there have been a
24 whole analysis as to rents, how -- where they are
25 now, what they are in other locations. And

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2 clearly, Willets Point and the conditions that
3 there are, the rents are lower than they are in
4 other parts of the City, but there are options
5 that are available. I'm not sure if everyone will
6 be able to find a new place in terms of being --
7 the economic feasibility to the specific business.
8 But that is the hope and that's what we have been
9 working with, working towards.

10 THE VICE CHAIR: Thank you.

11 THE CHAIR: Any other questions?

12 COMM. CANTOR: Good afternoon. You
13 made the observation that the City owned about 95
14 percent of the parcels?

15 MR. GOLDRICH: In phase one.

16 COMM. CANTOR: In phase one.

17 MR. GOLDRICH: Yes, sir.

18 COMM. CANTOR: And then you
19 responded that there are about a hundred
20 businesses affected. Is that the remaining five
21 percent?

22 MR. GOLDRICH: No, that's -- I think
23 that would include -- that roughly a hundred
24 businesses is -- would be the entire 23 acres in
25 phase one. The businesses that we have been

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2 engaged with so far have only been the ones where
3 we are currently the property manager. We're not
4 allowed to work to relocate tenants in businesses
5 in buildings that we do not own yet. That's -- we
6 are forbidden to sort of get between a landlord
7 and a business. So we are pretty close to almost
8 the entire piece of the phase one build point.

9 COMM. CANTOR: But at the end of
10 the day, if everyone stonewalled, okay, are there
11 a hundred businesses that are exposed to eminent
12 domain?

13 MR. GOLDRICH: No. The eminent
14 domain only is -- would involve properties that we
15 do not own. So we have engaged in negotiations
16 and successful acquisition without eminent domain
17 for a little more than 95 percent of the property.
18 The remaining businesses, EDC is engaged with
19 them, and it is the hope of the City that we can
20 come to an agreement and not have to use eminent
21 domain.

22 COMM. CANTOR: But how many
23 businesses does that incorporate?

24 MR. GOLDRICH: Oh, the remaining,
25 I'm not sure exactly. I think I'll leave that to

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2 David Quart to answer that exact number.

3 COMM. CANTOR: But it's not the
4 100.

5 MR. GOLDRICH: No. Those are --
6 there are just a couple of properties that are
7 left, so it's a very small piece.

8 COMM. CANTOR: Thank you.

9 THE CHAIR: Michelle.

10 COMM. DE LA UZ: Since you touched
11 on the tax revenue piece of it, do you happen to
12 know the breakdown in terms of tax revenue that's
13 generated from the Willets West versus Willets
14 East?

15 MR. GOLDRICH: No, I don't.
16 Subsequent speakers may have that, but I don't
17 have the split between the two.

18 COMM. DE LA UZ: Thank you.

19 THE CHAIR: Any other questions for
20 Rob Goldrich?

21 (No response)

22 THE CHAIR: Rob, thanks for coming,
23 nice to see you.

24 MR. GOLDRICH: Thank you, nice to
25 see you.

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THE CHAIR: David Quart is our next speaker.

MR. QUART: Good morning, Chair Burden, good morning, Commissioners. My name is David Quart, and I'm a senior vice president with the New York State Economic Development Corporation. I'm very pleased to be a co-applicant for the Willets Points development project.

As you know, the Willets Point plan created by EDC, in close collaboration with the community, the Department of City Planning, and other key agencies as well as area elected officials, was adopted in November 2008. The actions before you today will allow this most important project to move forward to clean up and transform the Willets Point district into the vibrant mixed-use community in addition to that plan, creating a whole new neighborhood in Queens. I want to take this opportunity to discuss the progress the City has made on several fronts since the 2008 approvals to help show what Rob talked about.

We commenced the critical off-site

2 infrastructure work a couple of years ago to
3 support the future development. This work is
4 along 126th Street and other adjacent areas near
5 the district, and that work will be substantially
6 complete at the end of this year. We worked to
7 acquire properties in the phase one area. As Rob
8 stated, we currently own or are in contract to
9 purchase about 95 percent of the area phase one.
10 And we are continuing to negotiate with the
11 existing property owner, and I'll have to talk
12 about that some more.

13 The first full phase of the
14 project also requires construction of new ramps at
15 the Van Wyck Expressway to enable better access to
16 the area. The City has taken significant steps to
17 progress the ramps. Receiving key approval from
18 the Federal High Administration last year was a
19 major milestone, and it has committed to fund the
20 ramps to ensure the project is fully realized.

21 The City also established the
22 Willets Point Workers Assistance Program to
23 provide a variety of services to workers in the
24 district. To date over 600 workers are
25 registered, with about 470 taking advantages of

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the vocational skill training, ESL, computer classes and other programs.

The relocation of existing businesses at Willets Point has always been part of the project plan. The City, as Rob mentioned also, has brought on relocation experts with Cornerstone Crew, and they are working intensely with businesses free of charge to understand their space needs, identify relocation sites, and help make offers on their behalf, and their work is ongoing and will continue.

We now have a clear path forward to achieve the development envisioned under the '08 approvals. The proposal for the initial 23 acres fulfills the first phase of the original vision for the area and more, as the development team will attest. Through the RFP process that we initiated in 2011, the City learned some very important lessons, that the transformation of Willets Point is not possible all at the same time. None of the proposals we initially received offered development that could feasibly realize the goals of the plan. The developer proposal -- the developer's proposal in its final form

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conformed fully with the vision, addressing two key challenges. The absence of development activity in the general area surrounding Willets Point, and the need to remediate environmental contamination on a large portion of the district.

Cleaning up the site, a critical public purpose underlining the entire project, and establishing economic activity to support the full vision must happen first. The actions before the Commission today would allow for initial uses that are critical to create the economic environment necessary to achieve the full vision at Willets Point.

(Bell rung)

MR. QUART: Thank you.

(Laughter)

MR. QUART: I'm happy to take any questions.

THE CHAIR: Thanks, David, nice to see you.

MR. QUART: You too.

THE CHAIR: Questions from the Commission. Irwin?

COMM. CANTOR: Your timing is

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2 perfect.

3 Question. Why do we have a wait
4 of almost ten years before we reach the housing
5 component?

6 MR. QUART: Good question. So a
7 couple things I'll say on that. First, and I'll
8 just mention, you know, I think while we certainly
9 would all -- we all want to see this project
10 happen as quickly as possible, but what we have
11 learned through the RFP process is that it really
12 needs to happen in phases. And it's a -- this is
13 a, as you all know, major transformation of an
14 area which currently really has no -- no there
15 there. There are many businesses there, and
16 obviously we are working with them, but there is
17 no there there in terms of a neighborhood. And so
18 cleaning up the site initially and then creating
19 those -- creating an economic engine to establish
20 this environment is really key first. And that
21 will take -- that will take several years. And
22 until that happens, it will -- there's no way to
23 really bring the housing on. So I think that's
24 why there's some time for it.

25 In addition, as I mentioned because

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2 it's come up, the ramps as well must be built in
3 order to achieve the full phase one of the
4 project. And, you know, we're making a lot of
5 progress on that. The City is committed to
6 funding it. But that also is a multi-year process
7 for, as I'm sure you know or can imagine, an
8 incredibly complicated piece of infrastructure
9 that will require multiple years of designs and
10 approvals ultimately. But the key is really what
11 I've said initially, which is creating that
12 economic environment and establishing it, and to
13 have seen that initial transformation take place
14 really has to happen before the other uses,
15 including the housing, which we know is so
16 critical to the Queens community, can be built.

17 COMM. CANTOR: Okay. But to
18 follow up, the remediation of course is obvious.
19 The number of years that it takes to do the
20 remediation is also pretty obvious. And the
21 landfill is pretty obvious. But why cannot -- it
22 seems to me, if you put that aside for a moment,
23 that you've described a critical path, if you
24 will, of the ramps system. Why cannot that be
25 accelerated?

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MR. QUART: I think right now, you know, as we think about -- I don't have the full schedule in front of me -- as we think about various steps that need to take place, it will take many years in order for us to actually start the construction of the ramps. And so at this point our best estimate is that we would begin construction of the ramps in 2021 and complete construction of the ramps in 2024, after which the full development can progress.

COMM. CANTOR: Could you fill me in on why that should take, quote, many years to start the construction of the ramps?

MR. QUART: I mean I think you can certainly -- I guess certain pieces of the milestone -- I mean, for example, the approval that we achieved last year from the Federal Highway Administration, which was a major approval, the access modification report, that was two years of incredible amounts of efforts and resources to get that initial approval. And that's really the key initial approval to allow the project to move forward. And that was two years in and of itself. There are a series of

2 steps that we need to take with local, state and
3 federal authorities in order to ultimately improve
4 the design of the ramp. Where the footings are
5 going to land and doing all the site investigation
6 of that. All the coordination we'll need to do
7 with DEC and DEP and the Federal Highway
8 Administration going forward. You know, just
9 submitting our specs and estimates of the project
10 as we move along. So each of those things takes a
11 significant amount of work, a significant amount
12 of time.

13 COMM. CANTOR: Are they
14 sequential, as opposed to the opportunity to be in
15 parallel?

16 MR. QUART: The ramp design and sort
17 of testing and approval schedule is largely
18 sequential, yes.

19 COMM. CANTOR: Thank you.

20 MR. QUART: Okay, thank you.

21 THE CHAIR: Other questions for
22 David Quart? I'm sorry, Michelle.

23 COMM. DE LA UZ: I thank you for
24 being here.

25 You stated -- obviously one of the

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2 significant goals of the project is to clean up
3 the site. And I'm just wondering if you could
4 provide more detail -- although maybe I should
5 turn to my right -- to provide more detail about
6 the cleanup. I'm assuming that it's under New
7 York State DEC and that it's under the voluntary
8 cleanup program, and I'm wondering if it's
9 anticipated that the development will qualify for
10 brownfield tax credits, assuming that they still
11 exist at the time that this project moves forward.

12 MR. QUART: Yes. Yes, I believe
13 that's all accurate and that the plan is that the
14 developer will be applying for the brownfield
15 program. I think after me a couple of
16 representatives from the development team will
17 speak, and they can speak more specifically to
18 that, but that's accurate.

19 THE CHAIR: Yes, Anna.

20 COMM. LEVIN: And on the
21 environmental cleanup, is the City imposing any
22 kind of timetable on the developer for completing
23 or milestones for completing the cleanup? And
24 also, is the City contributing financially to the
25 cost of the cleanup.

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MR. QUART: Yes, thank you, Commissioner Levin. The City, to your first question, the City's agreement with the developer requires that they begin commencement of the cleanup as soon as the property is conveyed. So as soon as what we hope is a ULURP approval, and after what we need to do in order to close on the properties, the cleanup would begin as quickly as possible after that. The anticipated timeline for the cleanup is approximately two years. And I think everyone is motivated to get that done quickly because nothing else is going to happen on the site until the remediation is done. That has to happen first.

In terms of funding, there is a funding agreement that the City has with the developer, and a portion of that funding will go to or can go to fund the remediation of the site.

COMM. LEVIN: So are you able to say, roughly speaking, of the total cost of the cleanup how much of it will be paid for by the developer and how much by the public sector?

MR. QUART: I mean it's hard to know exactly because a lot more investigation work

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2 needs to be done, which the development team will
3 be doing. So it's certainly possible that the
4 City's funding will cover the cost of the
5 remediation. But I think we need to sort of see
6 how far -- I mean we need to have more information
7 I think from the investigation to know.

8 COMM. LEVIN: So who then bears
9 the risk of those investigations turning up really
10 scary stuff?

11 MR. QUART: The developer.

12 COMM. LEVIN: That's the
13 developer's undertaking.

14 MR. QUART: Right.

15 COMM. LEVIN: So the public
16 commitment is fixed?

17 MR. QUART: Yes, that's right.

18 THE CHAIR: Any other questions for
19 David?

20 (No response)

21 THE CHAIR: Thank you, David. Nice
22 to see you.

23 MR. QUART: Thank you, you too.
24 Thank you very much, commissioners.

25 THE CHAIR: The next speaker is

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2 Richard Browne, and then Jesse Masyr.

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4 MR. BROWNE: Good afternoon,
5 Madam Chair, Commissioners, ladies and gentlemen.
6 Thank you for your time today. My name is Richard
7 Browne. I'm a partner at Sterling Equities and a
8 principal in the entity QDG, which is a joint
9 venture between Sterling Equities and the Related
10 companies, and the designated developer for
11 Willets Point.

11

12 I'm joined today by my colleagues,
13 Jean Vanderberg from Related, as well as our land
14 use counsel, Stroock, Stroock & Lavan, Rothschild,
15 Jesse Masyr, and he just moved firms to Fox
16 Rothschild. We're joined by our other consultants
17 on traffic, and our environmental impact from AKRF
18 and VHB. So if you have follow up questions that
19 I can't answer, I've got some folks here that can
20 help clarify.

20

21 Rather than be redundant and
22 restate all the reasons why, you know, the time is
23 long since past to revitalize Willets Point and
24 this community, I thought I would take a few
25 moments and explain the genesis and thinking
26 behind our ideas, and why I think our plan is

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2 certainly by far the most viable of any that came
3 across the City's desk and came across our minds
4 as we were trying to find the best way to
5 revitalize the area but still preserve the
6 original plan that was approved here in 2008.
7 And, as you correctly mentioned earlier, while
8 your function is just to approve the interim use
9 part on Willets Point, obviously there are many
10 questions that are needed to be asked and answered
11 and that we actually have been asked and answered
12 over the last nine months as we have gone through
13 our process. And those being why are you building
14 a retail facility, why aren't you building it in
15 Willets Point, and where is the housing, you know,
16 why are we waiting yet longer for our vision to be
17 executed. So let me take those quickly one at a
18 time, and then I welcome your follow up questions.

19 It's been stated here, and I
20 don't really need to reiterate, the economic
21 climate that this project was born in was quite a
22 difficult one, resulting in instead of a 61 acre
23 transformation it became a rolling -- a rolling
24 transformation. So the first 23 acres is being
25 transferred to private ownership and to be cleaned

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up. And obviously that is in and of itself is a gargantuan effort. I'll be able to talk more if you like about the brownfield program and what our contemplated protocol is at this point, what we know and what we don't know at this point.

(Bell rung)

MR. BROWNE: Sorry, I rambled.

THE CHAIR: No, you posed some very good questions.

MR. BROWNE: Okay.

The CHAIR: You were beginning with the first one, with housing, et cetera, so why don't you continue.

MR. BROWNE: Okay.

THE CHAIR: Because I know those questions, even though we're looking at this side, each of those questions are pertinent.

MR. BROWNE: Shall do, okay.

So why aren't -- why are we building -- why are we leading with a retail facility. And that's been answered here. In order to make any of this project viable at this point, we do need to create an income stream that we feel is most reliable and is something that we

1
2 as a group know very well. And I should add the
3 reason why Sterling brought in Related -- as you
4 know, Sterling is an affiliate of the New York
5 Mets. Why Sterling brought in Related was for
6 several reasons. Number one, they're a resource
7 in depth and integrity as one of the first class
8 developers in this country. But number two, their
9 retail experience and depth. Number three, their
10 commitment and track record to affordable housing.
11 They have developed over 45,000 affordable housing
12 units over the last 40 years. They own and
13 continue to own and operate affordable housing in
14 all five boroughs of the City. And we remain
15 fully committed to the original vision that was
16 approved here in 2008. We are not interested in
17 seeing a parking lot across the street from our
18 main entrance on 126th, and we put a team together
19 in order to execute that vision.

20 So the retail facility, of all
21 the things that we could come up with, and we
22 actually had a proposal that was leading with a
23 convention center as another alternative, the
24 retail facility we believe is by far the most
25 economically viable engine that could help support

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2 the development at Willets Point. One statistic
3 that rings true in my mind is that Queens, the
4 borough of Queens residents, they spend over five
5 billion dollars a year on retail shopping outside
6 of Queens. They go to Roosevelt Field, they go to
7 Woodbury Commons. And while we all think there's
8 enough retail around, the statistics really point
9 otherwise. Queens is actually underserved by good
10 quality retail. And so we really believe in this
11 project as a means to an end.

12 Why did we do it in Willets
13 Point, why are we putting it in the middle of our
14 parking lot where Shea Stadium was. And I
15 understand the sensitivity that this is mapped
16 parkland, although this is an approved use, just
17 given the designation of it, and I won't get into
18 the semantics of it, but it's analyzed and
19 reanalyzed.

20 When you, number one, first and
21 foremost, putting a retail mall on this 23 acres
22 would shatter the original vision from 2008 and
23 what Willets Point ultimately wants to be. So
24 that's a non starter certainly from your point of
25 view. I can tell you from a retailer and business

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2 person's point of view, trying to convince the
3 chairman of Macy's or Nordstroms or whoever, you
4 go down the list, to establish a retail facility
5 in 23 acres when it's still surrounded by what
6 it's surrounded by, and you combine that with the
7 lack of access on 126th Street and that corridor,
8 versus right in the middle of the City Field
9 parking lot where we've got 50 acres of
10 undeveloped land that sat as a parking lot, and
11 it's right next to the train, it's just overly
12 compelling as to why it wants to be where we have
13 it located. And inasmuch as our affiliate has a
14 long term lease, with the City's permission we are
15 able to at least offer up this scenario. And it
16 beared (sic) fruit and obviously we are standing
17 here today because the amount of subsidy that we
18 have asked for, which is dedicated for really just
19 to the Willets Point district, is by far the
20 lowest of any other developer because we're able
21 to look at these 100 plus acres wholistically.

22 The housing part I think I've
23 addressed. We are interested in seeing it happen,
24 we are committed to seeing it happen. We need two
25 things to happen. We need an income stream to be

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2 able to support it. And then of course we need
3 the ramps. And we expect both of those to happen.

4 THE CHAIR: Okay, now then I'll
5 take questions.

6 So it's important that you actually
7 pose the questions that's on everybody's mind,
8 even though our purview is --

9 MR. BROWNE: Understood.

10 THE CHAIR: -- on the east side of
11 the line.

12 So are there questions for
13 Mr. Browne on issues that relate to what is before
14 us?

15 COMM. CANTOR: Ladies first.

16 THE CHAIR: Start with Queens or --

17 COMM. CANTOR: No, ladies first.

18 COMM. DE LA UZ: You started to
19 answer the question about the brownfield tax
20 credits.

21 MR. BROWNE: Yeah.

22 COMM. DE LA UZ: So if you don't
23 mind --

24 MR. BROWNE: Sure.

25 COMM. DE LA UZ: Providing that.

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MR. BROWNE: Okay. We --

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COMM. DE LA UZ: Because I think that's part of the potential income stream which might, at least in our mind, my mind, answer some of the questions.

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MR. BROWNE: I wish, but not really. Let me explain why.

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First of all, just to give you some background, I was the owner's representative for the development of City Field. The Willets west portion of land is not a brownfield site nor will it be. It's regulated, it's a regulated site because it used to be ash fill, but it's not contaminated, it would not qualify as a brownfield site. So there's no application, no credits, no nothing over in Willets west, if you will. Willets Point certainly will qualify. And we do expect just in terms of timeline, we expect to be enrolled in the program prior to closing.

We then have -- I'll address your question on the tax credits first. As you correctly said, there is a chance that we will receive tax credits if the sunset provisions in the plan are extended beyond the dates that are

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2 currently contemplated, although those credits are
3 really limited to 25 percent of your cost of
4 remediation. Our budget to build the retail
5 facility is over a billion dollars. So there
6 isn't going to be any -- if it costs, let's just
7 use round numbers, if it costs all hundred million
8 dollars to remediate, and we get \$25 million in
9 tax credits, number one, it's a credit off of the
10 cleanup effort in Willets west, in the Willets
11 Point district. It wouldn't do much to offset a
12 billion dollar income producing retail project
13 across the street.

14 We are enrolling in the program
15 really because of the administrative nightmare
16 involved in trying to clean up 23 acres which has
17 been -- with about 120 different tax lots. We
18 want to work under one permit, one protocol, one
19 governing body, one sign-off, that type of thing.

20 Timeline. As soon as we close, we
21 will be in there doing investigative work of all
22 23 acres, both above grade and below grade. There
23 has been very limited work done at this time,
24 rightly so, because the City has not had
25 possession. We are to be delivered vacant

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2 possession. So whenever that happens, day one,
3 day two we go in and we start all of our testing,
4 which is a big effort.

5 We then have to get DOB permit
6 approval to do demolition and above-grade
7 remediation, but then we need to file with DEC to
8 have them approve our work plan and protocol based
9 on what we find. So it's when you get into how
10 long this is all going to take, two years to clean
11 up from when you start, then you build a parking
12 lot, which isn't an overly long exercise, which
13 then enables you to start construction in City
14 Field, because we have to relocate the parking
15 before we can start disturbing the Mets parking
16 lot, you're looking at commencing construction in
17 the mall approximately, you know, two, two and a
18 half, three years after you first take possession.
19 And then it's about a three year build to do the
20 retail facility.

21 So that's why we're -- it's
22 longer than we all want it to be, but it's a
23 massive job, and again, the only way that we could
24 get this ball moving forward instead of leaving it
25 the way it is.

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THE CHAIR: Irwin.

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COMM. CANTOR: Mr. Browne, perhaps I should have asked this question of Mr. Quart, but with regard to the -- you're doing 23 and you're leaving the other for tomorrow.

7

MR. BROWNE: The City is, yes.

8

9

10

11

COMM. CANTOR: Right. Do we know, do you know whether the businesses in the remaining acreage are going to be allowed to stay or are they going to be moved out?

12

13

MR. BROWNE: David, are you here, David?

14

15

THE CHAIR: Well, David can get back --

16

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19

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MR. BROWNE: Oh. Oh. As far as I know, they are not disturbed by this. Anybody that's outside the 23 acres is staying and doing what they've been doing or whatever they want to do.

21

COMM. CANTOR: Thank you.

22

MR. BROWNE: Yeah.

23

24

THE CHAIR: Okay. Any other questions for Mr. Browne?

25

(No response)

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THE CHAIR: Thanks very much.

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MR. BROWNE: Thanks for your time.

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THE CHAIR: We're actually going to -- Jesse, we are going to switch to speakers in opposition now, we are running out of time. So we'll see you in a little while.

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11

So speakers in opposition, beginning with Ben Haber. Then Joseph Ardizzone. Ardizzone. Ardizzone. And then Edwin Westley, and then Sunny Hoffman.

12

13

MR. HABER: Madam chairman, members of the Commission. My name is Ben Haber.

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The Willets Point plan approved by this Commission in 2008 was clear and unambiguous. The City would acquire 62 acres of Willets Point either through voluntary sale by property owners or, if need be, through eminent domain. A real estate developer will be selected based upon input from the community, and the one selected would then construct on the site upscale retail stores, office buildings, a convention center, a school and luxury housing with a small portion set aside for affordable housing. The developer will be required to remove whatever contamination existed

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2 on the 23 acre area.

3

4 There was no mention, I repeat,
5 no mention of a 1.4 million square foot shopping
6 mall at City Field or any connection to City
7 Field.

8

9 There was no mention the City will
10 pay tens of millions of taxpayer dollars to
11 acquire the property -- and may well spend more
12 millions -- to sell the property to the developer
13 for one dollar. That's right, one dollar.

14

15 There was no mention the City would
16 subsidize the development to the tune of \$99
17 million. There was no mention that a fix was in,
18 that the Mets and their Related Companies would be
19 selected so to seek a huge shopping mall. Hence,
20 the reason the community was shut out of the
21 developer selection process.

22

23 There was no mention that a shopping
24 mall would be given priority over Willets Point,
25 and that the housing is placed on the backburner
until 2025, if indeed ever built.

26

27 And Mr. Cantor, the only area in the
28 area that can be used is the highways. They
29 cannot be enlarged. There's never going to be

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2 ramps. The housing building is never going to
3 happen.

4

There was no mention Fred Wilpon,
5 a multimillionaire, needs the shopping mall to
6 earn money to complete the approved 2008 Willets
7 Point plan.

8

There was no mention that without a
9 mall, Willets Point would never be completed.
10 Absolute nonsense. Other developers would be
11 happy to get the land for one dollar and receive
12 \$99 million to boot and the job without a mall.

13

The claim that all the application
14 seeks is a minor change to the 2008 plan to
15 construct a parking area in Willets Point and that
16 it has nothing to do with the 1.4 million square
17 foot shopping mall in City Field is nonsense. If
18 it looks like a duck, walks like a duck and quacks
19 like a duck, it is a duck. To claim this
20 application has nothing to do with the shopping
21 mall is a hoax.

22

If there's something it has nothing
23 to do with, it's the 2008 Willets Point plan. Has
24 anybody explained to you what has changed from the
25 plan that you approved? Nothing has changed.

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They're just injecting a mall. That's ridiculous.

Keep in mind, Community Board 7 and 3 considered this item. Community Board 7 approved it, 22 to 18. Board 3 rejected it, 30 to one, overwhelmingly.

If you allow the applicant to get away with a mall without a ULURP, which is what's happening here, you will be making a mockery of the ULURP process, which was instituted to ensure transparency in government. They should get up and tell you it's really the mall they're talking about.

(Bell rung)

MR. HABER: It has nothing at all to do with Willets Point.

Now, I'm not against big business, nor should you be. I'm against shady business, under the table backroom political deals that make a mockery of ULURP. You should send the word out the City Planning Commission takes seriously not just the word of the law but the spirit of the law, that you will not permit an applicant to come here and blindside you with a phony claim of a minor change for a parking area when in fact it

1

2 seeks the mall.

3

4 Now, I sent to each of you a
5 complete statement about this. And also it
6 appeared in the Queens Chronicle, and I'm leaving
7 it with each of you again.

8

9 THE CHAIR: Okay, so leave it with
10 the secretary.

11

12 MR. BROWNE: If you have any
13 questions, I'll be glad to answer them.

14

15 THE CHAIR: Let me find out.

16

17 Are there questions from the
18 Commission for Mr. Haber?

19

20 (No response)

21

22 THE CHAIR: There are not. But we
23 do thank you for your testimony.

24

25 Joseph Ardizzone. And then Edwin
Westley.

26

27 MR. ARDIZZONE: Hi. My name is
28 Joseph Ardizzone. I was born and raised on
29 Willets Point. I am now 81 years of age. And I
30 wish to let you all know that what's been
31 presented to you is not really so.

32

33 I was born and raised in that area,
34 and I'm proud to be in that area, for now and for

35

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2 always. Right now this bargain is robbing me of
3 my past, my present and my future. I wish you
4 would take note of that. And also, what they say
5 to you is not so.

6 Thank you.

7 THE CHAIR: Thank you for coming.

8 Edwin Westley.

9 MR. ARDIZZONE: Did you want to ask
10 me some questions?

11 THE CHAIR: Are there questions?

12 (No response)

13 THE CHAIR: No, there were no
14 questions.

15 MR. ARDIZZONE: No questions,
16 thanks.

17 THE CHAIR: Edwin Westley, and then
18 Sunny Hahn.

19 MR. WESTLEY: Thank you, Madam Chair
20 and Commissioners, for giving me this opportunity
21 to talk to you. My name is Ed Westley. I am
22 president of the Jackson Heights Beautification
23 Group, and also a member of Community Board 3.

24 The Queens development group plan is
25 to clear the Willets Point junkyards from the site

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2 line of City Field with a parking lot and a hotel
3 built on the Special Willets Point District. That
4 was approved in 2008. There would be very little
5 discussion if it stopped there. But now, they
6 have moved out of the approved special district
7 and into mapped parkland. They have requested
8 30.7 acres to build a 1.4 million square foot
9 shopping mall.

10 They referred to this land as
11 Willets West. Let's be honest, it's Corona. They
12 would also like us to believe that Willets Point
13 is downtown Flushing. This is like referring to
14 Washington Heights as upstate Manhattan.

15 Community Boards 3 and 7 have held
16 public hearings on the application. The vote at
17 Community Board 3 was 30 against, one for, and one
18 abstention. Community Board 7 voted 22 for and 18
19 against. We request you to break the tie and say
20 no.

21 There are several solid reasons to
22 say no. First, there is no plan to replace the
23 30.7 acres of parkland.

24 Second, the 1961 law referenced in
25 the application as justification for the mega-mall

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2 is wishful thinking. The Urban Justice Center has
3 issued an opinion that there is nothing in the law
4 that even hints of the building of a mall. It
5 does address possible development, but only as it
6 relates to a sports venue.

7

8 Third, the demolition of the
9 Empire Millwork Corporation building, which is on
10 the State and National Registers of Historic
11 Places.

12

13 Four, the traffic increase will be
14 beyond the capacities of both highways and side
15 streets.

16

17 Fifth, transit and pedestrians. The
18 number 7 train will need to be now a double decker
19 train to handle the volume of people.

20

21 Promises are made but not kept.
22 Affordable housing was a key element in voting for
23 the 2008 application. It was the number one
24 priority. Now, phase two, with the promise of 35
25 percent for affordable housing, has been -- has a
26 scheduled completion for 2032.

27

28 The Economic Development
29 Corporation, the sponsoring agency, they are
30 responsible for two contrary statements in the

31

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2 body of the application.

3

4 One, capture retail spending
5 currently lost to surrounding suburbs. But then
6 they go on to say it would not raise retail
7 capture rates within a five mile primary trade
8 area. If the second statement is correct, then
9 they will put existing Queens malls into
10 bankruptcy, like Atlas Mall in Middle Village.

10

(Bell rung)

11

12 THE CHAIR: Do you have a concluding
13 sentence? It's okay.

13

MR. WESTLEY: Yes, I do.

14

15 The estimated cost is \$3 billion for
16 phase one A and B. But they have an out clause
17 that cost \$35 million. These developers are
18 kicking the can down the road. This housing is
19 never going to be built.

19

Thank you.

20

21 THE CHAIR: Okay. Thank you. Let
22 me see if there are questions for you.

22

(No response)

23

THE CHAIR: No, there are not.

24

Thank you for being here.

25

MR. WESTLEY: Okay, thank you.

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THE CHAIR: Sunny Hahn. Is Sunny

3

Hahn here?

4

(No response)

5

THE CHAIR: Irene Presti. And then

6

after Ms. Presti, Joanne Marie and Gerald

7

Antonacci.

8

Are you Ms. Presti?

9

MS. PRESTI: Yes.

10

THE CHAIR: Come on up.

11

MS. PRESTI: I thought I was farther

12

down on the list.

13

Thank you, Madam Chair and

14

Commissioners. My name is Irene Presti, and I own

15

property at Willets Point, and I'm here to voice

16

my strenuous opposition to this toxic development

17

deal that the City has proposed for Willets Point.

18

This all began seven years ago, when

19

the City decided that I am not a good enough

20

person to own my own property and that they had

21

what they called a higher and better use for it.

22

To put this simply, they wanted to take my

23

property, violate my constitutional rights, and

24

hand it over to a well-connected developer.

25

This was a deal, however, that

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generated a great deal of controversy down at the City Council, the legislative body that needed to approve the project. Most of the time the use of condemnation is seen as a drastic act and is used sparingly, and only for a tangible public use. Not seeing any great public use in the City's proposal, the City Council balked, sending EDC scrambling.

Here's where the dealmaking began and various interests came into the negotiations, and thousands of units of public housing, along with an agreement to provide a so-called living wage to retail workers was added to give this land grab a public flavor. I remember an old saying, that if you're going to bake a lie, you need to frost it with the truth. And so it went, with the land grab being frosted with the adding on of these perceived public interests.

Fast forward to today. Gone is the housing, pushed way back into the distant future with no guarantee that it will ever get built. Gone also is the pledge to provide the workers with a living wage. The only thing that is left is something that was never there in the first

1

2 place, a massive traffic generating nightmare of a
3 retail mall that was never part of the original
4 deal. And would never have passed the smell test
5 with council members concerned with the use of
6 eminent domain to take away property from small
7 owners like myself.

8 The City has rejected a request
9 from our legal counsel to look at the project
10 without eminent domain. This is a classic bait
11 and switch, one that will cause considerable harm
12 to all of the neighborhoods surrounding Willets
13 Point. Because you see, when the City put forward
14 its original plan, it said that it would provide
15 ramps off of the Van Wyck to mitigate the tens of
16 thousands of weekly car and truck trips. Now,
17 even with an added 1.4 million square feet of
18 mall, there are no immediate plans to build those
19 ramps. Just like the housing, they are relegated
20 to an uncertain future. And without them, heaven
21 help those trying to navigate streets like
22 Roosevelt Avenue, near where my property lies
23 today. The City still refuses to disclose
24 anything about the cost of the Van Wyck ramps,
25 though they have agreed to pay for them.

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This unneeded, unnecessary mall will be built on the site of the current City Field parking lot.

(Bell rung)

MS. PRESTI: So where will the Mets fans park?

May I finish?

THE CHAIR: If you can just do a short, conclude --

MS. PRESTI: Sure, I'll do it fast. They will park on the land that the City has purchased from Willets Point property owners for \$200 million. So the City used the threat of eminent domain to grab land that will now be used for a parking lot.

Back when the mayor extolled the virtues of this deal, he called Willets Point the City's first green neighborhood. Not in our lifetime. What the City is getting for its overall investment of around \$500 million is a mall and a parking lot. Everything else is simply smoke and mirrors, with no guarantees whatsoever. Making all of this so much worse is that the City administration told the City Council that it would

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2 recoup its investment when the selected developer
3 was chosen. And instead, the City has decided to
4 gift the property to Related and Sterling Equities
5 for one dollar.

6

THE CHAIR: Okay, that's --

7

MS. PRESTI: When the City came for
8 my property and the rest of the land owned by
9 small owners like me --

10

THE CHAIR: You have to conclude.

11

MS. PRESTI: They claimed it was for
12 the purpose of cleaning up Willets Point, alleging
13 that it was essentially a toxic waste dump.

14

THE CHAIR: All right.

15

MS. PRESTI: I have hired with my
16 own money a chemist with great credentials. And
17 he came to me through an angel I guess, to test my
18 property, because I don't believe that the
19 toxicity is what they say.

20

And I'd just like to say one thing,
21 please, for both the citizens of New York and the
22 property owners of Willets Point, please do the
23 right thing. Don't be a rubber stamp for the
24 mayor. Say no to Willets Point West.

25

THE CHAIR: Don't go away. Let me

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see if there are any questions for you. Anna.

COMM. LEVIN: Yes. Mrs. Presti,
I'm sure this is an alternate universe for you,
but are you able to locate your property roughly
on that plan so we know where your property is?

MS. PRESTI: I'm not in the new --
this phase one.

COMM. LEVIN: Okay.

MS. PRESTI: I'm outside of it. But
I'm just been notified by different legal people
that mine is coming up for eminent domain. So
they've already started to let us hear that we are
going to take your property away from you. And my
tenants have been harassed.

THE CHAIR: Other questions for
Ms. Presti? Michelle.

COMM. DE LA UZ: Ms. Presti, are you
connected to other property owners, how many other
property owners are you aware of that are in
similar circumstances as you?

MS. PRESTI: Oh, everybody in this
section that's not in the phase -- the first where
they're trying to develop now.

THE CHAIR: Joe.

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COMM. DOUEK: Just can you give us what's the nature of your property?

MS. PRESTI: I took the property over when my husband passed away.

COMM. DOUEK: What kind of property is it?

MS. PRESTI: And it's now rental for auto businesses.

COMM. DOUEK: Auto repair?

MS. PRESTI: Yes.

COMM. DOUEK: Thank you.

THE CHAIR: Irwin.

COMM. CANTOR: You heard earlier testimony to the fact that the 2008 plan didn't attract any enthusiasm from the construction community, the development community, and as a result they came back and asked for alternate proposals, and apparently this is the best alternate proposal they have. If you accept the premise of redevelopment of the area, what would you suggest be done, considering that there has been no interest in the original plan?

MS. PRESTI: I think there was interest. It was all just wiped away by the

1

2 parties that are interested here. There are three
3 or four other developers that have very good
4 plans. They don't call for eminent domain, they
5 don't have to go through any of this. And they
6 had viable plans for economic improvement of the
7 area.

8 And cleanup also is a big thing,
9 really big thing. And I'm so tired of hearing
10 about it because I don't believe -- and I hired a
11 chemist, and unfortunately I don't have enough
12 stuff to be able to -- enough paperwork and
13 information to be able to hand it in now. But I'm
14 hoping to hand something in by the 22nd, which I
15 believe is the written deadline for you -- a place
16 for written material for the Commission to see.

17 COMM. CANTOR: And these three or
18 four developers that you're speaking about never
19 presented to the City?

20 MS. PRESTI: Oh, yeah. Yes, they
21 were.

22 COMM. CANTOR: And they were
23 summarily rejected?

24 MS. PRESTI: Just -- yeah. I don't
25 know what happened to them. I mean the

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2 information is there, all the statistics are
3 there, it's all available. The facts are the
4 facts.

5

COMM. CANTOR: Thank you.

6

THE CHAIR: Joe.

7

8 COMM. DOUEK: Those developers went
through the RFP process?

9

MS. PRESTI: Yeah.

10

COMM. DOUEK: And through EDC?

11

12 MS. PRESTI: Yes. I don't have all
of that information with me but it's all
13 available.

14

COMM. DOUEK: Thank you.

15

16 THE CHAIR: Thank you so much,
Ms. Presti --

17

MS. PRESTI: Thank you.

18

THE CHAIR: -- for coming in.

19

Joran Ree. Joran Ree?

20

(No response)

21

22 THE CHAIR: Gerald Antonacci, and
then Ted Barbieri.

23

24 MR. ANTONACCI: Hello. I'm Gerald
Antonacci. I'm a land owner and a business owner
25 at Willets Point.

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The only reason we're here is because of they're putting an application for a parking lot. If it's approved, it's just to build a mall. And that's all this is about, just to get a mall approved.

At a recent session over here on Monday, somebody mentioned that perhaps Sterling and Related needed the profits from the mall to pay for the remediation. That's totally incorrect because they were given a \$99 million grant for cleanup. And they were given \$20 million in sales tax exemptions. Make no mistakes, any profits from that mall go straight to Sterling and Related, and the remediation is paid for by the tax paying people.

This mall is a bad idea for the following reasons. Nobody wanted the mall. Nobody asked for the mall. It's taking away 30 acres of parkland. Even though they say it's not parkland, it's parkland.

It's a traffic nightmare. We've seen on the studies that there's intersections where you have to wait 15 minutes before you can get through the light. Traffic is going to be

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2 backed up for miles and miles and miles. The Van
3 Wyck ramps and the highway ramps, they are never
4 getting built. There's a clause in the contract
5 that says if Sterling and Related want to build
6 them, they can build them by themselves. There's
7 also a line in the contract that says under no
8 circumstances is it to be assumed that the City is
9 obligated to build these ramps. They'll come and
10 say they're committed to do it, that's their
11 famous word, they're committed to do it. I'm
12 committed to winning the lottery, but I haven't
13 done so so far. Unless the contract is changed
14 and it's put in stone that it has to be done and
15 it has to be done soon, it's just, you know, we'll
16 hand you one of our famous letters that don't
17 worry, the mayor says he's committed to doing it.

18 Housing. You can forget about
19 housing, housing ain't never getting built.
20 There's too many out clauses, like somebody said
21 before. There's a \$30 million out clause. And if
22 the City doesn't build the ramps, they don't have
23 to build the housing. They don't want to build
24 housing, housing doesn't make money.

25 The cost of this has shifted to the

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2 taxpayers. They've gotten 23 acres for one
3 dollar. That's \$250 million dollars in land for
4 one dollar. They've gotten \$100 million grant,
5 \$20 million in sales tax, and it just goes on and
6 on and on. Why don't we just build a mall for
7 them too. I mean, you know.

8 The remediation charade. At
9 Community Board 7, Dr. Savino, the environmental
10 chairman, voted no against this. He voted no for
11 this project. He thought the taking of parkland
12 was more important than the remediation. So that
13 shows you how much a guy that is so remediated
14 oriented thought about remediation, that he
15 thought it was that bad that he voted for the park
16 instead of remediation.

17 And eminent domain. Don't
18 believe for a second if there is a chance to use
19 eminent domain they won't use it. They tried it
20 already. We had to go to court to sue them, and
21 then at the last minute when they awarded it to
22 Sterling and Related, they pulled it back --

23 (Bell rung)

24 MR. ANTONACCI: -- because they
25 couldn't go forward at that time.

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Thanks.

THE CHAIR: Let me see if there are questions for you.

(No response)

THE CHAIR: Okay. Thank you.

Ted Barbieri.

MR. BARBIERI: Thanks for the opportunity to speak here today. My name is Ted Barbieri. I'm a senior staff attorney at the Community Development Project of the Urban Justice Center. I just have one point to make that I'd like the Commission to consider today, and that's the tenant -- commercial tenant relocation plan in phase one.

We have been involved with the Sunrise Cooperative, which is an organization of about 60 auto repair shops that have been doing business in phase one for many years, in some cases multiple decades. We have known, the writing has been on the wall since 2008, we recognize that. We have approached the EDC, the developer, and we have worked with Council Member Ferreras to get a relocation plan that's meaningful and workable for the members of the

1

2 cooperative. Unfortunately, we don't have a
3 viable relocation plan, and that's a serious flaw
4 in this project.

5

6 The LaGuardia retraining program
7 unfortunately doesn't work. The workers already
8 have jobs, they're running businesses. All
9 they're asking for is to be relocated somewhere
10 else where they can continue to operate their
11 business.

12

13 Cornerstone recently has been
14 helpful in terms of analyzing the market and
15 finding places to relocate to. Unfortunately, the
16 ask is to relocate all the businesses. They
17 benefit from co-location, they're asking to be
18 relocated together, and Cornerstone hasn't been
19 able to help us get to that point.

20

21 We came up with an alternate
22 relocation plan. We revised the plan after
23 discussions with EDC. Still we don't have a
24 commitment from the City to help out in
25 relocation. We have approached the developer.
26 Unfortunately, that hasn't resulted in a viable
27 relocation plan either.

28

29 We ask the Commission not to support

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2 the project unless there's a meaningful relocation
3 plan for the commercial tenants. Who in this
4 instance really are the most vulnerable citizens
5 of the City because they're being forced to
6 relocate, they have no viable option to relocate,
7 and frankly, most likely they're going to go
8 bankrupt and die because as a result of this
9 project.

10 THE CHAIR: Thank you. Let me
11 see if there are questions for you.

12 MR. BARBIERI: Sure.

13 THE CHAIR: Michelle and then
14 Angela.

15 COMM. DE LA UZ: Hi Ted, thanks for
16 being here.

17 MR. BARBIERI: Sure.

18 COMM. DE LA UZ: Do you have
19 something in writing that outlines what you
20 believe a meaningful and viable relocation plan
21 would look like, because you specifically
22 mentioned that specific elements would be included
23 in that, and that certainly would be helpful to
24 get from your perspective and from the
25 perspective -- and how many different businesses

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are you all representing in the cooperative?

MR. BARBIERI: It's approximately 60 in phase one on the Willets -- in the district.

COMM. DE LA UZ: Okay. And it was mentioned earlier, perhaps you can speak to UJC's analysis of the 1961 law, I don't know if that's best addressed by you or someone else, but if there's -- about what might be allowed to be built, that would be helpful information that could be shared with the Commission.

MR. BARBIERI: Yeah, sure.

To your first point about a viable relocation alternative, it's one that would permit the existing businesses to relocate elsewhere in Queens. We've looked at other properties, we have identified a couple. There is -- we have worked very hard to come -- to meet with consultants to come up with a project that's viable financially obviously. And we think that there's a gap between what we can borrow and provide in terms of debt service. And we've asked for a financial commitment from the City. We've been talking about some numbers but we haven't gotten that commitment. I have it in writing, I can share it

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2 with the Commission.

3

4 The second point about the
5 statute, the 1961 statute, it doesn't specifically
6 permit the use that's contemplated in --
7 respectfully we would say it doesn't permit the
8 use that the City interpreted -- that this project
9 provides on the Willets West. It doesn't
10 specifically allow a mall to be built there. It
11 talks about promoting trade and commerce, but not
12 specifically permitting this. So respectfully we
13 disagree with the interpretation of the City's
14 lawyers.

14

THE CHAIR: Other questions?

15

Angela?

16

COMM. BATTAGLIA: My question was

17

basically the same.

18

THE CHAIR: You do?

19

COMM. BATTAGLIA: The same question

20

as Michelle's, so we are doing good.

21

THE CHAIR: Any other questions for

22

Mr. Barbieri?

23

(No response)

24

THE CHAIR: Thank you so much for

25

coming.

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MR. BARBIERI: Thank you.

THE CHAIR: We will now switch to speakers in favor. And the first will be Jesse Masyr, who will be followed by John Clifford and I then Linh, I think Linh Do. Hi, Jesse.

MR. MASYR: Good afternoon, Madam Chair, members of the Commission, Dr. Kulikowski. My name is Jesse Masyr, and I'm land use counsel for the joint venture.

We are here today before you seeking special permits to the text change to facilitate the transactional uses necessary to implement the 2008 Willets Point plan in phases. As you know, the zoning plan that you passed in 2008 did not foresee a phased development for Willets Point, nor did it foresee that the marketplace would require a major destination to create the economic conditions necessary to facilitate the vision of the 2008 plan. However, the joint venture has determined that to create this initial destination retail as an economic generator, it needs to recharacterize the area before the Willets Point development can occur. Combined with the fact that the Willets Point district cannot be fully

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2 developed until the Van Wyck ramps are built has
3 led to the placement of the interim parking on the
4 Willets Point site. So, therefore, what we are
5 seeking today is a special permit for what was not
6 anticipated and could not be anticipated in 2008,
7 namely, to allow parking and interim recreation to
8 occur on the Willets Point property.

9

10 Once we have remediated and
11 cleaned the lot, development will then be
12 facilitated. The first development,
13 interestingly, will be actually in the Willets
14 Point district itself. We will be constructing as
15 part of the initial phase of this project a hotel
16 and retail along 126th Street as part of our need
17 to recharacterize this area. This is a very harsh
18 edge of the City which needs to be changed in both
19 perception and in its economic reality.

19

20 The Draft Supplemental EIS
21 identifies no categories of significant impacts
22 beyond those identified in the 2008. And I think
23 it's also important to point out to you that in
24 doing this new Supplemental Environmental Impact
25 Statement, we were able to reduce the number of
unmitigated traffic impacts in the 2008 report by

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2 65 percent. And local intersections have been
3 reduced by 75 percent. And highway times and
4 ramps, the overwhelming number of locations have
5 not had substantial reductions in speed as a
6 result of this project. And we have done this at
7 our own expense. We will be funding the major
8 capital improvement necessary to do the mitigation
9 that was not identified in the 2008 approval. I
10 think that is among the reasons that we were able
11 to get both the support of the Borough President
12 and Community Board 7, because we will have the
13 first real viable opportunity and roadway to clean
14 up what has been a hundred years of contamination
15 in one of the most densely populated areas of our
16 City.

17 We have our other experts here to
18 continue, but if there are any questions I would
19 be glad to answer.

20 THE CHAIR: So what would be the
21 earliest time that the new interim recreation
22 areas could be provided, two years of cleanup and
23 then the interim uses would be -- how long would
24 it -- what's the time frame?

25 MR. MASZR: Once the cleanup -- once

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2 the cleanup --

3

THE CHAIR: I know you don't have
4 a long timeline, but --

5

MR. MASYR: We lose it sometimes,
6 that's correct.

7

Once -- we believe it's reasonable
8 to estimate that the cleanup will take two years.
9 Part of it is a bit of a leap of faith on our part
10 because we don't know exactly what the text in
11 front of us is and what DEC and the various
12 regulatory agencies will require from us in terms
13 of how we will clean up and the methodologies.
14 But based on our past experience, we believe two
15 years is reasonable. Immediately thereafter, we
16 will be able to have reclaimed the property, and
17 the interim recreation will become immediately
18 available at that point. So if you think of the
19 two years, we would say two years and three months
20 for the interim recreation to be available.

21

THE CHAIR: Other questions for
22 Jesse Masyr?

23

(No response)

24

THE CHAIR: All right, thanks,
25 Jesse.

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John Clifford. And then Linh Do,
and then Babu Veeregowda.

MR. CLIFFORD: Hi. Good afternoon
everyone. My name is John Clifford, Perkins
Eastman Architects. We are working on both the
buildings in phase 1A as well as the retail and
entertainment complex on the west side of City
Field. And I am here just to talk a little bit
about the resiliency efforts that we're
investigating for both sides, as well as the
sustainable initiatives that the project will
undertake.

You probably all know that both
sides of City Field as well as City Field are in
the flood zone. Ironically, this area did not
flood during Sandy. It did not get any of the
devastating floods that some of the other areas of
the city did receive. Nonetheless, we are still
planning to make sure that this area remains
resilient during future storm events and rising
sea levels. And that way, all buildings will be
raised at least one foot above the newly mapped
flood zones. As you know, FEMA came out with some
new flood maps for New York City. The building

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2 finished floors will all be one foot above, both
3 for the retail entertainment complex as well as
4 the buildings in phase 1A.

5

6 For the first part of phase 1A,
7 when the Mets interim parking is constructed, that
8 area will be below the flood plain and would flood
9 if we had a historic flood event. However, any
10 subsequent buildings or streets that are built as
11 phase one is built out will be built above the
12 flood plain.

12

13 At the ends of the district and
14 along the edge of the retail entertainment complex
15 where the streets are going to remain in the flood
16 plain, primarily 126th Street and Roosevelt
17 Avenue, there's a series of transitional
18 sidewalks, almost a dual sidewalk that was
19 proposed and adopted as part of the Willets Point
20 Special District. And the design guidelines have
21 public amenity areas on the higher area, a public
22 pedestrian sidewalk along the street right-of-way,
23 and then a series of ramps and stairs to make up
24 the grade difference.

24

25

25 All life safety and critical
support systems will be above -- built above the

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2 flood plain elevation for all of the buildings.
3 Or they will be -- where they can't be where they
4 come out of the ground, they will be in
5 flood-proof enclosures.

6

In terms of sustainability, all
7 of the development on both sides of City Field,
8 whether it's in phase 1A or the retail and
9 entertainment complex, will be built to a minimum
10 of LEED Silver Certification standards.

11

THE CHAIR: It's my understanding
12 that the state has passed a law that all
13 development needs to be built -- allow for two
14 foot free board above the flood elevation. And
15 that therefore the Department of Buildings here in
16 the City is requiring two feet above flood
17 elevation.

18

MR. CLIFFORD: That I'm not a
19 hundred percent sure of. But gratuitously the new
20 maps for the area actually lowered the flood
21 elevation from what was previously there.

22

THE CHAIR: So we'll check to make
23 sure. I mean I know from --

24

MR. CLIFFORD: Right.

25

THE CHAIR: -- the plans that we all

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2 worked with is that you have elevated everything,
3 so it was -- but I wanted to make sure that it
4 allows for it.

5

MR. CLIFFORD: We'll definitely
6 ensure that. Just for information, the average
7 amount of fill that we have to place here is
8 between three and four feet across both sites.

9

THE CHAIR: Yeah, I know you're
10 elevating everything.

11

MR. CLIFFORD: Right.

12

THE CHAIR: Just need to clarify
13 that.

14

Are there questions for John
15 Clifford? Yes, Anna.

16

COMM. LEVIN: Yes. This is a
17 complete non sequitur, but you mentioned you're
18 working on the shopping mall as well?

19

MR. CLIFFORD: We are working on the
20 retail complex as well.

21

COMM. LEVIN: So everyone calls it a
22 retail complex or a shopping mall, but I notice
23 here it's also an entertainment and retail
24 development. What kind of entertainment uses are
25 you designing in there?

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MR. CLIFFORD: The uses that are proposed are things like a cinema, bowling alley, maybe a music venue, that kind of thing, restaurants.

COMM. LEVIN: Music venue like a concert facility?

MR. CLIFFORD: Like a restaurant that might have live music. Not necessarily a Madison Square Garden kind of concert halls, yes.

COMM. LEVIN: Thank you.

THE CHAIR: Any other questions for Mr. Clifford?

(No response)

THE CHAIR: Okay. Thanks so much.

MR. CLIFFORD: Thank you.

THE CHAIR: Linh Do and then Babu Veeregowda.

MS. DO: Good afternoon, Commissioners. I'm Linh Do, back here again, senior vice president at AKRF. And Babu and I had, our firms had helped prepare the Supplemental EIS draft. And we are just here to answer any questions the Commissioners may have.

THE CHAIR: Okay. Any questions for

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Linh Do?

(No response)

THE CHAIR: All righty, thanks again for being here.

Babu Veeregowda.

MR. VEEREGOWDA: Good afternoon, Madam Chair Burden. My name is Babu Veeregowda. I'm a traffic engineer at VHB. I was the one who was responsible for all the traffic study data collection and analysis, both with the draft supplemental EIS and the data that was an aid in completing the final EIS. If there's any, you know, questions or anything about the traffic impacts, I'll be more than happy to answer.

THE CHAIR: Questions from the Commission? Yes, Michelle.

COMM. DE LA UZ: Obviously the issue of traffic impacts has been brought up substantially. Did you do -- can you maybe do a compare and contrast on the traffic impacts with and without the Willets West component?

MR. VEEREGOWDA: No, we did not include that, we didn't look at Willets West.

COMM. DE LA UZ: So you included --

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you didn't look at a scenario in terms of traffic impacts if the mall were not there?

MR. VEEREGOWDA: That's correct.

COMM. DE LA UZ: Thanks.

THE CHAIR: Other questions?

(No response)

THE CHAIR: Thank you for being here.

MR. VEEREGOWDA: Thank you.

THE CHAIR: Tom McKnight and then Ethan Goodman and then James Conway.

MR. MCKNIGHT: Hello, Chair and Commissioners. I'm Tom McKnight, executive vice president for EDC. Regarding cleanup, a lot of questions have been raised by the Commission along the way. I'm happy to provide clarification or additional information if you need it.

THE CHAIR: Yes, Michelle.

COMM. DE LA UZ: So a lot has been said about when the RFP was issued that there really wasn't interest in the original proposal or scheme or scope that was issued. I mean obviously 2008 was a very, very different economic time than we are today. Did EDC consider postponing a

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2 decision and reissuing the RFP in the current
3 economic environment to see if the original plan
4 would be viable?

5

MR. McKNIGHT: Well, actually
6 that process extended beyond 2008. The developer
7 agreement was reached last year. And the
8 proposals we received came in the fall of the
9 previous year. So it was more current. We felt
10 like the issues that came up did reflect the
11 current economic conditions, and were not
12 reflective of the economic downturn.

13

COMM. DE LA UZ: And it was
14 mentioned earlier by one of the speakers in
15 opposition that there were perhaps two or three
16 other applicants that were considered or who
17 responded to the RFP. Can you maybe just speak to
18 why EDC decided to go with the current applicant?

19

MR. McKNIGHT: Sure. There were
20 really two fundamental issues that we looked at.
21 One was -- I guess I would say three. The core
22 being is the primary vision accomplished under the
23 proposal.

24

The second was really about
25 financial viability. Each of the proposals did

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2 require a contribution from the City. The other
3 two were far out of range with what could be
4 accomplished by the City.

5

And the third is we looked at --
6 I guess kind of required to -- connected to
7 accomplishing the vision is what additional
8 approvals are necessary. And both the other
9 proposals require -- would have required
10 significant changes to the development plan
11 approved in 2008.

12

THE CHAIR: Angela?

13

COMM. BATTAGLIA: Good afternoon.
14 We get to hear from Cornerstone on the relocation
15 plan.

16

MR. McKNIGHT: Yeah.

17

COMM. BATTAGLIA: My question is, is
18 EDC supervising them in their day-to-day or week
19 to week --

20

MR. McKNIGHT: Yes, indeed we are,
21 very closely.

22

COMM. BATTAGLIA: Thank you.

23

THE CHAIR: Any other questions for
24 Tom? Yes, Anna.

25

COMM. LEVIN: Yes. I'd like to ask

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2 about the role of the active recreation plan as
3 part of this. How does EDC -- I mean I can see
4 that it is a useful use for a parking lot that
5 isn't used for half the year. But it's in a
6 location where its audience is not immediately in
7 the neighborhood. What kind of economic vitality
8 or even recreational vitality do you see this
9 facility really producing?

10

MR. McKNIGHT: Well, the JV has
11 proposed a range of recreational uses, whether
12 it's basketball courts or a driving range or other
13 things that are -- that could be more substantial
14 in the off season. But that will be prepared in
15 consultation with the Parks Department, with the
16 community, to ensure that there are uses that are
17 attractive, there are uses that work well with the
18 existing uses within the park. We do think that
19 you can create a viable recreational facility
20 here, but it needs to be thoughtful about the
21 conditions and about what is going to be
22 attractive to the community.

23

COMM. LEVIN: Where do you think
24 the -- who would be the community users for this
25 facility?

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MR. McKNIGHT: We think it's similar to the very, very large community that comes to Flushing Meadows Park today. Yes, it is, as you point out, it's not right there in the community, but nor is Flushing Meadows. And it draws in a very, very large audience from the surrounding neighborhoods.

COMM. LEVIN: I'm intrigued to see if stick ball is part of the plan. I thought stick ball needed a stoop, but --

(Laughter)

THE CHAIR: Any other questions for Tom?

(No response)

THE CHAIR: Okay. Thanks for being here.

MR. McKNIGHT: Thank you very much.

THE CHAIR: Ethan Goodman. And then James Conway.

MR. GOODMAN: Good afternoon, Commissioners, Madam Chair, Dr. Kulikowski. I'm really just sort of on behalf of the joint venture just going to finish up in case anybody has any questions for the JV.

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2 I did want to augment one thing that
3 our traffic engineer said in response to
4 Commissioner De La Uz's question, the study of the
5 retail center versus no retail center. This
6 supplemental EIS did not study that because it
7 wasn't -- that plan was no longer a part of this
8 project. However, if you do look back at the '08
9 study, right, you can see what the traffic impacts
10 were in '08, which did not have a retail center
11 and envisioned 61 acres of development, versus the
12 traffic impacts that we showed now. And actually,
13 with the substantial traffic improvements that we
14 have proposed now that were actually not proposed
15 in 2008, the traffic impacts themselves have gone
16 down. Even though we have added about ten percent
17 to the overall floor area, the overall traffic
18 impacts both from the highway network and in the
19 local intersections has actually been reduced.

20 Other than that I'll just see if
21 anybody has got questions.

22 THE CHAIR: Okay, let me see.
23 Angela and then Irwin.

24 COMM. BATTAGLIA: This isn't a
25 question, and I realize we're only looking at

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2 phase one right now, but I just want to say since
3 you're up here now that I was pleased to see that
4 JV and the City both in writing committed to the
5 affordable -- that 35 percent of the housing be
6 affordable. It may not be tomorrow, but I do
7 believe it will happen, and I'm glad to see that
8 it's up there. So thank you.

9

THE CHAIR: Irwin.

10

COMM. CANTOR: Your comment

11

regarding the effectively improved conditions as

12

proposed now, does that include projected forward

13

to the other acreage that is not yet on the table?

14

MR. GOODMAN: Correct. Jesse Masyr

15

cited a statistic, which actually was regarding

16

the project in front of you, and that was a 65

17

percent reduction in number of impacts. The

18

reduction, once the ultimate build-out occurs, is

19

not up to 65 percent reduction, but it is still a

20

substantial reduction in impacts on the

21

intersections of the highways. So overall this is

22

still a reduction on the highways.

23

COMM. CANTOR: Okay, thank you.

24

THE CHAIR: Any other questions for

25

Ethan?

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(No response)

THE CHAIR: Thank you.

James Conway and then Dan Hendrick.

MR. CONWAY: Good afternoon,
Honorable Chair and Honorable Commissioners. My
name is James Conway. I'm with the International
Union of Operating Engineers, Local 14.

I'm here in favor of this
application. And the main reason why I am here to
speak in favor is that this project will create
20,000 sustainable jobs. Jobs that will have
apprenticeship training, jobs that will have
safety and health training, jobs that will have
re-skilled -- training improvements, and jobs that
will have technological training. It will also
lead to middle class jobs for our young people in
Queens.

Currently we have about 80,000
people unemployed in Queens. We have several
thousand that are returning from military service
to Queens. We need to create jobs for these young
bright people that are returning home. And this
is a great project, this is a great economic
engine to create middle class jobs for young

1

2 people of Queens and New York City. So please
3 consider approving this project.

4

Thank you.

5

6

THE CHAIR: Thanks so much for
coming, I appreciate it.

7

MR. CONWAY: Thank you.

8

THE CHAIR: Dan Hendrick.

9

MR. HENDRICK'S REP: Hi. I'm
10 actually here on behalf of Dan Hendrick, who is
11 the VP for the New York League of Conservation
12 Voters, which is a statewide organization of the
13 New York City chapter.

14

15

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18

(Reading:) On behalf of the more
than 12,000 members of the League throughout New
York City, I would like to voice our support for
the proposal to redevelop Willets Point, and I'd
like to explain why.

19

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Despite its proximity to downtown
Flushing and Corona, the Iron Triangle as it is
now is virtually a no-go zone for the local
community. As we all know, residents of this area
are clamoring for open space and recreational
opportunities. And the current use of Willets
Point means that the waterfront of Flushing Creek

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2 and Flushing Bay is drastically underutilized by
3 the public.

4

5 Second are the brownfield
6 concerns. Willets Point suffers from
7 well-documented and widespread petroleum
8 contamination, with additional potential
9 contamination from paints, cleaning solvents, and
10 automotive fluids. These environmental hazards
11 are made worse by a high water table that spreads
12 pollution throughout the site. The simple fact of
13 the matter is that every day the contamination is
14 allowed to remain in the soil and groundwater is
15 another day that Flushing Creek and Flushing Bay
16 are made worse.

17

18 Third, the proposal for Willets
19 Point reflects a truly 21st century way of
20 thinking about urban planning. It's close to the
21 number 7 train, so people don't have to take their
22 cars everywhere. It's close to the highways, so
23 residents can get in and out quickly without
24 straining traffic further in the congested
25 downtown areas.

26

27 In addition to the jobs it will
28 create and the economic investment it will make in

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2 Queens, this project presents what is probably the
3 best hope to finally improve the water quality in
4 Flushing Creek and Flushing Bay, while creating
5 new access points and green spaces for residents.

6 This is an important project
7 where economic growth and environmental
8 improvements go hand in hand to benefit the
9 health, well-being and vibrancy of the local
10 economy and local community.

11 Thank you very much.

12 THE CHAIR: Thank you very much.

13 Now we will switch back again to
14 speakers in opposition. First is Marco Neira.
15 Then Sergio Ageri (phonetic). And Phil
16 Konigsberg.

17 MR. NEIRA: Good afternoon,
18 everyone. My name is Marco Neira. I'm the
19 president for Sunrise Cooperative. I represent --
20 Sunrise Cooperative represents all the small
21 businesses and workers in Willets Point. The
22 reason that we are here is in order to find out
23 what's going on with our application for the small
24 businesses and workers in Willets Point. Because
25 I heard from everybody a lot of things, but

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2 nothing for us.

3

I want to refresh the minds after
4 the plan was approved in 2008, and I'm going to
5 read something that I have here.

6

(Reading:) In November 2005, the
7 entire Fulton Fish Market, the largest consortium
8 of seafood wholesalers in the country, 37
9 businesses employing 650 workers, was relocated
10 from lower Manhattan to a new facility at Hunts
11 Point in the Bronx. The example of the relocated
12 Fulton Fish Market as an appropriate model for the
13 City to follow when relocating the Willets Point
14 tenant automotive businesses has been recognized
15 by New York City Planning Commissioners. During
16 the public hearing held by the New York City
17 Planning Commission on August 13th, 2008, for the
18 proposed Willets Point development, the following
19 exchange took place between Commissioners Karen
20 Phillips, Irwin Cantor and Angela Battaglia, and
21 New York City Economic Development Corporation
22 vice president Jonathan Gouveia. And this is what
23 they said.

24

Commissioner Phillips: The work
25 that you are doing with the 225 tenant businesses,

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2 are the majority of those tenant businesses in
3 auto related uses? And my other question was if
4 there was any effort to identify sites, and
5 perhaps, because I know we do have the industrial
6 parks that were set up and the industrial strategy
7 that the Mayor put together a couple of years ago,
8 but in a way of creating a kind of automotive
9 related center where they could relocate, because
10 some of them benefit from, quote, "co-location."

11 Jonathan Gouveia say right.

12 Commissioner Phillips say is that
13 something that has been looked at at all in terms
14 of the areas that have been set aside for
15 industrial areas?

16 Jonathan Gouveia/EDC said, as I
17 mentioned, we haven't gotten into in-depth
18 discussions with the tenants. We've hired or
19 we're in the process of hiring a tenant
20 re-location specialist. So this sort of ongoing
21 conversation about what their businesses want,
22 where they want to locate, whether they want to
23 relocate, will become apparent through that
24 process, which will begin later or towards the end
25 of the summer.

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(Bell rung)

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MR. NEIRA: Through the process which will begin later.

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My last point is, we are looking for a relocation because if you see by those -- by that days, everything is on video and the commissioner say we are going to help relocation. But at this time we don't have nothing. And they are serious that in sending the letters that we have to leave by August. So where are we going to be, on the streets. We have families, we have to live. So please look for us.

Thank you.

THE CHAIR: Let me see if there are any questions for you.

MR. NEIRA: Can he have a translator.

COMM. LEVIN: Hold on, hold on, hold on.

COMM. BATTAGLIA: I just want to ask that you leave us a copy of your testimony. Can you leave us a copy of your testimony?

MR. NEIRA: Oh, sure, I'm sorry, I forgot. Thank you for reminding me.

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COMM. BATTAGLIA: And sir, do you have a copy of the letter that the City sent asking you or telling you you had to relocate by August? I'd like to see that too. Can you send it to us?

MR. NEIRA: Unfortunately I don't have it with me right now but I will going to send you.

COMM. BATTAGLIA: Gracias.

MR. NEIRA: You're welcome.

THE CHAIR: Yes, Rayann.

COMM. BESSER: I wanted to ask this gentleman, have you been contacted by Cornerstone to assist you with relocating?

MR. NEIRA: Not -- they didn't contact to me because I'm in the phase two. That's why they didn't contact to me. But they contacted to my -- people in my group. And the reason that Cornerstone wants to do the relocation is individual. I told EDC we don't want the relocation individual because that way if they're going do it individually, they move one person to a certain location, and that's it, they clean their hands. If after one month the tenant can't

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2 survive in that place, then he has to close that
3 place and go out of the business. So we don't
4 want that way. We want together like we are -- we
5 are only one family, so we want to continue that.
6 And I know it's big fishes against us, to let it
7 as continue doing business as a Willets Point --
8 as a Willets Point automotive repairs, because the
9 big company like trade shop companies like
10 automotive companies, they don't want to let us
11 keep going doing business as affordable places we
12 have, because it's not good for them. That's why
13 they're trying to push us out of the business.

14 We are investigating all of those
15 things. And I see Queens Chamber of Commerce,
16 they are in a group with Helen Marshall, which,
17 you know, they are working together in order to
18 kill our business. And I know they have a meeting
19 with Mayor Bloomberg in Queens. So that's why we
20 escape -- I mean we are afraid they're going to
21 kill it that way.

22 COMM. BATTAGLIA: Thank you.

23 THE CHAIR: Michelle, you had a
24 question.

25 COMM. DE LA UZ: I did.

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I'm sorry, I forgot your name.

MR. NEIRA: Marco.

COMM. DE LA UZ: Marco, thank you very much for coming to testify on behalf of the Sunrise Cooperative. I think that would be helpful, if you could just share how much business between the different small Sunrise operators currently exists, because I think that's part of your reasoning for co-location.

MR. NEIRA: Yes. I mean we are -- since the project was approved we are fighting for all the businesses on Willets Point. But after they say they're going to -- they're only going to relocate that first phase, we only have 60 businesses in the first phase. Because we are 250 businesses in the whole area at Willets Point. But we cannot, like those guys say, we cannot bring those people from phase two in order to get a relocation. And I know once they start phase one, they're going to kill the other phases because that construction is going to be big, so they're going to close all the roads -- they're going to kill all the businesses. That's the way.

THE CHAIR: Other questions for

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2 Mr. Neira.

3

(No response)

4

5 much.

6

MR. NEIRA: Thank you so much.

7

8 THE CHAIR: Phil Konigsberg. I'm
9 sorry, now is our next -- the next speaker is
now Sergio Ageri.

10

(Mr. Ageri speaks in Spanish)

11

THE CHAIR: You need a translator.

12

Do we have a translator? Jim?

13

STAFF MEMBER: Yeah.

14

15 THE CHAIR: Maybe we'll take the
next speaker and then --

16

MR. AGERI: Okay.

17

18 THE CHAIR: So Phil Konigsberg is
the next speaker and then we'll go back to Mr. --

19

20 MR. KONIGSBERG: Hello again. First
before -- I'm speaking against the proposal but I
21 first would like to publicly thank Related
22 Companies for recently coming out and declaring
23 nationally all their rental properties, housing
24 will be smoke free. So thank you very much
25 Related Companies.

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I'm a member -- my name is Phil
Konigsberg. I'm a vice president of the Bay
Terrace Community Alliance, and a member of
Community Board 7. I was on the land use
committee in 2008. I was on the land use
committee this past year. I voted against the
project several years ago. And again just
recently.

And the one sticking point that has
remained is the option for eminent domain. And I
can't accept that. I've gotten to know the people
that are affected by this personally over the last
several years, and we can't allow that to
continue.

Just as it was mentioned before,
when you combine Community Board 7 and 3, the
votes were 48 against the proposal, 23 were for.

I also would like to read a
statement for the Queens Civic Congress, Richard
Hellenbrecht is the president, and he asked me to
read the following.

(Reading:) The Queens Civic
Congress is an umbrella organization consisting of
over 100 civic associations throughout the

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2 borough. The congress has been active with
3 Flushing Meadows Park Conservancy, the Fairness
4 Coalition of Queens Safe, Flushing Meadows Corona
5 Park, and a New York City Parks advocate over the
6 past several months. The congress has in the past
7 opposed commercial development in the park and
8 remains adamantly opposed to any further
9 encroachment of public places.

10

Flushing Meadows Park is the
11 largest park in Queens and ought to serve as the
12 flagship park in Queens, but instead it has become
13 the dumping ground of last resort for placing
14 projects that no other area will accept. City
15 Field has used many acres of parkland on a deal
16 that benefits only the Mets' owners and returns
17 very little direct financial benefit to the City,
18 to Queens or to the park.

19

Parking lots surrounding the stadium
20 sit on parkland. And any change in use should be
21 subject to alienation requirements. As parking
22 lots they could be easily returned to public use
23 as open space were no longer needed. But the
24 introduction of massive steel and a concrete mall
25 to these western parking lots would permanently

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destroy a public park amenity the community should enjoy for recreation and fun.

I'm much better when I don't read.

Not only will the mall remove forever land that could be used by the thousands of nearby residents, but a mall will destroy hundreds of nearby mom and pop businesses and surrounding neighborhoods, introducing potentially devastating competition to existing struggling malls such as the malls at Atlas Park, Rego Park and Queens Center Mall.

(Bell rung)

MR. KONIGSBERG: Furthermore --

THE CHAIR: Can you conclude your remarks?

MR. KONIGSBERG: Sure.

Basically Queens Civic Congress, which speaks for all the civic associations in the Borough of Queens, has adamantly come out against it, and we hope that you will take that into consideration. And thank you.

THE CHAIR: Let me see if there are any questions for you.

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MR. KONIGSBERG: Sure.

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(No response)

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THE CHAIR: No. Thank you for coming, thanks for staying with this.

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We do have a translator now, Jim? Jim, do we have a translator?

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STAFF MEMBER: We're getting one now.

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THE CHAIR: So we'll take another speaker, Mr. David Schwartz.

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MR. SCHWARTZ: Yes.

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THE CHAIR: And then Geoffrey Croft.

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MR. SCHWARTZ: Good afternoon. I'm David Schwartz. I represent Willets Point United. And many of the arguments that I want to make have been articulated by the property owners. So I just want to try to put this in perspective without being too repetitive.

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But if you think about it, you know, one of the comments made by the developer was, you know, we are going to transfer this land to private internship. And it just stuck with me. You know, think about what that means. It means stealing land from private owners, private

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2 businesses, stealing the land, okay, transferring
3 it, the City taking it over, building a parking
4 lot, which has no public use whatsoever, just so a
5 private developer can buy other land for a dollar,
6 which is really parkland, okay, they buy it for a
7 dollar, and now they want to build a mall. You
8 know, you're really -- you just couldn't even make
9 this up if you thought about it. These are
10 families, these are business owners. At Willets
11 Point United we represent many of the business
12 owners in this area. And it's just scary to think
13 that the City could steal land from these private
14 businesses, people that are building the American
15 dream, people that are providing for their
16 families.

17 And I walked the district the
18 other day, I walked through the entire district.
19 There are no plans to relocate these businesses.
20 I mean the most that they've gotten is a business
21 card in the mail saying that there's some broker
22 somewhere that's going to look to relocate them.

23 And then if you go into this area,
24 you'll see the vibrancy. I mean it's been talked
25 about as a toxic waste land. Anything but. This

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2 is really a jewel when you think about it, because
3 these businesses are all interrelated with each
4 other, and they all are working in conjunction
5 with each other. And that's why it's so important
6 for the relocation that these businesses are kept
7 together. And there is really, as was articulated
8 before, there is no plan to do that.

9 And also, you know, the basis of
10 this whole plan back in 2008 were two basic
11 conceptions. Living wage for retail workers,
12 which is now not part of the current plan, and of
13 course the affordable housing, the 2,000 units of
14 affordable housing, which you've heard about. And
15 there really is no plan. Had those -- had it been
16 stated back in 2008 that the affordable housing
17 would be put off for ten years on some speculation
18 that maybe our ramps will be built off the Van
19 Wyck Expressway, this plan would have never been
20 approved. This is a bamboozle which is going on
21 here.

22 And I just want to make, you know,
23 some key points which I know you've heard already
24 but I just want to bring home.

25 First, the housing. The key

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2 affordable housing agreement has been abrogated,
3 pushed off into the indefinite future by the
4 developer selected by the City. As Senator
5 Peralta stated, if City Hall put a wrecking ball
6 to 2,000 units of affordable housing to make room
7 for a shopping mall, it would have been front page
8 news and there would have been no end to the
9 outrage.

10 (Bell rung)

11 MR. SCHWARTZ: And really, when you
12 think about it, that's what's happened.

13 I'm just going to state my last
14 points.

15 Living wage I spoke about. The Van
16 Wyck ramps you've heard about. Complete fiction.
17 The parkland you've heard about. Taking parkland
18 from the residents of Queens in the City of New
19 York? Outrageous. That's what they have done.

20 Corporate welfare. Two hundred
21 million dollars to buy out Willets Point, giving
22 them another \$99, and then they bought it for one
23 dollar. I mean, this is just outrageous.

24 You should reject this proposal.

25 Thank you very much.

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THE CHAIR: Let me see if there are questions for you. Michelle.

MR. SCHWARTZ: Yeah.

COMM. DE LA UZ: Can you just -- you said Willets Point United. Who is that group?

MR. SCHWARTZ: Yeah.

COMM. DE LA UZ: Briefly.

MR. SCHWARTZ: Yeah. Willets Point United, there are hundreds of private businesses, entities, property owners in this area. So Willets Point United is an organization representing all of those interests. And these are real people, families, hard working people who can't believe that they own land and having the City stealing that land to give to a private developer. It's outrageous. Thank you.

THE CHAIR: Yes, Irwin.

COMM. CANTOR: Earlier in this process, I raised the question regarding the issue of eminent domain and how many parcels were yet to be, I'll use the word acquired. The indication from the City was nominally a handful. How many people do you represent who are -- who have not yet made a deal with the City on the basis of --

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have not yet made a deal with the City?

MR. SCHWARTZ: Well, certainly in

all phases --

COMM. CANTOR: All phases?

MR. SCHWARTZ: Yeah. There's

hundreds of businesses and landowners.

COMM. CANTOR: Did you hear the

testimony earlier today?

MR. SCHWARTZ: Yes, I did.

COMM. CANTOR: He said that 95

percent of the property was taken.

MR. SCHWARTZ: Yeah. That's in

phase one. And 95 percent of the property, you

know, the tactics that were used to get these

people out of the property -- I'm not sure about

that number in phase one, by the way, but I don't

have the exact number in phase one specifically.

But the bottom line is, there are multiple phases

to this project, there are notices being given out

already. And the businesses that I spoke to in

phase one have not received any relocation advice

whatsoever. There are better ways of doing this

than to ruin an entire community in support of a

private developer.

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COMM. CANTOR: But I don't think you responded to my question. And that is, within phase one --

MR. SCHWARTZ: Right.

COMM. CANTOR: -- one part at a time, how many affected owners are there who have not made a deal with the City? And how many of those do you represent?

MR. SCHWARTZ: Okay. I don't know how many of those people are in phase one. It could be -- it could be five percent in phase one, I'm not disputing that number on how they got to that. But I do know partially the way they got to that is they took \$200 million of our money and made sweetheart deals with the most powerful people that were in all the phases -- and some of them were in phase one -- the most powerful opposition basically bought off, and I don't blame them for taking the deal, it's a good deal for them, right. So \$200 million spent on buying those businesses off so they wouldn't be part of the opposition anymore. That's also outrageous.

COMM. CANTOR: He still didn't answer my question, did he.

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MR. SCHWARTZ: Specifically I can't answer your question as to the percentage and how many businesses are in there. I know the vast majority of the people in Willets Point United are in the other phases besides phase one.

THE CHAIR: Are there other questions for Mr. Schwartz?

(No response)

THE CHAIR: Okay, thank you.

MR. SCHWARTZ: Thank you, chairwoman, sure.

THE CHAIR: We do have a translator now. So Mr. Ageri, we'll have somebody to translate.

So would you tell Mr. Ageri (phonetic) that he has five minutes? Cinco minutos.

MR. AGERI: (Through the translator:) He's been working for six years helping the small businesses in Willets Point. In the past few years in this final moments of the project they have been suffering a lot from all of -- they have been closing twenty shops, tire shops. Then in the past --

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THE CHAIR: Can you pull the speaker, can you pull the microphone a little closer to you?

THE TRANSLATOR: Oh, sorry.

MR. AGERI: They arrested 54 of the owners and the workers.

They've been having a lot of constraint and frustration, repression of -- yeah, the City has just been trying to push them out of Willets Point. They have been trying to basically make a business plan to, you know --

MR. AGERI: (In English:) We found land --

MR. AGERI: (Through the translator:) You know, they have been talking to the small businesses around there and offering, you know -- that pretty much everybody has just been playing a game with all their business plans and nobody has taken them seriously and they haven't found anywhere else to relocate.

They want to basically know about their relocation and basically where they're going to relocate, how is that going to follow through. They're basically -- because they're, you know,

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2 they're poor, they're not as affluent -- they're
3 not as -- what's the word -- right, they don't
4 have funds for relocation basically.

5 So basically they made up their
6 own plan. They found land where they can
7 relocate, but nobody is taking them seriously. So
8 basically their interests are being pushed behind
9 and that other interests are being at play. So
10 basically they want you to find a solution so they
11 don't -- just don't get kicked out. And basically
12 all the other projects, like the fish market and
13 the plan up in the Bronx, they all have their own
14 plans and stuff, but why are they kicking them
15 out.

16 (Bell rung)

17 MR. AGERI: (Through the
18 translator:) In five more days they are going to
19 get their eviction and then they don't know what
20 to do. Basically please help us. They're just
21 playing games.

22 THE CHAIR: So ask him to wait and
23 maybe there are questions from the Commission.

24 COMM. CANTOR: Yes.

25 THE CHAIR: Irwin.

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COMM. CANTOR: He made the observation, he said they found some property but no one is taking them seriously. Could we get that expanded upon?

MR. AGERI: (In English:) Yeah.

MR. AGERI: (Through the translator): Basically in 2008 they asked EDC about relocating people, they found some land. But they told them that no, it wasn't -- they can't use it. But they went back to their own study?

MR. AGERI: (In English:) Yeah.

MR. AGERI: (Through the translator:) They found their own --

AUDIENCE MEMBER: They found their own sites, but EDC didn't help them out.

MR. AGERI: (In English:) Yeah.

MR. AGERI: (Through the translator:) So they just didn't ask for the business plan.

MR. AGERI: (In English:) Yeah.

You'll see it in this plan. I'll give you a copy of it.

THE TRANSLATOR: He has a copy of

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2 it.

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COMM. CANTOR: They were ignored?

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MR. AGERI: (In English:) Yeah,

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they never answered to us.

6

THE TRANSLATOR: Yeah, they never

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answered to us.

8

MR. AGERI: (In English:) We wanted

9

relocation. We want to talk about relocation,

10

where is the site, how much they are going to put,

11

how many people we have available to move over

12

there. We don't have that kind of a cushion. We

13

have manipulation but we don't have answer. In

14

five days we are going to receive a letter from

15

the EDC, everybody have to go in phase one,

16

because of this.

17

COMM. CANTOR: Thank you.

18

THE TRANSLATOR: From what it sounds

19

like, he just never got an answer.

20

THE CHAIR: Maria. You want to do

21

it in Spanish?

22

(Dialogue between Comm. Del Toro and

23

Mr. Ageri in Spanish)

24

COMM. DEL TORO: Yeah, 60 shops.

25

MR. AGERI: (In English:) Yeah.

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(Dialogue between Comm. Del Toro and Mr. Ageri in Spanish)

COMM. DEL TORO: And 300 jobs.

(Dialogue between Comm. Del Toro and Mr. Ageri in Spanish)

COMM. DEL TORO: He said 54 --

COMM. CANTOR: How many of those sites has the City already taken over?

THE CHAIR: What were you going to ask?

COMM. CANTOR: I was going to ask Maria how many of those 50 or 60 sites that are currently being affected have already made deals with the City.

(Dialogue between Comm. Del Toro and Mr. Ageri in Spanish)

COMM. DEL TORO: Collectively as a group they have not accepted Cornerstone.

THE CHAIR: So I think what we'd like to have from the Economic Development Corporation is kind of a summary of where we were in 2008 when the plan was approved, because the understanding was that there would be -- Cornerstone would do a massive engagement with the

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2 local businesses and do everything they could to
3 relocate them. So let us get a update on that and
4 where -- how many were relocated, how many are not
5 relocated, just the status of where the businesses
6 are. And what the time frame is, because we're
7 hearing five days, we are not going -- we don't
8 understand why that is. We're not even through
9 ULURP. So I don't know if you can tell him that,
10 but ask for a status report, if you could explain
11 that to him. Thanks, Maria.

12 (Dialogue between Comm. Del Toro
13 and Mr. Ageri in Spanish)

14 MR. AGERI: Mucho gracias. Thank
15 you so much.

16 COMM. DEL TORO: Mucho gracias.

17 THE CHAIR: Orlando Marin has a
18 question.

19 (Dialogue between Comm. Marin and
20 Mr. Ageri in Spanish)

21 COMM. MARIN: They're looking for
22 relocation as a group because of the fact that as
23 a business entity they do better as a group. And
24 that legal cooperative has 50 members out of 54,
25 which is why four of them may have chosen to go

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separately.

THE CHAIR: So it's important for them to be in a cooperative.

(Dialogue between Comm. Marin and Mr. Ageri in Spanish)

MR. AGERI: (In English:) Yeah.

COMM. MARIN: Gracias, thank you.

MR. AGERI: (In English:) Okay, thank you.

THE CHAIR: We have a few more speakers. Geoffrey Croft. Geoffrey Croft, yes. And Giovanna Reid. Geoffrey Croft.

MR. CROFT: Good afternoon. My name is Geoffrey Croft, president and founder of New York City Park Advocates.

It is truly a sad day in City Planning when we are talking about a plan that seizes more than 30 acres of public parkland to allow one of the country's largest developers to build the largest mall in New York City. It sounds inconceivable, right? Just when you thought this administration couldn't get any lower, here we are today.

Let's not forget the Related

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Companies and Sterling's original plan for our public parkland, building a massive casino and retail complex. Let's be very clear. The 1961 statute that the City and the applicants are so desperately trying to rely on in order to justify being allowed to develop the public parkland for non-park purposes does not permit any shopping mall, much less a 1.4 million square foot mall. Administrative Code 18-118 explicitly states that any moneys gained from a temporary lease on the property must go back into the property. Back into the property. Not line the pockets of Related or Sterling Equity.

To quote the law directly, the revenue must, quote, "Aid in the financing of the construction and operation of such stadium, grounds, parking areas and facilities and any additions, alterations or improvements thereto or to the equivalent thereof." Clearly, this is not the case, unless the applicant is representing that this is being done to offset unfortunate investments made by the Wilpons. Is that the plan?

Clearly, the intention of the law

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2 was not to allow any project to make a permanent
3 claim on parkland or its facilities because the
4 revenue was supposed to fund the property. The
5 law simply does not authorize the Willets Point
6 West project. It does not enable use of the
7 parking lot or authorize retail stores, and
8 certainly something that is not primarily --
9 something that is primarily a shopping mall.

10 The parkland we are talking about
11 here today for this irresponsible project was
12 never alienated as required under state law, nor
13 are they planning to. Nor are they planning to
14 replace if approved.

15 The language in your calendar today
16 states that the project would, quote,
17 "Incorporate, aid, develop the development
18 substantially similar to that anticipated and
19 analyzed in the 2008 Willets Point development
20 plan", et cetera. Is that a joke? Who wrote
21 that, the applicant?

22 The public parkland was never part
23 of the original plan in any way. In any way. And
24 it certainly was never approved by the City
25 Council. There is just no getting around the fact

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that this 1.4 million square foot mall is a totally new project than what was approved by City Council. And as you -- this is nothing but an end-run around the law, and the City Planning will be complicit if you rubber stamp its approval. This is public parkland. It does not belong to Mayor Bloomberg or EDC or the Related Companies or the Wilpons. It belongs to the people of the City of New York. If the 30 plus acres of public parkland they are now attempting to seize for the project were no longer needed for parking for the Mets, then it should revert back to its original use.

(Bell rung)

MR. CROFT: This is what our elected officials should be pushing and what any legitimate city planning agency would insist on, and not instead allow our public spaces to be given away to politically connected developers. It's disgraceful. This is about greed, pure and simple, and it's a nightmare for the communities on so many different levels. We do hope you seriously look at this project.

THE CHAIR: Thanks. Let me see if

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there are any questions for you, Mr. Croft.

(No response)

THE CHAIR: There are not, but we appreciate -- was there one?

COMM. LEVIN: Well, I was --

THE CHAIR: Anna. I'm sorry, Anna, I didn't see your hand.

COMM. LEVIN: Well, it was going up slowly.

(Laughter)

COMM. LEVIN: I think you've heard from the developer and the City, and I'm sure you've seen the City Law Department's analysis of the --

MR. CROFT: Recommendation?

COMM. LEVIN: -- administrative code.

MR. CROFT: Yes.

COMM. LEVIN: I think this really is the long hand of Robert Moses here, because in addition to allowing stadiums, which is what the regulation was all about, you read through a long list of other things and you get down to one of the -- the last permitted use is the approval

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2 of trade and commerce. How do you square that
3 piece of language with what you're urging us to
4 do?

5 MR. CROFT: Again, it's, you
6 know, that was one part. I have all of the
7 language here as well. Robert Moses was, you
8 know, for better or for worse certainly protecting
9 parkland. But again, the funds were supposed to
10 be -- were supposed to go back to this property
11 and -- unless the Wilpons and Related are saying,
12 you know, that -- if they're claiming that this is
13 being used for those purposes. We certainly do
14 not agree with the City's interpretation of that
15 1961 statute. There's certainly enough language
16 in that statute we think that bolsters our claim.

17 COMM. LEVIN: It certainly makes it
18 clear that the purpose at that time was a stadium,
19 but --

20 MR. CROFT: Right. And now, and
21 now --

22 COMM. LEVIN: Very widely written.

23 MR. CROFT: Well, it is wide, it
24 is -- I mean you can interpret it that way. But
25 if you actually look line by line, we think it's

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2 very clear that it was not supposed to be used for
3 these purposes. And clearly there's no, you know,
4 part -- no allowing it to be used for a shopping
5 mall. And I think that's very, very obvious. I
6 mean again, we're reading straight from that.
7 And, you know, we feel that it should definitely
8 be -- I mean look, this is going to wind up in
9 court anyway, which is sad. But, and we feel
10 very, very strongly that if -- again, if the Mets
11 no longer need this then, this 30 acres of public
12 parkland, and if any of the Commissioners, which
13 I'm sure you have been reading about what's going
14 on in Flushing Meadows, Corona park, this is one
15 project out of three potential projects. And that
16 community has been -- and those parklands have
17 been, you know, used for more and more commercial
18 purposes. And a mall -- and again, which no one
19 else has mentioned, there is a mall a half a mile
20 from this site. So, you know, giving it away for
21 a dollar, and clearly -- and Commissioner Cantor,
22 I appreciated your questions early on in this
23 about asking why, you know, to the City -- I mean
24 clearly if you're giving 30 acres of free land,
25 this is the money tree. I mean that's why they're

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able to. Who, you know, who knows if this housing will ever be built. But this is the low hanging fruit for the Related Company and for the applicants. The problem is that we're all paying for that. So taking away from the parkland is not a good idea, I mean in many different ways. But you know, again, that land should be restored if it's no longer needed.

THE CHAIR: Yes, Michelle.

COMM. DE LA UZ: Thanks for your testimony, I was hearing it over there. Just I'm just wondering if in the process, either the ULURP process or the borough president's process, if the City has actually shared in writing the interpretation of the statute that you've talked about, or is everything that you've stated about the interpretation based on statements that they have made publicly.

MR. CROFT: We have -- I mean I didn't -- my testimony is that -- you guys always run over the three minute mark, so we always appreciate your questions. I mean I can certainly email you the statements from the Law Department.

We are always, as you guys know, we

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2 are very diligent about our facts. So we do have
3 quotes directly from them about, you know, the
4 whole parkland alienation stuff.

5 You know, they feel that they,
6 you know, don't have to and that that language
7 wasn't in there and that's -- often that is the
8 case, which is not accurate as well. Because, as
9 we know in the Yankee Stadium project which came
10 before you here and the Bryant Park and the Van
11 Cortlandt, and that's, you know, the alienation
12 language is very explicit.

13 And getting back to your -- I think
14 that definitely speaks to that. The language was
15 never meant to be alienated. And again, if you
16 look at the language, you know, in total, I think
17 that is clear. And, you know, the City would love
18 to -- you know, obviously they're going to argue
19 very differently about that interpretation. But
20 certainly from a policy thing we would hope that
21 City Planning would table this at least until, you
22 know, this, you know, this gets worked out. But,
23 you know, yeah.

24 THE CHAIR: Other questions for
25 Mr. Croft?

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(No response)

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THE CHAIR: Thank you for being here.

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MR. CROFT: Thank you very much for your questions.

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THE CHAIR: Giovanna Reid.

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MS. REID: Good afternoon, Commissioners. I want to thank you for this opportunity to speak to you this afternoon about the needs and concerns of Community Board 3 in respect to the Willets Point project.

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Under ULURP Section 2-03, item G, which allows for the review and vote of actions not in a community board district, Community Board 3 took up this matter. For the reason that while Willets Point may be geographically located within Community Board 7, the proposed action will directly impact more than 250,000 residents in Community Board 3. Our border is merely a couple of blocks from the site, and therefore, any and all actions that take place at Willets Point will directly impact the residents of our board. Therefore, on May 23rd, 2013, we held a public hearing and then voted, without the benefit of a

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2 presentation by the applicant. After careful
3 review of the proposal, the board concluded that
4 the plan in its present form be disapproved for
5 the following reasons.

6 CB3 is opposed to constructing a
7 mall on active parkland. We are opposed to the
8 planned development schedule. The plan calls for
9 soil remediation of 23 out of 62 acres of the
10 proposed site, which would be in phase 1A of the
11 project. The anticipated completion date would be
12 2018. That is the mall and the hotels and all
13 those wonderful things. However, affordable
14 housing and the construction of a high school and
15 an elementary school, which is sorely needed in
16 this area, won't come about until 2028, a whole
17 ten years from the initial project. Mind you,
18 that is all contingent upon the expansion of the
19 expressway and all of that. The aforementioned,
20 as I said, is sorely needed.

21 What is not addressed in the
22 proposal are the impacts, and the impacts of
23 traffic as it relates to Community Board 3. While
24 the applicant did do a study, it did not look at
25 the concerns in the immediate areas, Community

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Board 3 and 4.

Let me also make note of the fact that the portion of Community Board 7, there is only one resident. Whereas, a couple of blocks away, we're talking about 250,000 residents. And the paperwork that we saw does not reflect any of the concerns affecting Community Board 3 and 4.

The traffic studies that were conducted did not include mitigation for 114th Street, Astoria Boulevard, 34th Avenue, Roosevelt Avenue and Northern Boulevard, just to mention a few. It did not consider the impact of public transportation, solely our number 7 train, which is already overtaxed.

(Bell rung)

MS. REID: And difficult to provide services.

Just in general, there was no discussion about the displacement of the residents and the businesses, the impacts it's going to have. We have small mom and pop stores that are going to be impacted by this proposed plan.

If I can just take one more moment.

In 2008, the borough president in her

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recommendation suggested that --

THE CHAIR: Okay, you do need to wind up.

MS. REID: Right.

THE CHAIR: I know that you're --

MS. REID: All I'm going to talk about is the advisory -- advisory board, which entailed discussions with the applicants of what -- Community Board 7, 3, 4, local officials. That did not happen this time around. And I implore City Council, City Council, City Planning, all involved in the process to seriously look at that. Perhaps go back to the table and incorporate all of the things that this body has been presented this afternoon.

I thank you for the opportunity to speak with you.

THE CHAIR: Let me see if there are questions for you, Ms. Reid.

(No response)

THE CHAIR: There are not.

MS. REID: Okay.

THE CHAIR: But we thank you so much for being here.

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MS. REID: Thank you.

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THE CHAIR: And for your testimony.

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Is there anyone else who would like to speak on this item who hasn't done so already?

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Yes, you'd like to speak? Then fill out a speaker card. And just introduce yourself.

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MS. HACK: I'm Sylvia Hack, president of the Kew Gardens Improvement Association. I'm also co-chair of the land use committee of Community Board 9, and a past chair. You may remember the community board, and I was a member of the community board that voted against further alienation of parkland for the USTA, and that was 1.68 acres.

Unfortunately, I don't know why, normally we are always involved when parkland for Flushing Meadow Park comes into play. But we were not involved; therefore, I cannot speak for the board. But we did defeat for .68 acres. So I can honestly say that my board thought it was a joke when we first read about a mall.

You know, this is like murder. This park is being murdered piece by piece by piece. And it's all for greed. Now, if it's so wonderful

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to have these things, I don't understand why Central Park never gets looked at or Prospect Park never gets looked at. This never happens.

And the issue of alienation of parkland. You know, in this state you can't transfer a liquor license. In other words, if I bought a store that was a liquor store or a bar, I couldn't simply pick up that license. I have to go back and I have to get new approval from the SLA and have advice from the community board.

So how is it that property, 30 acres or so, which was alienated for City Field, is now being blithely thought of as translated -- I'm sorry, transferred for the use of a mall? That is outrageous and it's -- really it's -- I have sat here, you know, and I've been involved in civics for 40 years, and I have rarely sat in two such diametrically opposed hearings. You know, the Halletts Cove hearing, everybody was working together to accomplish something. You have here I'm listening to people who are going to lose their businesses, their jobs. This city managed to move the fish market. It built the Essex Market and renewed it for people. This city also

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needs people and companies that repair cars. So I don't understand.

And as far as EDC is concerned, I can tell you we've had lots of dealings with EDC. EDC does not follow up. We now have a particular issue that we are going to bring back to EDC because they don't really pay close attention after they have finished with what they're doing.

I can only say that I am rarely at a loss for words. But after hearing everything that's gone on here today, and listening to the developers and listening to the people, I really am at a loss for words. And if we can't transfer a liquor license in this state, we shouldn't be transferring 30 acres of public parkland.

THE CHAIR: Let me see if there any questions for you just before you move on.

(No response)

THE CHAIR: There are not. But thank you for being here, thank you for staying.

Is there anyone else who would like to speak who hasn't done so?

(No response)

THE CHAIR: All right.

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So the record will remain open for ten days, to July 22nd, and to receive written testimony on the Draft Environmental Impact Statement. And this hearing is closed.

(Time noted: 2:49 p.m.)

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ROY ALLEN & ASSOCIATES, INC., 212-840-1167

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

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—————ROY ALLEN & ASSOCIATES, INC., 212-840-1167 —————

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Auburndale Improvement Association, Inc.
P.O. Box 580331, Station A
Flushing, NY 11358
July 10, 2013

New York City Department of City Planning
22 Reade Street
New York, NY 10007

To the City Planning Commission:

My name is Henry Euler and I am the First Vice President of the Auburndale Improvement Association, Inc. My testimony today is on behalf of my civic organization. We are the oldest and geographically the largest civic group in Queens County and our membership numbers close to six hundred families and individuals living in Auburndale Flushing and western Bayside.

We are very concerned about the three proposed projects to be constructed on parkland at Flushing Meadows Corona Park. These projects include expansion of the tennis center, the building of a soccer stadium and the construction of a huge mall. We oppose all three proposals.

Today you are considering the proposal dealing with the 1.4 million square foot mall to be constructed on the parking lot to the west of Citi Field. This land is parkland and should be off limits to any private development. Parkland is sacrosanct. It belongs to the people, not private developers. With the rate of intense development in Queens, we need all of the green space we can spare.

The asphalt on the unused part of the parking lot to the west of Citi Field should be removed and trees and other vegetation should be planted on the site in order to make it look more like a park once again. There is no shortage of people living in close proximity to the park, or even further away, who could use that refurbished parkland.

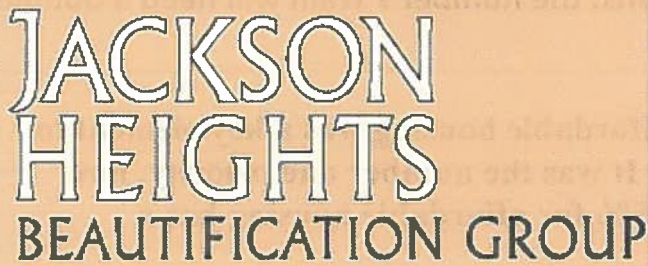
Have you seen how many people use Flushing Meadows Corona Park? It is staggering. How could anyone think of usurping land for private gain when people living in overcrowded neighborhoods look to the park as their backyard and a source of relaxation, exercise and tranquility?

And what will happen to local businesses if this mall is completed? And what is the impact on traffic and quality of life in the surrounding community if the mall is built? Is this land, where the mall is to be built, stable enough to support the structures to be built on the site? This area was originally wetland.

There are so many questions to consider in this case, and so many concerns. We stand with the coalition known as Save Flushing Meadows Corona Park and our neighbors in western Flushing and Corona. No mall in this location! Just preserve the parkland and find additional funds to sustain and maintain our precious park. Thank you!

Henry Euler, First Vice President
Auburndale Improvement Association, Inc.





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Supplemental Environmental Impact Statement Special Willets Point District

The Queens Development Group plan is to clear the Willets Point junkyards from the sightline of CITI field with a parking lot, and a hotel built on the Special Willets Point District, that was approved in 2008.

There would be very little discussion if it stopped there. But now they have moved out of the approved special district into mapped parkland. They have requested 30.7 acres to build a 1.4 msf. SHOPPING MALL.

They refer to this land as Willets West; let's be honest this is Corona. They would also like us to believe that Willets Point is Downtown Flushing. This is like referring to Washington Heights as Upstate Manhattan.

Community boards 3 and 7 have held public hearings on the application. The vote at CB 3 was 30 against, 1 for and one abstention. CB 7 voted 22 for and 18 against. We request you to break the tie and say no.

There are a several solid reasons to say no:

- 1. First, there is no plan to replace the 30.7 acres of parkland**
- 2. Second, the 1961 law referenced in the application as justification for the Mega Mall is wishful thinking. The Urban Justice Center has issued an opinion that there is nothing in the law that even hints of the building of a Mall. It does address possible development but only as it relates to a Sports venue**
- 3. Third, the demolition of the Empire Millwork Corporation building, which is on the State and National registers of historic places**
- 4. Fourth, the traffic increase will be beyond the capacities of both highways and side streets**

5. Fifth, transit and pedestrians: the number 7 train will need a double deck

Promises made but not kept. Affordable housing was a key element in voting for the 2008 application. It was the number one priority, now Phase 2 with the promise of a 35% for affordable housing has a scheduled completion of 2032.

The Economic Development Corporation is the sponsoring agency. They are responsible for two contrary statements in the body of the application:

- 1. "... capture retail spending currently lost to surrounding suburbs"**
- 2. "It would not raise retail capture rates within a 5-mile Primary Trade Area"**

If the second statement is correct then they are willing to put existing Queens Malls into bankruptcy , like Atlas Mall in Middle Village.

The city estimate for remediation in 2008 was \$400m for the entire 63.1 acres of the Special Willets Point District. The developers at the CB 7 public hearing said between \$30 to \$40m but could be considerably higher. It becomes obvious that no serious remediation will occur until Phase 2; that is not part of this application.

The estimated cost is \$3B for Phase 1 A & B but they have an out clause of \$35m. These developers are "kicking the can" down the road.

We urge you to say no.

Submitted by,

Edwin O'Keefe Westley, President



**Statement of Dan Hendrick
Vice President for External Affairs
New York League of Conservation Voters**

**City Planning Commission
July 10, 2013**

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My name is Dan Hendrick, and I am Vice President at the New York League of Conservation Voters, a statewide organization with a New York City Chapter.

On behalf of the more than 12,000 members of the League throughout New York City, I would like to voice our support for the proposal to redevelop Willets Point and I'd like to explain why.

Despite its proximity to downtown Flushing and Corona, the Iron Triangle as it is now is a virtual "no-go" zone for the local community. As we all know, residents of this area are clamoring for open space and recreational opportunities, and the current use of Willets Point means that the waterfront of Flushing Creek and Flushing Bay is vastly underutilized by the public.

Second are the brownfield concerns. Willets Point suffers from well-documented and widespread petroleum contamination, with additional potential contamination from paints, cleaning solvents, and automotive fluids. These environmental hazards are made worse by a high water table that spreads pollution throughout the site. The simple fact of the matter is that every day that contamination is allowed to remain in the soil and groundwater is another day that Flushing Creek and Flushing Bay are made worse.

Third, the proposal for Willets Point reflects a truly 21st century way of thinking about urban planning. It is close to the Number 7 Train, so people don't have to take their cars everywhere. It is close to the highways so residents can get in and out quickly without straining traffic further in the congested downtown area.

In addition to the jobs it will create and the economic investment it will make in Queens, this project presents what is probably the best hope to finally improve water quality in Flushing Creek and Flushing Bay – while creating new access points and green spaces for residents.

This is an important project where economic growth and environmental improvements go hand-in-hand to benefit the health, well-being and vibrancy of the local economy and local community.

Thank you.



Queens Civic Congress

Testimony Concerning Proposed Willets Point West Mall at Flushing Meadows Corona Park

June 6, 2013

The Queens Civic Congress is an umbrella organization consisting of over 100 civic associations throughout Queens. The Congress has been active with the Flushing Meadows Corona Park Conservancy, the Fairness Coalition of Queens, and Save Flushing Meadows Corona Park over the past several months. The Congress has in the past and remains adamantly opposed to any further commercial development in the Park. The Queens Civic Congress Platform, entitled Civic 2030, adopted and endorsed by the full Congress in 2008 and ratified by resolution in December 2012, includes the following statements:

15. Support the Flushing Meadows Corona Park Conservancy.
16. Protect Flushing Meadows Corona Park from any further commercial and corporate exploitation.
17. Impose a moratorium on all new construction/development of non-public-benefit projects in Flushing Meadows Corona Park pending completion of a Master Plan by a Commission that has public members.

Flushing Meadows Corona Park is the largest park in Queens and ought to serve as the flagship park in Queens, but instead has become the dumping ground of last resort for placing any project that no other area will accept. While we gladly accept the long standing cultural facilities such as the Queens Museum and Theater and Hall of Science and Zoo, the more recent move of the US Tennis Center and US Tennis Open to the park and its recent expansion has been a serious encroachment on precious parkland that could and should be enjoyed by residents of Queens. CitiField has taken additional acres of public land on a deal that benefits only the Mets owners with very little direct financial benefit to the City and no benefit to Queens or to the Park. The parking lots surrounding the stadium sit on parkland and any change in use should be subject to alienation requirements. As parking lots they could be easily removed and returned to public use.

But the introduction of a massive steel and concrete, brick and mortar mall to these western parking lots would permanently destroy what the community should enjoy as a public park amenity. In addition to removing forever land that could be used by the thousands of nearby residents, the mall would destroy hundreds of nearby "mom-and-pop" businesses, small boutiques and restaurants in surrounding neighborhoods and would introduce significant and possibly devastating competition to existing, struggling malls, such as the beautiful Atlas Park Mall in Glendale and even Queens Center Mall.

Queens Civic Congress and fellow organizations believe that FMCP has been intentionally neglected by the City by providing inadequate maintenance budgets and minimal capital improvements over decades, resulting in a untidy and disorganized park. None-the-less, the Park serves as the backyard to tens of thousands of working class and middle income workers from nearby neighborhoods. The lack of upkeep seems to justify to the city its ability to propose commercial and corporate projects such as a Major League Soccer Stadium, the tennis center and this mall. Despite the terrible condition of the Park, on this Memorial Day there was not a square inch of space available to put down a blanket or park a car.

People with barbeques and badminton, boom boxes and soccer were everywhere enjoying the outdoors space that is not available on their blocks.

If, as the City is proposing, the CitiField parking lots could be repurposed, the space could better be used by the people for additional picnic and recreation space, not for stores and movie theaters that have questionable demand and little or no access. There is no pedestrian traffic nearby to support a mall and residential development plans for Willets Point remain unclear and far in the future.

Queens Civic Congress urges the Borough President to oppose this project unequivocally. Willets Point West is an unjustified, unnecessary and inexcusable abuse of the City's land use powers. We believe that the project is also in violation of parkland alienation regulations and should be reviewed by the State. The justification to avoid these regulations seems to be that a lease agreement provides to a private entity unrestricted use of the land, but we contest that a lease could supersede contradictory parkland alienation legislation.

Borough President Marshall, please continue to make your permanent and lasting mark on Queens by preserving open space at Flushing Meadows Corona Park and just say "No."

Richard C. Hellenbrecht, President

president@qccnyc.org

347-722-1872

Testimony of Gerald Antonacci
at public hearing of City Planning Commission
re: proposed Willets West mall / Willets Point development
July 10, 2013

Hello. I'm Gerald Antonacci, the owner of Crown Container Company and a member of Willets Point United.

Let's get one thing straight: The ONLY reason there's an application to put a parking lot at Willets Point, is to accommodate building a 1.4 million square foot shopping mall on parkland located next to Citi Field. The effect of this application – if approved – is to allow that mall to be built.

At the review session on Monday, a commissioner mentioned that perhaps Sterling and Related need the profits from the mall, to pay the cost of remediation at Willets Point. That is totally incorrect, because there is a \$99 million dollar grant of taxpayer funds to Sterling and Related that they will use to pay for remediation. Make no mistake: Any profits from the mall go straight to Sterling and Related, and remediation does NOT depend on the mall because WE are paying for it.

The entire proposal of Sterling and Related is a bad idea for the following reasons:

UNNECESSARY MALL IS PRIORITIZED

We don't need any shopping mall at that location. If one is built, it will destroy existing shopping districts in Corona and Jackson Heights.

PARKLAND SACRIFICE: 30+ ACRES

Building a shopping mall on public parkland is not appropriate.

TRAFFIC NIGHTMARE

Even with the hypothetical mitigation measures in place, there will be very severe traffic impacts – including gridlock conditions at local intersections. From the developer's own mitigation report (DSEIS chapter 21): Delays of 821 seconds, 273 seconds and 226 seconds – even WITH the most optimistic mitigation measures in place.

Meanwhile, the report does not even guarantee the "feasibility" or "effectiveness" of the recommended mitigation measures – but proceeds to rely on them.

Back in 2008, the City Planning Commission's report noted that the city would "monitor" traffic impacts of this development. But when people are frozen at intersections during the project's 821 second delays, what difference will it make if the city is "monitoring" those delays? At what point, as city planners, do you wake up and say, "This will not work?"

For more detailed information, see the report of engineer Brian Ketcham that is attached to this testimony.

NO VAN WYCK EXPRESSWAY RAMPS

Despite all the talk about new access ramps to and from the Van Wyck Expressway, the project contract specifies that, "for the avoidance of doubt, in no event shall EDC or the City be required to construct the Ramps as part of the development". And without those ramps, ONLY Phase 1A (essentially, the mall) can be built.

NO HOUSING

Housing and affordable housing were touted as the linchpins of this project during 2008. But their construction is being delayed until the year 2025, while the mall is prioritized instead. There's also a contractual "out" clause, allowing Sterling/Related to pay a "cost-of-doing-business" penalty and then build NO housing. In addition, NO housing can be built unless the Van Wyck ramps are built first – but no one is obligated to build the ramps. The developers and the city have deliberately structured their contract to prioritize the mall, while delaying the housing and not ensuring that the ramps – which are prerequisites for the housing – will ever be built. That is tantamount to eliminating the housing.

COSTS SHIFTED TO TAXPAYERS

Contrary to what the City Council was told during 2008, the city will not recoup the value of the Willets Point Phase One property – in excess of \$200 million – but instead, will give it to Sterling/Related for the price of \$1 (one dollar). Also contrary to what the City Council was told, remediation and other costs will not be paid by the developers, but by the taxpayers – as Sterling/Related will receive a \$99 million grant of taxpayer funds, to cover their development costs.

REMEDICATION CHARADE

Several weeks ago at community board 7, Sterling/Related and the city were challenged to produce any scientific reports proving the existence of alleged hazardous contamination at Willets Point. Given that the city claims to own over 90 percent of Phase One property, the city is certainly able to conduct tests on that land. Not only did Sterling/Related and the city not produce any such report, but for several years the city has rented Phase One properties to scores of tenant businesses – which the city could not do, if the area was actually hazardous to anyone. Significantly, Dr. James Cervino – a geochemist who is affiliated with the Woods Hole Oceanographic Institution and is also Chair of the CB7 environmental committee – voted to DENY this Willets West mall / Willets Point development application. If there really was an urgent need to remediate any hazardous contamination at Willets Point, a scientist such as Dr. Cervino would be expected to have approved this application instead of rejecting it.

EMINENT DOMAIN ABUSED FOR PRIVATE ENRICHMENT

43 states other than New York have enacted laws to prohibit or curtail the use of eminent domain for economic development. Last year, the U.S. House of Representatives passed a bill that would cancel federal economic development funds to any state where eminent domain is used for economic development. The rest of the country and Congress have sided with property owners on this, and it is Mayor Bloomberg and the city administration that are out on a limb and using inappropriate, un-American tactics for this project.

Is it any wonder that there is strong public opposition to this application?

The Queens Civic Congress, an umbrella group representing more than 100 Queens civic organizations, has issued a letter opposing this application.

Queens Community Board 7 initially DENIED this application in its committee by a vote of 7-2, then the full board later approved it by a narrow margin of 22-18 only after arm-twisting by the city.

Community Board 3 also held a public hearing and voted pursuant to ULURP, with a near-unanimous vote of 31-1 to DENY this application. They do not want the mall on parkland, and they reject the developers' claim that a mall will not impact existing shopping districts.

Please reject this application. Let the city issue a new RFP, and let the respondents conform to the parameters and goals of the project that was approved during 2008.

Finally, please use your own judgment and conscience to decide this application – not favoritism to Mayor Bloomberg or anyone else who appointed you to the Commission.

APPROVE THIS PROJECT ???

- ✓ **Unnecessary Mall Prioritized**
 - ✓ **Parkland Sacrifice: 30+ acres**
 - ✓ **Traffic Nightmare**
 - ✓ **No Van Wyck Expressway Ramps**
 - ✓ **No Housing**
 - ✓ **Clever Contractual “Out” Clauses**
 - ✓ **Costs Shifted to Taxpayers**
 - ✓ **PROPERTY GIVE-AWAY: 23 ACRES FOR \$1**
 - ✓ **\$99 MILLION GRANT TO STERLING/RELATED**
 - ✓ **Remediation Charade**
 - ✓ **Eminent Domain Abused for Private Enrichment**
-

“For the avoidance of doubt, in no event shall EDC or the City be required to construct the Ramps as part of the Development.”

– Contract Section 3.3

Queens Civic Congress

Testimony Concerning Proposed Willets Point West Mall at Flushing Meadows Corona Park

June 6, 2013

The Queens Civic Congress is an umbrella organization consisting of over 100 civic associations throughout Queens. The Congress has been active with the Flushing Meadows Corona Park Conservancy, the Fairness Coalition of Queens, and Save Flushing Meadows Corona Park over the past several months. The Congress has in the past and remains adamantly opposed to any further commercial development in the Park. The Queens Civic Congress Platform, entitled Civic 2030, adopted and endorsed by the full Congress in 2008 and ratified by resolution in December 2012, includes the following statements:

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16. Protect Flushing Meadows Corona Park from any further commercial and corporate exploitation.
17. Impose a moratorium on all new construction/development of non-public-benefit projects in Flushing Meadows Corona Park pending completion of a Master Plan by a Commission that has public members.

Flushing Meadows Corona Park is the largest park in Queens and ought to serve as the flagship park in Queens, but instead has become the dumping ground of last resort for placing any project that no other area will accept. While we gladly accept the long standing cultural facilities such as the Queens Museum and Theater and Hall of Science and Zoo, the more recent move of the US Tennis Center and US Tennis Open to the park and its recent expansion has been a serious encroachment on precious parkland that could and should be enjoyed by residents of Queens. CitiField has taken additional acres of public land on a deal that benefits only the Mets owners with very little direct financial benefit to the City and no benefit to Queens or to the Park. The parking lots surrounding the stadium sit on parkland and any change in use should be subject to alienation requirements. As parking lots they could be easily removed and returned to public use.

But the introduction of a massive steel and concrete, brick and mortar mall to these western parking lots would permanently destroy what the community should enjoy as a public park amenity. In addition to removing forever land that could be used by the thousands of nearby residents, the mall would destroy hundreds of nearby "mom-and-pop" businesses, small boutiques and restaurants in surrounding neighborhoods and would introduce significant and possibly devastating competition to existing, struggling malls, such as the beautiful Atlas Park Mall in Glendale and even Queens Center Mall.

Queens Civic Congress and fellow organizations believe that FMCP has been intentionally neglected by the City by providing inadequate maintenance budgets and minimal capital improvements over decades, resulting in a untidy and disorganized park. None-the-less, the Park serves as the backyard to tens of thousands of working class and middle income workers from nearby neighborhoods. The lack of upkeep seems to justify to the city its ability to propose commercial and corporate projects such as a Major League Soccer Stadium, the tennis center and this mall. Despite the terrible condition of the Park, on this Memorial Day there was not a square inch of space available to put down a blanket or park a car.

People with barbeques and badminton, boom boxes and soccer were everywhere enjoying the outdoors space that is not available on their blocks.

If, as the City is proposing, the CitiField parking lots could be repurposed, the space could better be used by the people for additional picnic and recreation space, not for stores and movie theaters that have questionable demand and little or no access. There is no pedestrian traffic nearby to support a mall and residential development plans for Willets Point remain unclear and far in the future.

Queens Civic Congress urges the Borough President to oppose this project unequivocally. Willets Point West is an unjustified, unnecessary and inexcusable abuse of the City's land use powers. We believe that the project is also in violation of parkland alienation regulations and should be reviewed by the State. The justification to avoid these regulations seems to be that a lease agreement provides to a private entity unrestricted use of the land, but we contest that a lease could supersede contradictory parkland alienation legislation.

Borough President Marshall, please continue to make your permanent and lasting mark on Queens by preserving open space at Flushing Meadows Corona Park and just say "No."

Richard C. Hellenbrecht, President

president@qccnyc.org

347-722-1872

Queens Community Board 3
on the Willets West mall / Willets Point development

Public hearing and vote held May 23, 2013

Blog post of Willets Point United Inc., including transcription of resolution adopted by CB3:

Queens Community Board 3 nixes Mets mall

By a wide margin of 30-1 (plus 1 abstention), CB3 voted on Thursday night to disapprove the proposed "Willets West" mall / Willets Point development. The landslide vote endorsed the earlier recommendation, on Tuesday night, of several CB3 committees, and took place after a public hearing on the matter. Reasons for CB3's disapproval include the project's huge and unaddressed traffic congestion and related negative impacts, failure to prioritize housing and a school, overcrowding of subway and bus lines as a consequence of the project, and disregarding the Advisory Committee and Queens officials when selecting the plan and the developers. CB3 concluded: "The proposed project would change the character of the surrounding neighborhoods and impact the livelihoods of 250,000 residents and many small mom-and-pop businesses."

Likely aware of the committees' Tuesday recommendation to disapprove the project, no representative of developers Sterling Equities and Related Companies, or the city, bothered to attend the Thursday night public hearing.

Although CB7 voted last week to approve the same development project by a very slim margin of 22-18 (notoriously, after the CB7 committee had rejected it the week before by a vote of 7-2), the city's Uniform Land Use Review Procedure ("ULURP") entitles other affected community boards to also evaluate a land use application that "may significantly affect the welfare of the district or borough served by such board". CB3 has exercised that right, and decided to disapprove the application. So at the moment, the Willets West mall / Willets Point development has been approved by CB7 by a very slim margin, and rejected by CB3 almost unanimously. ULURP does not give any greater weight to any particular community board's recommendation – so both boards' recommendations must be equally considered by the next decision-makers.

Donovan Finn, a former CB3 member and university professor who teaches urban planning, urban policy and environmental design, stated during the public hearing: "There are too many holes in this contract. It is completely designed to make Related and the Wilpons be able to build their mall, build their new parking lot, do a few nice things along the edges of the development, and if they choose – to pay what for them will be a piddly amount of money and walk away. The affordable housing will never get built. ... I'm not a psychic, but that's the future I

see. This is not just a vote against a really bad plan, which it is, I think. Something will happen on that site – It just should be something better; it should be something that whoever builds it should come and ask us what we need, and what we think should be there, instead of just deciding and telling us that it's in our best interest."

The CB3 Chairperson, Marta Lebreton, read the following statement prior to the board's vote on Thursday night:

"I'm going to read the recommendation that was made on Tuesday night. ... ULURP section 203, item (g.), allows for the review and vote on actions not in a community district. Willets Point may be geographically located within Community Board 7, but the proposed action will directly impact more than 250,000 residents in Community Board 3. Our board is merely a couple of blocks from the site, and therefore any and all actions that take place at Willets Point will directly impact the residents of our board.

On Tuesday, May 21, 2013, Community Board 3 convened a joint committee meeting of the business, economic development, parks, land use and traffic/transportation [committees] to review the Willets Point redevelopment project, which includes 'Willets West' [mall] and the Willets Point Special District. After careful review of the proposal, the committee concluded that the plan in its present form be disapproved.

Community Board 3 Queens is opposed to constructing a mall on mapped public parkland; the demolition of the Empire Millwork Corporation building – a historic site listed in the state and national registries; and the proposed development schedule. The plan calls for soil remediation of 23 out of 62 acres of the proposed site, which will be in Phase One of the project. The anticipated completion date would be 2018, when retail and hotel space would be constructed. Affordable housing and the construction of a school would not come until 2028 – ten years later, in Phase 1B. The aforementioned school and housing should be included in the first phase.

The impacts that are not addressed in the current proposal are:

Traffic: Although a commitment was made to provide \$1.87 million to establish an infrastructure and traffic mitigation fund for traffic improvements, there was no mention of how traffic congestion would be mitigated in Community Board 3 Queens, particularly at 114th Street, Astoria Boulevard, 34th Avenue, Roosevelt Avenue and Northern Boulevard.

Transit and pedestrians: Community Board 3 Queens will be impacted by the increase of ridership on the subway line number 7 and the bus lines of Q48, Q66 and Q19.

Public health concerns: Community Board 3 Queens has been identified as one of the districts that has the highest incidence of asthma and other respiratory ailments. The applicants report that the increase in traffic would have no impact on Community Board 3 Queens. The increase in traffic volumes will surely adversely affect our fragile constituents. The committee strongly recommends that a complete environmental cleanup on all the acres in Willets Point be conducted, not just in the Special District. Further, cleanup of Flushing Bay and installation of a new sewer system so that Flushing Bay will no longer remain a dumping ground.

Environmental and social justice: The current plans do not consider our community needs, nor acknowledge the impact the proposed plan will have on the commercial and residential displacement of our most vulnerable residents in Community Board 3 Queens.

In conclusion, the Willets Point proposal – the city's largest development project in this section of Queens: The impacts of this major undertaking will affect not only the residents of Community Board 7, but all of the surrounding board areas. In July, 2008, the Borough President's recommendation approved the application with the condition that the Willets Point Advisory Committee be comprised of the Queens Borough President, local elected officials, representatives from Community Boards 3, 4 and 7, and other community leaders, should be continued for the duration of the project, including during developer selection, construction, implementation and all other phases of the Willets Point development. We strongly suggest that the Borough President's recommendation be complied with. Community Board 3 Queens recommends that the application be disapproved as presented. The proposed project would change the character of the surrounding neighborhoods and impact the livelihoods of 250,000 residents and many small mom-and-pop businesses. That is the recommendation of the committee. Do I have a motion – a motion is on the floor. Do I have a second? Okay. Any discussion? Okay; we're going to call the question. The motion on the floor, seconded by Ed Westley, is to disapprove the application as presented. And we are going to include everything that I read."

A "Yes" vote is for denial.

Vote tally: 30 "Yes" [for denial of the application]; 1 "No"; 1 abstention.

[End.]

Land deal shameful steal

ONLY in Michael Bloomberg's New York are we asked to believe that giving away huge swaths of city-owned land to millionaires is a wonderful deal.

The mayor announced Wednesday that the city had selected the Wilpons, of the Mets and Sterling Equities, and Steve Ross of The Related Companies, to develop 23 acres of land in the Willets Point redevelopment area in Queens.

The Wilpon-Ross partnership, Queens Development Group, will be handed this land completely free of charge, so it can build its own new retail, entertainment and hotel complex adjacent to the Mets' Citi Field.

Yes, free land, even though the city is on track to spend nearly \$500 million buying that very land from scores of industries and auto repair firms that operated there for decades, putting in new sewer lines, and erecting new Long Island Expressway ramps.

Free land, even though

Queens Development has committed to developing only one-third of the entire 60-acre Willets Point project City Council approved back in 2008.

Queens Development won't even have to begin construction on a single unit of residential housing — part of the original lure of the project — until 2025.

"How do you give away 23

acres of land for nothing?"

Jerry Antonacci wants to know. He has run Crown Container, a waste hauling and recycling



Juan Gonzalez

plant in Willets Point for nearly 40 years and has been battling the city's efforts to move him out.

"This is like the biggest heist ever," Antonacci said, "We all knew the Wilpons wanted our land for themselves all along, and now they got it."

But when City Hall originally got Council's approval for Willets Point, there was no mention of giveaways or of the Wilpons as a possible developer.

Just the opposite.

Back then, Bloomberg's aides assured the Council that any

taxpayer money spent on Willets Point would be recouped when the city sold the land to a developer that would be chosen later.

Council was understandably skeptical. For one thing, all previous development projects always had a developer's name attached to them when they came up for vote. This one didn't.

Then there was the big city money upfront for acquiring private land.

On Oct. 17, 2008, for instance, then-Deputy Mayor Robert Lieber was grilled by former City Councilman Hiram Monserrate about the land sales.

"Our goal would be to get the city taxpayer money back out of this," Lieber said.

"In the sale of the properties?" Monserrate asked.

"That's correct," Lieber said.

Lieber conceded that if potential developers claimed the cost of cleaning up the polluted land was too high, the city might agree to "get less for land." He never said anything about free land.

Back then, the city's skin in the game was \$400 million. That has now gone up by another \$80 million to build the LIE ramps for the project.

Back then, the project's



Mets chairman and CEO Fred Wilpon will receive 23 acres of land, free of charge, to redevelop in Willets Point, Queens. Photo by Getty Images

timeline was five to 10 years. It included a convention center, a new school, twice as much housing.

Now, you won't see any housing open for maybe 15 years.

No convention center. No school. And two-thirds of the Willets Point site will remain undeveloped and polluted possibly for decades.

"We are thrilled to have been selected by the City to . . . rejuvenate Willets Points into a stunning, new, mixed-use neighborhood," Jeff Wilpon said as he stood next to Bloomberg.

Sure, they're thrilled. You'd be, too, if you had just been handed 23 acres of land paid for by taxpayers, right next door to your own new baseball stadium.

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The Willets Point plan: a bad deal in every way

by Benjamin M. Haber

Good and responsible government does not exist in the absence of transparency, and in particular when it involves land use matters which have been notorious in favoring real estate interests and those with political connections. Years ago Daniel Doctoroff, then Mayor Bloomberg's economic czar, bragged before a group of real estate moguls that under the Bloomberg administration they received about 90 percent of all zoning requests they wanted.

When it comes to transparency the Bloomberg administration earns a failing grade. A case in point is Willets Point. For decades, and most of Mayor Bloomberg's term in office, the city collected sewer rent from the owners of property in Willets Point, notwithstanding there were no sewers. It collected real estate and other taxes and did not spend any money on the area's infrastructure.

A body and fender shop's operations, which for the most part serve the needs of the poor and the middle class, cannot be as spotless as a Bloomingdale's department store, which makes it all the more important government take care of the infrastructure.

As a coverup for his failure in doing so, Bloomberg declared the site a blight that must go, even though it would mean removing more than 200 small businesses, terminating employment for their 1,000 employees and causing havoc to their thousands of dependents. Cleanup of the so-called blight, which the city will pay for for the benefit of a developer, could have been done for Willets Point businesses. But it will not be, since they are not real estate moguls with tentacles in the city treasury.

The cost to correct the area and repair the infrastructure, to alienate parkland, free of charge, and to provide subsidies, will be several hundreds of millions of dollars, all to be paid for by taxpayers for the benefit of a private developer. For Bloomberg to allow this taxpayer ripoff ignores his responsibility to be fair and above-board with the public. It's unacceptable.

It was Bloomberg's original plan to develop Willets Point into a huge shopping mall, with yet another convention center, luxury housing with a small portion of affordable housing for the middle class, a small park and a school. Building a school next door to LaGuardia Airport, the Mets' stadium, the United States Tennis Association and a huge mall would be absurd, a feigned icing on the cake to make it appear the proposal was not a private commercial development but a needed public undertaking.

Willets Point and its surrounding areas

have automobile access only through the Van Wyck Expressway, Grand Central Parkway, Northern Boulevard and Roosevelt Avenue, private streets being out of the question. These arteries have been

and are choked to capacity. Queens was ranked as having one of the most congested vehicular arteries in the country and there is no way — I repeat, no way — to increase their capacity to absorb the tens of thousands of additional vehicles the Bloomberg plan would bring.

Faced with a vehicular nightmare and unable to come up with a solution, Mayor Bloomberg has devised what can be described as the mother of all lack of transparencies. The original Willets Point plan has suddenly been split into two phases. His much-heralded original Willets Point plan is now relegated to phase two, which for all practical purposes will be on the back burner and probably not accomplished for decades.

The reason for the so-called split is not just the vehicular problem, but Bloomberg's desire to help out his billionaire friend Fred Wilpon, the owner of the Mets, who have not been doing well financially. Phase one will allow Wilpon to move his parking lots — which are on parkland, as is Citi Field — to Willets Point and to construct a huge mall on the current Mets parking lots. Parking in Willets Point and the mall will not address the vehicular problem, but will destroy the small businesses on Northern Boulevard, Roosevelt Avenue and 108th Street, the malls in Rego Park and on 20th Avenue in Whitestone, and the shops in downtown Flushing. Were I in business in any of those areas, I would hesitate to sign a long-term lease. Unless these merchants and the public make known to the mayor, their City Council members and community boards their opposition, the mayor's plans will be a fait accompli.

Former President Franklin D. Roosevelt once said he wished to be remembered for what he did for the poor and not for the rich. Notwithstanding some laudable philanthropic acts Bloomberg has accomplished as a private individual, as mayor he has viewed his constituents as the wealthy and powerful and not the poor and middle class. I do not believe he will leave a legacy as noteworthy as that of President Roosevelt.

Benjamin M. Haber is a civic activist and retired attorney who lives in Flushing.



EDC and Shulman's Queens LDC admit illegal lobbying

BY VERA CHINESE
NEW YORK DAILY NEWS

TWO city economic development agencies have admitted to illegally lobbying the City Council to support a plan to overhaul gritty Willets Point.

A three-year probe by the state Attorney General's office confirmed what many property owners in the so-called Iron Triangle had long complained about — that these agencies were exerting undue influence on the Council.

The findings, unveiled Tuesday, found both the city Economic Development Corp. and the Flushing-Willets Point-Corona Local Development Corp. unlawfully lobbied the Council in 2008 to approve the redevelopment.

The investigation extended to the Coney Island Development Corp., which also admitted to soliciting support for a project there.

The agreement between the city EDC, the two other LDCs and the AG validates years of complaints from Willets Point business owners who charged the Flushing-Willets Point-Corona LDC and specifically, its president, Claire Shulman, carried favor for a plan to take properties through eminent domain.

Mayor Bloomberg announced a different plan last month, when he said the city had reached a deal with Sterling Equities and Related Cos. to build a 1 million-square-foot mall on land already owned by the city.

Under state law, "no such corporation shall attempt to influ-



Flushing-Willets Point-Corona Local Development Corp., headed by Claire Shulman, found to have illegally lobbied City Council. Christie M. Farriella

ence legislation by propaganda or otherwise." The law does not list monetary penalties for violations, so the LDCs will not pay fines.

The agreement stipulates that each LDC will not employ out-

been harsher.

"There was a crime committed here," said Willets Point United President Gerald Antonacci. "People ran for the hills when they were threatened with eminent domain. A lot of people who sold their properties would have never have sold it."

Shulman, the former Queens Borough President, could not be reached for comment. Flushing-Willets Point-Corona LDC officials said they were "glad the matter was behind them."

The EDC will also have to restructure, losing its status as an LDC.

LDCs are quasi-city agencies that have the power to buy or lease city land without undergoing the public bidding process.

An EDC spokesman downplayed the ruling, stating the law did not clearly define what constituted lobbying.

"The restructuring should be seamless from the perspective of third parties and should have little to no impact on the day-to-day operations of the company," the spokesman said in a statement.

Some of the transgressions included ghost-writing op-ed pieces, preparing testimony for third parties and providing transportation for supporters at hearings.

"These local development corporations flouted the law by lobbying elected officials, both directly and through third parties, to win approval of their favored projects," Attorney General Eric Schneiderman said.

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**New York City Planning Commissioners Recommended
That EDC Follow the Obvious Precedent:
Relocation of the Fulton Fish Market**

In November, 2005, the entire Fulton Fish Market (the largest consortium of seafood wholesalers in the country; 37 businesses employing 650 workers) was relocated from lower Manhattan to a new facility at Hunts Point in the Bronx.

The example of the relocated Fulton Fish Market as an appropriate model for the City to follow when relocating the Willets Point tenant automotive businesses has been recognized by New York City Planning Commissioners. During the public hearing held by the New York City Planning Commission on August 13, 2008 for the proposed Willets Point Development, the following exchange took place between Commissioners Karen Phillips, Irwin Cantor and Angela Battaglia, and New York City Economic Development Corporation Vice President Jonathan Gouveia:

Commissioner Phillips: "The work that you are doing with the 225 tenant businesses – Are the majority of those tenant businesses in auto-related uses? And my other question was, if there was any effort to identify sites and perhaps – because I know we do have the industrial parks that were set up and the industrial strategy that the Mayor put together a couple of years ago – but in a way of **creating a kind of auto-related center** where they could relocate? Because some of them benefit from co-location."

Jonathan Gouveia / EDC: "Right."

Commissioner Phillips: "Is that something that's been looked at, at all? In terms of the areas that have been set aside for industrial areas?"

Jonathan Gouveia / EDC: "As I mentioned, we haven't gotten into in-depth discussions with the tenants. We've hired, or we're in the process of hiring, a tenant relocation specialist. So this sort of ongoing conversation about what their businesses want, where they want to locate, whether they want to co-locate, will become apparent through that process, which will begin later, or towards the end of the summer; early fall [2008]. In preliminary conversations that we've had, not all businesses want that. So what we're really trying to do is place businesses where they think it makes the most sense for them. We're certainly open to looking at what works for the businesses."

Commissioner Cantor: "Further to the other question, which I think was a great question: **We created new areas for the fish market; we created a new area for the grocery market; so conceptually, would it not be an easier sell if you – if I may – to find an area where these auto-related organizations can go to?** You know, and we know, businesses tend to congregate. They feed off each other."

Jonathan Gouveia / EDC: "Right."

Commissioner Cantor: "Whether it be the fish, whether it be the wholesale grocery, whether it be the diamond district; and your answer did not seem to be positive. It was kind of, 'We'll see what develops'. And I would follow commissioner Phillips, and encourage you guys to try and find an area that can accommodate a large number of these businesses who may wish to continue to feed off each other." . . .

Commissioner Battaglia: **"I think the idea of moving all the businesses to one location, or finding a suitable location for many of them, would be probably the way to go.** What type of assistance will they be given? Would they be given relocation assistance? Would they be given start-up money to configure their new space?"

The 2008 final report of the New York City Planning Commission concerning the proposed Willets Point development refers to "subsequent assurances from EDC":

"During the CPC public hearing, the Commission raised questions regarding the feasibility of relocating the area's similar and complementary businesses together in another single location. The Commission acknowledges subsequent assurances from EDC that the City will attempt to facilitate such a co-relocation effort, should there be businesses that are both interested in and have the capacity to co-locate." (*Report of the New York City Planning Commission concerning the proposed Willets Point development, ULURP application N 080382 ZRQ; September 24, 2008.*)

Willets Point United Inc.
P.O. Box 560191 • College Point, New York 11356

July 19, 2013

New York City Planning Commissioners
c/o Calendar Information Office – Room 2E
22 Reade Street
New York, New York 10007

Robert R. Kulikowski, Ph. D.
Mayor's Office of Environmental Coordination
100 Gold Street, 2nd Floor
New York, New York 10038

Re: **Proposed Willets Point / Willets West development**
CEQR No. 07DME014Q
Comments pertaining to pending ULURP application and DSEIS

Dear City Planning Commissioners and Dr. Kulikowski:

I am writing on behalf of Willets Point United Inc. to supplement my oral and written testimony delivered on July 10, 2013 at the public hearing associated with the Uniform Land Use Review Procedure ("ULURP") and the Draft Supplemental Environmental Impact Statement ("DSEIS") pertaining to the proposed Willets Point / Willets West development, CEQR No. 07DME014Q. The following information addresses certain questions and issues raised by the City Planning Commission ("Commission") during the public hearing on July 10, 2013.

(1.) What is Willets Point United Inc.?

Willets Point United Inc. ("WPU") is a coalition of Willets Point property and business owners, formed in 2008, that wants the City to stop its decades-long deliberate withholding of municipal services from Willets Point which hinders the operation of the existing industrial businesses here; that opposes the redevelopment of Willets Point in the manner being promulgated by the Bloomberg administration, which includes the forcible acquisition of our properties via eminent domain to transfer to other private parties to facilitate a non-essential, speculative, alleged economic development project; and that holds project proponents accountable for disseminating false information to decision-makers and the public, abrogating their written guarantees, and engaging in plainly illegal activity to push this project; among other WPU initiatives. For example:

- WPU discovered that the draft Access Modification Report ("AMR") pertaining to proposed new highway access ramps to and from the Van Wyck Expressway (ramps that are essential to the entire proposed Willets Point development), submitted by the New York City Economic Development Corporation ("NYCEDC") with the intent that it be approved by the New York State Department of Transportation ("NYSDOT") and the Federal Highway Administration ("FHWA"), relied upon traffic presumptions that

differed dramatically from those contained within the Final Generic Environmental Impact Statement ("FGEIS") previously prepared for the proposed Willets Point development. As the *New York Times* reported: "State officials have repeatedly expressed frustration with the city's inability to provide reliable information and the pressure it was placing on them to expedite their analysis, according to a review of hundreds of e-mails involving the Willets Point project that were provided to *The New York Times*" by WPU. (Santos, Fernanda. 2010. E-Mails Show State Officials' Skepticism About Willets Point Project. *New York Times*, August 13; p. A17.) WPU's traffic engineer, Brian Ketcham, formally interceded with both NYSDOT and FHWA, challenging the AMR during two all-agency meetings convened for that purpose and by submitting hundreds of pages of independent expert analysis. Thereafter, NYSDOT and FHWA did not approve the draft AMR, but rejected it; restructured the ramp approval process to require an Environmental Assessment prior to approval of any AMR; and sent NYCEDC back to the drawing board to draft a new AMR, which took two years.

- WPU discovered that former Queens Borough President Claire Shulman and her local development corporation ("LDC") conducted a lengthy, unlawful, unregistered lobbying campaign advocating approval of the proposed Willets Point development. The Office of the City Clerk agreed with WPU, resulting in a then-record penalty of \$59,090.00 imposed upon Shulman's LDC.
- WPU discovered that not only Shulman's LDC, but also the New York City Economic Development Corporation ("NYCEDC"), violated state law by attempting to influence legislation authorizing the proposed Willets Point development – activity that is absolutely prohibited to all local development corporations. Moreover, NYCEDC disbursed City funds totaling \$450,000.00 to Shulman's LDC, then directed unlawful lobbying by Shulman's LDC. The New York Mets, owned by the owners of Sterling Equities (which has since been designated by the City as a developer of Willets Point phase one), also financed Shulman's LDC. The New York State Office of the Attorney General conducted a three-year investigation and ultimately agreed with WPU, declaring in 2012: "These local development corporations flouted the law by lobbying elected officials, both directly and through third parties, to win approval of their favored projects." (<http://www.ag.ny.gov/press-release/ag-schneiderman-ends-illegal-lobbying-nyc-officials-three-local-development>) New York City Comptroller John Liu wrote to Mayor Bloomberg: "Last week your Administration admitted in a settlement with the New York State Attorney General that the New York City Economic Development Corporation (EDC) knowingly and illegally lobbied City Council members about your development agenda. ... I urge you to move swiftly to identify those senior officials from City Hall and the EDC responsible for the flagrant and repeated law-breaking activities, and hold them accountable." (http://www.comptroller.nyc.gov/press/2012_releases/pr12-07-083.shtm) As a consequence of its illegal lobbying for the Willets Point development, NYCEDC has had to cease operating as a local development corporation and has been compelled to restructure as a different type of not-for-profit entity. The 2008 approvals of the proposed Willets Point development – procured in the context of lobbying so illegal that it required the restructuring of NYCEDC to ensure it will never happen again – still

are the bases of the proposed Willets Point phase one / Willets West development being considered now.

- WPU sued the City because of the inadequacy of the environmental review conducted for the proposed Willets Point development. Among other things, WPU alleged that the City could not pursue a phased development pursuant to its *Technical Memorandum for the Willets Point Development Plan FGEIS*, TM004, dated February 11, 2011 ("Technical Memorandum 4"), and that the City instead must prepare a Supplemental Environmental Impact Statement ("SEIS"). In that court proceeding, on July 24, 2012, the City finally stipulated that "the City will not proceed with development in Willets Point under Technical Memorandum 4"; and the City is now taking steps to finalize a Supplemental Environmental Impact Statement, just as WPU had said was necessary.
- WPU again sued the City to challenge its attempted use of eminent domain to forcibly acquire Willets Point phase one properties. In that court proceeding, on May 2, 2012, the City finally stipulated that it "would not proceed under its [eminent domain] Determination and Findings, adopted by the City on May 2, 2011", and abandoned the particular attempt to use eminent domain that was the subject of that court proceeding. The City may still attempt to use eminent domain again in the future to acquire Willets Point properties.

In each of the above instances, when WPU took a position and the relevant facts were properly taken into account, WPU's position was vindicated.

Presently, it is the position of WPU that the proposed Willets Point phase one / Willets West plan of Sterling Equities and Related Companies ("Sterling/Related") is inappropriate and cannot be implemented.

(2.) The Commission must consider that the purpose of the special permit to which the ULURP application pertains is to facilitate the shopping mall, and none other.

At the outset of the public hearing held on July 10, 2013, Commission Chair Amanda Burden stated: "... an important element of the project analyzed in the Draft Supplemental Environmental Impact Statement – the retail development at Willets West on the Citi Field site – is not subject to the land use jurisdiction of the Commission since it is located on parkland. ... Just to make it clear, our purview as City Planning Commission really is on the Willets East part of the project and the temporary interim uses there."

We emphasize that the ULURP application now being considered, which pertains to the prospective use of Willets Point phase one property as a parking lot, has but one purpose: to facilitate the construction of a 1.4 million square foot shopping mall / entertainment center on parkland property. Except for the intent to construct that shopping mall and to relocate the existing parking lot, there would be no pending ULURP application for any special permit to modify the use of Willets Point phase one property. It would be both inappropriate and an abdication of the Commission's responsibilities, for the Commission to narrowly consider just

the parking lot application, while disregarding the specific intended larger effect of that application – the construction of a huge shopping mall on parkland – that will "change the character of the surrounding neighborhoods and impact the livelihoods of 250,000 residents and many small mom-and-pop businesses", as Queens Community Board 3 wrote when it disapproved this application by its vote of 30-1.

The Commission cannot allow the proposed site of the mall – which just happens to be parkland – to circumvent the Commission's responsible analysis of an application that will obviously "change the character of the surrounding neighborhoods and impact the livelihoods of 250,000 residents and many small mom-and-pop businesses". In any other circumstance where an application will "change the character of the surrounding neighborhoods" the Commission certainly would be involved in assessing the potential changes in character, and would necessarily factor them into any decision for or against the application. The Commission's responsibility to the public is to do so here, as well.

WPU and the public-at-large are not the only ones who recognize that this parking lot ULURP application is inseparable from the intent to construct a 1.4 million square foot mall, and that the application must be evaluated in that context. The notice of the public hearing published by Queens Community Board 7 describes this application as: "ULURP APPLICATION #C 130223 ZSQ – To allow for a 1.4 million square foot retail and entertainment development known as 'Willets West.'" (See Attachment A.) As the local community board has formally characterized this ULURP application as allowing for the mall (while not even mentioning the modified parking use at Willets Point), the Commission is able to do the same.

Do not permit an end-run around the Commission's planning oversight – which is what this ULURP application aims to do.

(3.) The 1961 amendment to the City's administrative code provides no basis to construct a shopping mall on the parkland at issue.

Since the purpose of the pending ULURP application to allow a parking lot on Willets Point phase one property is to facilitate the construction of a mall on other parkland property, if the construction of that mall is unlawful then there is no legitimate basis for the pending parking lot ULURP application.

Please review the attached letter from attorney Harvey Epstein, Associate Director of the Urban Justice Center, addressed to land use counsel for Sterling/Related (see Attachment B), which sets forth legal reasoning why the 1961 provision of the City's administrative code provides no basis to construct a shopping mall on the parkland at issue, and why the proposed project of Sterling/Related is therefore "fatally flawed".

If the analysis within the Urban Justice Center letter is correct (and we believe it is), then the Commission is being asked to approve a ULURP application to facilitate construction of a mall that is unlawful and cannot occur. The Commission must not approve a ULURP application that is intended to facilitate an unlawful land use that cannot occur.

(4.) Three other developers submitted proposals that kept within the bounds of the Willets Point Special District and did not add any mall on parkland.

In response to the Request for Proposals ("RFP") seeking developers for Willets Point phase one, three respondents other than Sterling/Related submitted proposals to implement development consistent with the provisions of the RFP, within the bounds of the 23-acre phase one site inside the Willets Point Special District. One of those proposals – submitted by Silverstein Properties, Inc. and Taubman Centers, Inc. – even committed "100% of the residential units in Phase 1 to the affordable housing program".

But the City administration rejected all of those proposals, and instead selected the proposal of Sterling/Related – initially a proposal to construct a casino and gaming facility on the parkland property located west of Citi Field beyond the boundaries of the Willets Point Special District, and which included no housing component whatsoever. The Sterling/Related proposal is said to have been modified such that the parkland property where the casino would have been constructed is now designated as the site of a retail mall and entertainment center, and housing is to be constructed within the Special District in the year 2028 (but only if new highway access ramps to and from the Van Wyck Expressway are constructed first – ramps that no one is obligated to construct, and that the project contract specifies the City is not responsible to build). The plan of Sterling/Related also expands the total size of the Willets Point development from 62 acres as approved during 2008, to 108.9 acres as intended now. The Draft SEIS ("DSEIS") explicitly admits this.

The decision to select the plan of Sterling/Related to the exclusion of all others was made by the City administration via a process that violated written guarantees within the Willets Point FGEIS and elsewhere, that the Willets Point Advisory Committee, led by Queens Borough President Helen Marshall, as well as Queens Community Board 7, would participate in and help to guide developer selection. Instead, those Queens entities were completely excluded from the developer selection process. As we now know, the developer selection process was also an opportunity to choose a plan that would not expand the size of the development from 62 acres to 108.9 acres (with associated increased impacts), and that would not sacrifice 30+ acres of Queens' public parkland for use as a retail mall. It is no wonder that the City administration circumvented the promised involvement of Queens entities, and instead dictated the choice of developers.

In the event that the pending ULURP application of Sterling/Related is disapproved, the City can issue a new RFP for development within the Willets Point Special District that does not sacrifice parkland for use as a mall, and that otherwise respects the goals of the Willets Point development as approved in 2008. If the prior RFP responses are any indication, there will be proposals that respect the property boundaries while realizing the goals established in 2008.

Attached is an informative flyer prepared by WPU (see Attachment C) that summarizes the three rejected development proposals. Also attached is a CD-R disc containing the three rejected RFP responses (see Attachment D), so that the Commission may appreciate that Sterling/Related was not the only available choice, and would not be in the future.

(5.) The City and Sterling/Related are deliberately avoiding conducting any environmental tests at this time on Willets Point phase one property.

During the public hearing held on July 10, 2013, Sterling Equities' representative Richard Brown testified: "As soon as we close, we will be in there doing investigative work of all 23 acres, both above grade and below grade. There's been very limited work done at this time – rightly so, because the city has not had possession. We are to be delivered vacant possessions. So whenever that happens, day one, day two, we go in and we start all of our testing."

But the City claims to already own 95 percent of the Willets Point phase one property. Contrary to the misleading testimony of Richard Brown, nothing prevents the City from performing borings, obtaining soil samples, and conducting environmental tests **right now** throughout the 23-acre phase one site. That the City has not done so is very telling.

The City administration spent upwards of \$200 million of taxpayer funds to acquire the Willets Point phase one property, but intends to gift that phase one property to Sterling/Related for the price of \$1 (one dollar). It is bad enough that such a deal is contrary to what City officials told the City Council during 2008: that the City would recoup the cost of acquiring the property, through the sale of the property to the developer. As we understand it, the new rationale for the steeply discounted \$1 price is that the property has "negative value", because it is allegedly contaminated. But with no scientific tests performed, how can the taxpayers be certain that a discount of \$200+ million is actually warranted?

The City and Sterling/Related are deliberately delaying any environmental testing of Willets Point phase one property until after Sterling/Related have closed the property transaction and taken possession of the property. WPU alleges that they are doing so, because (a) if testing was performed now and it determined that the property is not severely contaminated and required little or no remediation, then there would be no justification to transfer the property to Sterling/Related at the sweetheart deal price of \$1, when they should instead pay the going market rate (as the City Council was promised would be the case during 2008); and (b) if testing was performed now and it determined that the property is very severely contaminated, Sterling/Related might conclude that implementing the proposed development is not financially viable – precluding transferring the property to them at all. For those two reasons, the City and Sterling/Related cleverly prefer not to perform any environmental tests at this time, but to delay any tests until after Sterling/Related have taken possession of the property for the price of \$1. That way, no matter what the test results ultimately show, Sterling/Related will possess the property that they covet – even if it can only be paved over for use as a parking lot. But to delay important environmental tests that could be performed now is not in the taxpayers' interest, and constitutes reckless non-planning.

Is the \$1 price justified? Is the proposed remediation and development feasible? Without scientific environmental testing throughout the Willets Point phase one property, it is impossible to answer those key questions. Therefore, the first order of business – before establishing the price of the property, and before transferring ownership of it – must be to perform the environmental tests that are being purposefully delayed until later.

(6.) Unknown "feasibility" and "effectiveness" of traffic mitigation measures – despite relying completely on them.

DSEIS chapter 21 describes traffic mitigation measures. It acknowledges that not every traffic impact can be mitigated. In our opinion, the remaining unmitigated impacts are collectively so severe as to make this proposed development inappropriate and unworthy of approval. Even with the most optimistic mitigation measures in place, a number of intersections at major entry points to the proposed development will operate at Level of Service "F" (fail), with delays of between 100 seconds and more than 800 seconds (13 minutes!).

DSEIS chapter 21 also describes circumstances in which very severe traffic impacts caused by the proposed development (described within DSEIS chapter 14) are completely reversed by the recommended hypothetical mitigation. We think it is dangerous to trust this self-serving mitigation report.

First, DSEIS chapter 21 (the mitigation report) quietly states: "The effectiveness and feasibility of proposed mitigation measures will be further assessed between the draft and final SEIS" (page 21-2).

In other words, no one is committing to the "effectiveness" and "feasibility" of the specific mitigation measures that are being touted now to decision-makers, and which so miraculously improve traffic conditions. Rather, a future, final version of the mitigation report may conclude that all or some of the recommended mitigation measures are simply not effective, or even "feasible" – in which case improvements in traffic flow shown in the present mitigation report will **not** occur, and those impacts may instead be unmitigated.

How can anyone rely upon a report that cannot vouch for even the "feasibility" of the alleged solutions that it presents?

How can the report represent that certain mitigations are essential – without knowing if they are even feasible?

Second, per the mitigation report, some of the recommended mitigations are "measures that may call for detailed review by both NYCDOT and NYSDOT and which represent preferred improvements that would benefit the overall traffic network. As discussed above, if these mitigation measures are modified or rejected by the review agencies, significant adverse impacts identified above would be **unmitigated**" (emphasis added; page 21-29).

In other words, achieving the vastly improved traffic flows described in the mitigation report requires measures that NYCDOT and NYSDOT have not yet reviewed or approved, and which they may eventually reject. At the present time, no one can guarantee that any such mitigation measure will actually be implemented.

Please refer to the analysis of WPU's traffic engineer, Brian Ketcham, submitted together with my written testimony at the public hearing held on July 10, 2013, to understand the severity

of the actual traffic impacts of the proposed project. DSEIS chapter 14 also sets forth what the traffic impacts of the proposed project will be, in the event that mitigation measures cannot be implemented or turn out to be ineffective.

(7.) The Commission has bent its rules to accommodate immediate proxy testimony in favor of the proposed development, while enforcing its rules and delaying proxy testimony opposed to the proposed development.

At the public hearing pertaining to the proposed Willets Point development held on August 13, 2008 – during a section of that hearing dedicated to testimony in opposition to the proposed project – the name "Kevin Loyst" was called to testify. In place of Kevin Loyst, a person named Kevin Phillips came to the podium, identified himself, and stated that he was "here to speak on behalf of Kevin Loyst, who's a colleague" who had to depart the hearing after several hours.

Commission Chair Amanda Burden prohibited Kevin Phillips from testifying at that time as a proxy for Kevin Loyst, telling Phillips unambiguously: "You have to sign up on your own. It's a rule, we have to do – You can't substitute for somebody else. Sorry. So if you just sign up on your own. ... Just sign up on a new card. **You have to sign up for yourself. You can't substitute for somebody else.** ... We will definitely call you, later."

Kevin Phillips then left the podium, and the Commission called a different speaker.

We would have expected consistent enforcement of the Commission's rules at the public hearing recently held on July 10, 2013, when – during a section of the hearing dedicated to testimony in favor of the application – the name "Dan Hendrick" was called to testify, and an unidentified person who was not Dan Hendrick came to the podium. The unidentified person stated that he was "actually here on behalf of Dan Hendrick, who is the V.P. for the New York League of Conservation Voters".

Neither Commission Chair Amanda Burden nor any other Commission member stopped this unidentified person from testifying "on behalf of Dan Hendrick", or enforced the Commission's strict rules that "you have to sign up for yourself" and "you can't substitute for somebody else". The unidentified person proceeded to deliver testimony as a proxy for the absent Dan Hendrick, in favor of the application.

The Commission has treated unequally those who would provide proxy testimony opposed to the Willets Point development, versus those who would provide proxy testimony in favor of the Willets Point development. Kevin Phillips, who was opposed, was relegated to filling out a new speaker's card and beginning the long wait to testify, again; whereas the unidentified person who appeared on July 10, 2013, who was in favor of the application, was welcomed and testified immediately.

WPU intends to post video recordings showing the Commission's unequal treatment of the two above-described speakers on our YouTube channel

(<http://www.youtube.com/user/WilletsPoint>) by Monday, July 22, 2013.

The ULURP process must be neutral and devoid of any such bias. It is no less appropriate that a proxy speaker in favor of the Willets Point development be given a special privilege, than it is that the City should fund an unlawful lobbying scheme to influence decision-makers to approve the project. Both of those tactics, and many others, large and small, have been leveraged by powers-that-be against Willets Point property and business owners – and the WPU membership will not tolerate it.

(8.) The application has significant opposition and virtually no public support.

Significantly, during the public hearing held on July 10, 2013, **no one** from the public ever requested that the Commission approve the pending ULURP application so that they may shop at a Willets West mall built on parkland, park their vehicle on Willets Point phase one property, use a golf driving range at Willets Point during the Mets off-season (i.e., during wintertime), or do anything else that is associated with the ill-conceived, unwanted Sterling/Related project. Indeed, there was a very obvious lack of public enthusiasm for this proposed project during the Commission's public hearing.

Testifiers opposed to the Sterling/Related application outnumbered those in favor. And it must be noted that those in favor merely consisted of NYCEDC employees, AKRF employees, developers' attorneys, and one union member. Simply put, there is virtually no public support for the project which the ULURP application would enable.

(9.) The DSEIS relies upon plainly inaccurate "No Action" baseline conditions.

The DSEIS states: "For the purposes of a conservative impact disclosure, this SEIS assumes that the **existing uses on the project site would be maintained** in each of the three No Action scenarios" (emphasis added; page 1-12).

However, that assumption is inaccurate, for at least two reasons:

First, the City intends, and is already taking steps, to evict tenant businesses that operate throughout the Willets Point phase one property. Tenant businesses are receiving telephone calls from representatives of the New York City Department of Housing Preservation and Development, informing the businesses that they will receive written vacate notices after July 22, 2013. That the City is issuing vacate notices even before obtaining any approval from the Commission or from the City Council that would enable the Sterling/Related proposal to proceed, indicates that the City intends that the tenant businesses vacate the phase one site, regardless of whether the pending ULURP application is approved or any development ever occurs.

The City cannot inform tenant businesses that it will evict them, and proceed to do so, while falsely assuming in the DSEIS exactly the opposite – that "existing uses on the project site would be maintained". Rather, the text of the SEIS must reflect the reality of the circumstances

in the Special District, and the intention of the City. If it does not, then the SEIS is inaccurate.

Moreover, the City has not disclosed what will become of the City-owned Willets Point property in the event that the City's proposed Willets Point development does not occur, but it must do so now in order to ensure an accurate SEIS analysis.

Second, the SEIS must account for the likely future effects of the newly-installed sanitary and storm water sewer lines along 126th Street directly adjacent to Willets Point property, which will be complete by the time the SEIS is finalized, or shortly thereafter.

Whereas during 2008 when the FGEIS was prepared no new sewer main lines actually existed at Willets Point, that is not the case now at the time that the SEIS is being prepared. The existence of the long-sought sewer lines is a significant change in background conditions affecting the entire Willets Point site. All "no action" scenarios described in the SEIS must take into account the likelihood that some existing Willets Point property owners will seek to connect to the new sewer main lines, especially as doing so would facilitate the development of their properties which they have consistently said time and again they would do, if sewer lines existed. It is inconceivable that the sewer lines, having been installed, will not be used.

As part of the SEIS analysis, the City must assess what owner-development would likely occur, even "without action" on the part of the City, now that the sewer main lines exist. The conclusion cannot be that "no change" would be made to any portion of the project site, and that "the existing uses on the project site would be maintained". The sewer lines are bound to inspire changes, and the City is responsible for assessing what those changes might be, as part of the SEIS analysis. That analysis should include outreach to all Willets Point private property owners, to discuss whatever intentions they may have to connect to the sewer systems and enhance the uses of their properties beyond those existing today, in the event that the City's proposed Willets Point development does not occur. To presume that nothing about the area will change despite the presence of the long-sought sewer lines, is to severely underestimate the ambition of the private property owners; and guarantees an inaccurate SEIS analysis.

(10.) More tenant businesses are impacted than the Commission has been led to believe.

The public hearing on July 10, 2013 included testimony from representatives of the Sunrise Cooperative, an association of approximately 60 tenant businesses that are seeking to relocate together (co-locate) in a group or groups. It is our understanding that some of those 60 businesses are located within Willets Point but beyond the 23-acre phase one area that would be affected if the present Sterling/Related plan proceeds.

In the recent eminent domain court case pertaining to a first phase of Willets Point property that was substantially similar to the phase one that is presently contemplated, the City's "Response to EDPL Comments" dated May, 2011 acknowledged that 139 auto related businesses in the first phase would be displaced.

Accordingly, it is important to recognize that the majority of tenant businesses to be

displaced by the present plan are **not** members of the Sunrise Cooperative, and that even if all 60 businesses that are Sunrise Cooperative members would be successfully relocated (and there is no indication that they will be), there are still 79 or more other business within the phase one area – in fact, the majority of affected businesses – that would still need to be relocated, and that would **not** be helped by any Sunrise Cooperative plan.

The 79+ businesses that are not members of the Sunrise Cooperative for whatever reason (for example, because they decline to pay the membership dues charged by Sunrise Cooperative) are just as dependent upon co-location for their future survival as are the members of the Sunrise Cooperative. A City administration that is truly interested in preserving businesses, jobs and livelihoods would implement a co-location plan that treats all affected businesses equally, instead of favoring a subset of businesses that have joined a particular group; and would not pretend that other businesses do not also need co-location.

Even as City representatives have told the Commission that the tenant businesses will be relocated, the tenant businesses are receiving telephone calls from representatives of the New York City Department of Housing Preservation and Development, informing the businesses that they will receive written vacate notices after July 22, 2013. At the public hearing held on July 10, 2013, a Commissioner remarked that "we don't understand" why the City would send any such letters now, especially considering that the project for which the property would be needed has not yet been approved. The City presumptively sending vacate notices to tenant businesses indicates a disrespect for the decision-making authority of the Commission and the City Council, and confirms that the City's priority is to see the approximately 139 businesses gone from the phase one site, regardless of whether this application is approved or any development ever occurs.

That is a far cry from the Commission's suggestions, during the 2008 public hearing for the proposed Willets Point development, that the Willets Point businesses should be relocated elsewhere together, as the City did for the Fulton Fish Market businesses and in other cases.

For all of the foregoing reasons, the ULURP application of Sterling/Related is inappropriate and should be denied.

Respectfully Submitted,



Gerald Antonacci
On behalf of Willets Point United Inc.

4 enclosures

Attachment A



Community Board 7

Borough of Queens

Bay Terrace, College Point, Beechhurst, Flushing,
Malba, Queensborough Hill, Whitestone and Willets Point

133-32 41st ROAD • 3rd FLOOR • FLUSHING, NY 11355

(718) 359-2800

Fax: (718) 463-3891

email: qn07@cb.nyc.gov

Helen Marshall
Borough President

Barry Grodenchik
Deputy Borough President/Community Boards

Eugene T. Kelty, Jr.
Chairperson

Marilyn Bitterman
District Manager

PUBLIC HEARING AND REGULAR MEETING

DATE: MONDAY, MAY 13 2013

TIME: *** 7:00 P.M. SHARP ***

PLACE: UNION PLAZA CARE CENTER
33-23 UNION STREET, FLUSHING

A G E N D A

- | | |
|---|------------------|
| 1) Pledge of Allegiance | 7:00 - 7:05 P.M. |
| 2) Roll Call Attendance | 7:05 - 7:10 P.M. |
| 3) Announcements From The Chair | 7:10 - 7:25 P.M. |
| 4) Approval of the Minutes - March 11, 2013 | 7:25 - 7:30 P.M. |

PUBLIC HEARING

- 5) WILLETS POINT REDEVELOPMENT – ULURP APPLICATION #C 130223 ZSQ - To allow for a 1.4 million square foot retail and entertainment development known as “Willets West”

CHARLES APELIAN

7:30 – 9:30 P.M.

REGULAR MEETING

- 6) **Public Participation** – Community should sign up for speaking time. Sign up sheets will be available the evening of the meeting. 9:30 – 10:30 P.M.

REGULAR MEETING – The public is invited for information purposes only, not to participate in the discussion.

PUBLIC HEARING – Please sign up for speaking time in advance of the meeting. Sign up sheets will be at the back of the room. All speakers must respect the 3-minute time limit. Presentation will first be made by the applicant or Board Committee. Civic Associations are responsible for notifying their communities. Smoking is not allowed in the auditorium.

A sign language interpreter is available upon request. Please call the Community Board Office on or before May 6, 2013 at 718-359-2800. The next scheduled Public Hearing is Monday, June 10, 2013.

TIMES ARE APPROXIMATE.

Attachment B



Urban Justice Center

123 William Street, 16th Floor, New York, NY 10038
Tel: (646) 602-5600 • Fax: (212) 533-4598
www.urbanjustice.org

May 14, 2013

Jesse Masyr
Wachtel, Masyr, and Missry LLP
One Dag Hammarskjold Plaza
885 Second Avenue
New York, NY 10017

Ross Moskowitz
Stroock, Stooch, and Lavan LLP
180 Maiden Lane
New York, NY 10038

Re: Willets Point Development ULURP

Jesse and Ross:

We write to you regarding your client's pending ULURP application, which we believe to be fatally flawed. As the site of the potential redevelopment is part of Flushing Meadows Corona Park, it is covered by New York State's public trust doctrine. That doctrine prevents the use of parkland for non-park purposes unless it has been alienated pursuant to an appropriate state statute:

[D]edicated park areas in New York are impressed with a public trust for the benefit of the people of the State. Their use for other than park purposes, either for a period of years or permanent, requires the direct or specific approval of the State Legislature, plainly conferred.

Friends of Van Cortlandt Park v. City of New York, 95 N.Y.2.d 623, 631-32 (N.Y. 2001).

The 1961 law which authorized the construction and financing of Shea Stadium on the lot that your client currently is seeking to redevelop, and which supporters of the redevelopment have cited as providing sufficient authority for the plan, does not explicitly allow the alienation of the parkland upon which the stadium was built. NYC Administrative Code 18-118. The statute also does not specifically refer to the alienation of the parkland in question; nor does it provide for replacement parkland or restitution, as do alienation statutes generally. See New York State Office of Parks, Recreation and Historic Preservation, *Handbook on the Alienation and Conversion of Municipal Parkland in New York*, at 27 (revised March 2012). For this reason alone, Administrative Code 18-118 is insufficient to support the proposed project and the state must pass additional legislation before any redevelopment of this land moves forward.

Even if Administrative Code 18-1118 were sufficient legislative action to alienate the Flushing Meadows Corona parkland in question, the statute does not provide specific authorization for the city's contemplated use today: a shopping mall. New York courts have long held that legislative action permitting alienation of parkland and setting forth the permitted uses must be plain and explicit. As the New York Supreme Court Queens County made clear over a half-century ago in *Aldrich v. City of New York*:

It has been held that legislative authority permitting encroachment upon park purposes must be "plainly conferred." (*Williams v. Gallatin*, 229 N.Y. 248, 253.) When speaking of the legislative authority to alienate public parks, language varying only slightly has been used. Some have said that the legislative authority must be "special" others, that such authority must be "specific" ... or "direct" or "express" Add to the foregoing the well-settled rule that "When there is a fair, reasonable and substantial doubt concerning the existence of an alleged power in a municipality, the power should be denied" (*Matter of City of New York [Piers Old Nos. 8-11]*, 228 N.Y. 140, 152), and it seems clear that the legislative authority required to enable a municipality to sell its public parks must be plain.

208 Misc. 930, 939 (N.Y. Sup. Ct., Queens Cty. 1955).

Administrative Code 18-118 *does not* permit the city to sell or lease the parkland at issue to construct a mall, let alone authorize such activity plainly or expressly. Rather, its very title indicates its express intent: "Renting of stadium in Flushing Meadow". In furtherance thereof Subsection 118(b) sets forth two groups of permitted uses for the land. The first states as follows:

(1) for any purpose or purposes which is of such a nature as to furnish to, or foster or promote among, or provide for the benefit of, the people of the city, recreation, entertainment, amusement, education, enlightenment, cultural development or betterment, and improvement of trade and commerce, including professional, amateur and scholastic sports and athletic events, theatrical, musical or other entertainment presentations, and meetings, assemblages, conventions, and exhibitions for any purpose, including meetings assemblages, conventions and exhibitions held for business or trade purposes, and other events of civic, community and general public interest . . .

Subsection (2) states that the land may also be used "for any business or commercial purpose which aids in the financing of the construction and operation of such stadium, grounds, parking" and other permitted uses set forth in subsection (1).

May 14, 2013

Page 3

Although a shopping mall is a “business or commercial purpose” contemplated by subsection (2), it has not been proposed that any of the proceeds from the venture would aid in the financing of the other endeavors currently located on the applicable parkland. Indeed, all of the provisions of the 1961 Act addressing financing for Shea Stadium (a stadium, we might add, that no longer exists) are obsolete today. Likewise, the contemplated commercial use does not fall under the more narrow range of uses outlined in subsection (1) of the provision. That subsection requires that any proposed use of the land provide *all* of the following benefits to the “people of the city”: “recreation, entertainment, amusement, education, enlightenment, cultural development or betterment, and improvement of trade and commerce.” (emphasis added). The legislators undoubtedly could have used the term “or” rather than “and” when walking through the scope of permitted uses, but they choose not to do so.

The mall that has been proposed to fill the Citi Field parking lot does not provide any of the benefits contemplated by the statute, let alone all of them. The only language in subsection (1) that even remotely suggests your client’s contemplated use is that which allows uses that “promote” “improvement of trade and commerce.” However, that language plainly assumes that the contemplated use would *not* be trade or commerce itself. This assumption is further supported by the long list of explicitly contemplated uses in the subsection, a list which includes “professional, amateur and scholastic sports and athletic events, theatrical, musical or other entertainment presentations, and meetings, assemblages, conventions, and exhibitions for any purpose, including meetings assemblages, conventions and exhibitions held for business or trade purposes.” Wholly commercial uses—such as a shopping mall—are absent from the provision.

Further, if the state had intended subsection (1) to cover all forms of trade and commerce, such as a shopping mall, it easily could have included the phrase “any business or commercial purpose” in that subsection, as it did in subsection (2). To read the two differently-worded phrases as permitting the same range of activities, however, would essentially be to make subsection (2) entirely superfluous. Norms of statutory construction prevent such a result. *See, e.g., Cohen v. Lord, Day & Lord, 75 N.Y.2d 95, 100 (N.Y. 1989)* (“Words are not to be rejected as superfluous where it is practicable to give each a distinct and separate meaning.”). Therefore, there is simply no basis to read the phrase “improvement of trade and commerce” to cover the contemplated shopping mall.

In light of the above arguments, we are confident that the ULURP, as presented jointly by your client and the EDC, would not withstand judicial scrutiny. Accordingly, we urge you not to attempt to move forward as currently contemplated.

Sincerely yours,



Harvey Lipstein
Associate Director

May 14, 2013
Page 4

Cc: Seth Pinsky, President NYC Economic Development Corporation
Council Member Julissa Ferreras

Attachment C

**DEVELOP WILLETS POINT,
WITHOUT ADDING A HUGE MALL ON 30+ ACRES OF PARKLAND,
AND WITHOUT EXPANDING THE DEVELOPMENT FROM 62 TO 108.9 ACRES?
THAT'S EXACTLY WHAT THREE OTHER DEVELOPER FIRMS PROPOSED TO DO!**

**THE CITY REJECTED THOSE PROPOSALS –
IN A SELECTION PROCESS THAT SHUT OUT CB7,
DESPITE PROMISING CB7 IN WRITING THAT IT WOULD PARTICIPATE.**

Sterling/Related, and their expanded plan which adds the 1.4 million square foot "Willets West" mall on parkland, were designated by the City administration.

Here are the three proposals that required no parkland mall and no expansion of the project – and which CB7 was denied the opportunity to participate in evaluating:

Macerich



Features:

- "A True Retail Destination"
- Food & Beverage
- Entertainment
- Housing
- Hotel
- Public Open Space
- Parking
- "A Model Green Community"

Silverstein Properties, Inc. and Taubman Centers, Inc.



Features:

- "Entertainment Corridor & Urban Room"
- 126th Street Retail
- Restaurant Row
- Neighborhood Retail Street
- Eco-Promenade
- 100 percent affordable housing (400 units)
- "A Model Sustainable Community"

TDC Development and Construction Corp.



Features:

- "World Trade Center Queens"
- Hotel
- Restaurant
- Trade Mart
- Convention Center
- Retail Complex
- Entertainment District
- Office Building
- Neighborhood Park

Among the reasons given for rejecting those proposals:

- "Would have required public subsidies." – And yet, Sterling/Related are set to receive public subsidies worth nearly half a billion dollars: 23 acres of Willets Point Phase One property, worth more than \$200 million, for the price of just \$1; a capital grant in the amount of \$99 million to cover numerous project costs, including remediation; and \$20 million in sales tax exemption.
- "Would have required rezoning." – Really? Perhaps rezoning the Willets Point Phase One property would have been preferable to expanding the project to 108.9 acres and adding a 1.4 million square foot mall to be constructed on parkland, with increased traffic impacts. Had CB7 been allowed to participate in developer selection as was promised, it could have expressed a preference to proceed with rezoning instead of expanding the project and sacrificing parkland to include a huge mall, with its untenable traffic impacts.

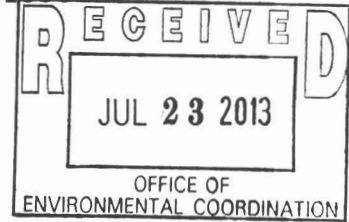
Development of Willets Point need not depend on constructing a mall on 30+ acres of public parkland, and need not expand beyond the boundaries of the 62-acre Special District established in 2008.

Deny the present application of Sterling/Related. Make the City publish a new Request for Proposals, and insist that the City fulfill its written commitments to include CB7 in the developer selection process. In that way, CB7 can do its part to ensure that proposals of all developers – not just those who have special access to property beyond the boundaries specified within an RFP – are fairly considered.

Attachment D

The commenter attached the developer Request for Proposals responses as Attachment D.

Willets Point United Inc.
P.O. Box 560191 • College Point, New York 11356



July 19, 2013

Robert R. Kulikowski, Ph. D.
Mayor's Office of Environmental Coordination
100 Gold Street, 2nd Floor
New York, New York 10038

Re: **Proposed Willets Point / Willets West development**
CEQR No. 07DME014Q
Comments pertaining to DSEIS

Dear Dr. Kulikowski:

Attached hereto please find the following materials, all of which constitute and are hereby submitted to you as comments on the above-referenced Draft Supplemental Environmental Impact Statement pertaining to the proposed Willets Point / Willets West development:

- Testimony, comments and attachments thereto originally submitted to the New York City Planning Commission during the public hearing that you attended on July 10, 2013, including a 12 page report on the topic of traffic authored by Brian T. Ketcham, P.E. and its associated exhibits;
- Supplemental written testimony and attachments thereto dated July 19, 2013.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be "G. Antonacci".

Gerald Antonacci
On behalf of Willets Point United Inc.

2 enclosures

Testimony of Gerald Antonacci
at public hearing of City Planning Commission
re: proposed Willets West mall / Willets Point development
July 10, 2013

Hello. I'm Gerald Antonacci, the owner of Crown Container Company and a member of Willets Point United.

Let's get one thing straight: The ONLY reason there's an application to put a parking lot at Willets Point, is to accommodate building a 1.4 million square foot shopping mall on parkland located next to Citi Field. The effect of this application – if approved – is to allow that mall to be built.

At the review session on Monday, a commissioner mentioned that perhaps Sterling and Related need the profits from the mall, to pay the cost of remediation at Willets Point. That is totally incorrect, because there is a \$99 million dollar grant of taxpayer funds to Sterling and Related that they will use to pay for remediation. Make no mistake: Any profits from the mall go straight to Sterling and Related, and remediation does NOT depend on the mall because WE are paying for it.

The entire proposal of Sterling and Related is a bad idea for the following reasons:

UNNECESSARY MALL IS PRIORITIZED

We don't need any shopping mall at that location. If one is built, it will destroy existing shopping districts in Corona and Jackson Heights.

PARKLAND SACRIFICE: 30+ ACRES

Building a shopping mall on public parkland is not appropriate.

TRAFFIC NIGHTMARE

Even with the hypothetical mitigation measures in place, there will be very severe traffic impacts – including gridlock conditions at local intersections. From the developer's own mitigation report (DSEIS chapter 21): Delays of 821 seconds, 273 seconds and 226 seconds – even WITH the most optimistic mitigation measures in place.

Meanwhile, the report does not even guarantee the "feasibility" or "effectiveness" of the recommended mitigation measures – but proceeds to rely on them.

Back in 2008, the City Planning Commission's report noted that the city would "monitor" traffic impacts of this development. But when people are frozen at intersections during the project's 821 second delays, what difference will it make if the city is "monitoring" those delays? At what point, as city planners, do you wake up and say, "This will not work?"

For more detailed information, see the report of engineer Brian Ketcham that is attached to this testimony.

NO VAN WYCK EXPRESSWAY RAMPS

Despite all the talk about new access ramps to and from the Van Wyck Expressway, the project contract specifies that, "for the avoidance of doubt, in no event shall EDC or the City be required to construct the Ramps as part of the development". And without those ramps, ONLY Phase 1A (essentially, the mall) can be built.

NO HOUSING

Housing and affordable housing were touted as the linchpins of this project during 2008. But their construction is being delayed until the year 2025, while the mall is prioritized instead. There's also a contractual "out" clause, allowing Sterling/Related to pay a "cost-of-doing-business" penalty and then build NO housing. In addition, NO housing can be built unless the Van Wyck ramps are built first – but no one is obligated to build the ramps. The developers and the city have deliberately structured their contract to prioritize the mall, while delaying the housing and not ensuring that the ramps – which are prerequisites for the housing – will ever be built. That is tantamount to eliminating the housing.

COSTS SHIFTED TO TAXPAYERS

Contrary to what the City Council was told during 2008, the city will not recoup the value of the Willets Point Phase One property – in excess of \$200 million – but instead, will give it to Sterling/Related for the price of \$1 (one dollar). Also contrary to what the City Council was told, remediation and other costs will not be paid by the developers, but by the taxpayers – as Sterling/Related will receive a \$99 million grant of taxpayer funds, to cover their development costs.

REMEDICATION CHARADE

Several weeks ago at community board 7, Sterling/Related and the city were challenged to produce any scientific reports proving the existence of alleged hazardous contamination at Willets Point. Given that the city claims to own over 90 percent of Phase One property, the city is certainly able to conduct tests on that land. Not only did Sterling/Related and the city not produce any such report, but for several years the city has rented Phase One properties to scores of tenant businesses – which the city could not do, if the area was actually hazardous to anyone. Significantly, Dr. James Cervino – a geochemist who is affiliated with the Woods Hole Oceanographic Institution and is also Chair of the CB7 environmental committee – voted to DENY this Willets West mall / Willets Point development application. If there really was an urgent need to remediate any hazardous contamination at Willets Point, a scientist such as Dr. Cervino would be expected to have approved this application instead of rejecting it.

EMINENT DOMAIN ABUSED FOR PRIVATE ENRICHMENT

43 states other than New York have enacted laws to prohibit or curtail the use of eminent domain for economic development. Last year, the U.S. House of Representatives passed a bill that would cancel federal economic development funds to any state where eminent domain is used for economic development. The rest of the country and Congress have sided with property owners on this, and it is Mayor Bloomberg and the city administration that are out on a limb and using inappropriate, un-American tactics for this project.

Is it any wonder that there is strong public opposition to this application?

The Queens Civic Congress, an umbrella group representing more than 100 Queens civic organizations, has issued a letter opposing this application.

Queens Community Board 7 initially DENIED this application in its committee by a vote of 7-2, then the full board later approved it by a narrow margin of 22-18 only after arm-twisting by the city.

Community Board 3 also held a public hearing and voted pursuant to ULURP, with a near-unanimous vote of 31-1 to DENY this application. They do not want the mall on parkland, and they reject the developers' claim that a mall will not impact existing shopping districts.

Please reject this application. Let the city issue a new RFP, and let the respondents conform to the parameters and goals of the project that was approved during 2008.

Finally, please use your own judgment and conscience to decide this application – not favoritism to Mayor Bloomberg or anyone else who appointed you to the Commission.

“For the avoidance of doubt, in no event shall EDC or the City be required to construct the Ramps as part of the Development.”

– Contract Section 3.3

APPROVE THIS PROJECT ???

- ✓ **Unnecessary Mall Prioritized**
- ✓ **Parkland Sacrifice: 30+ acres**
- ✓ **Traffic Nightmare**
- ✓ **No Van Wyck Expressway Ramps**
- ✓ **No Housing**
- ✓ **Clever Contractual “Out” Clauses**
- ✓ **Costs Shifted to Taxpayers**
 - ✓ **PROPERTY GIVE-AWAY: 23 ACRES FOR \$1**
 - ✓ **\$99 MILLION GRANT TO STERLING/RELATED**
- ✓ **Remediation Charade**
- ✓ **Eminent Domain Abused for Private Enrichment**

Queens Civic Congress

Testimony Concerning Proposed Willets Point West Mall at Flushing Meadows Corona Park

June 6, 2013

The Queens Civic Congress is an umbrella organization consisting of over 100 civic associations throughout Queens. The Congress has been active with the Flushing Meadows Corona Park Conservancy, the Fairness Coalition of Queens, and Save Flushing Meadows Corona Park over the past several months. The Congress has in the past and remains adamantly opposed to any further commercial development in the Park. The Queens Civic Congress Platform, entitled Civic 2030, adopted and endorsed by the full Congress in 2008 and ratified by resolution in December 2012, includes the following statements:

15. Support the Flushing Meadows Corona Park Conservancy.
16. Protect Flushing Meadows Corona Park from any further commercial and corporate exploitation.
17. Impose a moratorium on all new construction/development of non-public-benefit projects in Flushing Meadows Corona Park pending completion of a Master Plan by a Commission that has public members.

Flushing Meadows Corona Park is the largest park in Queens and ought to serve as the flagship park in Queens, but instead has become the dumping ground of last resort for placing any project that no other area will accept. While we gladly accept the long standing cultural facilities such as the Queens Museum and Theater and Hall of Science and Zoo, the more recent move of the US Tennis Center and US Tennis Open to the park and its recent expansion has been a serious encroachment on precious parkland that could and should be enjoyed by residents of Queens. CitiField has taken additional acres of public land on a deal that benefits only the Mets owners with very little direct financial benefit to the City and no benefit to Queens or to the Park. The parking lots surrounding the stadium sit on parkland and any change in use should be subject to alienation requirements. As parking lots they could be easily removed and returned to public use.

But the introduction of a massive steel and concrete, brick and mortar mall to these western parking lots would permanently destroy what the community should enjoy as a public park amenity. In addition to removing forever land that could be used by the thousands of nearby residents, the mall would destroy hundreds of nearby "mom-and-pop" businesses, small boutiques and restaurants in surrounding neighborhoods and would introduce significant and possibly devastating competition to existing, struggling malls, such as the beautiful Atlas Park Mall in Glendale and even Queens Center Mall.

Queens Civic Congress and fellow organizations believe that FMCP has been intentionally neglected by the City by providing inadequate maintenance budgets and minimal capital improvements over decades, resulting in a untidy and disorganized park. None-the-less, the Park serves as the backyard to tens of thousands of working class and middle income workers from nearby neighborhoods. The lack of upkeep seems to justify to the city its ability to propose commercial and corporate projects such as a Major League Soccer Stadium, the tennis center and this mall. Despite the terrible condition of the Park, on this Memorial Day there was not a square inch of space available to put down a blanket or park a car.

People with barbeques and badminton, boom boxes and soccer were everywhere enjoying the outdoors space that is not available on their blocks.

If, as the City is proposing, the CitiField parking lots could be repurposed, the space could better be used by the people for additional picnic and recreation space, not for stores and movie theaters that have questionable demand and little or no access. There is no pedestrian traffic nearby to support a mall and residential development plans for Willets Point remain unclear and far in the future.

Queens Civic Congress urges the Borough President to oppose this project unequivocally. Willets Point West is an unjustified, unnecessary and inexcusable abuse of the City's land use powers. We believe that the project is also in violation of parkland alienation regulations and should be reviewed by the State. The justification to avoid these regulations seems to be that a lease agreement provides to a private entity unrestricted use of the land, but we contest that a lease could supersede contradictory parkland alienation legislation.

Borough President Marshall, please continue to make your permanent and lasting mark on Queens by preserving open space at Flushing Meadows Corona Park and just say "No."

Richard C. Hellenbrecht, President

president@qccnyc.org

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Queens Community Board 3
on the Willets West mall / Willets Point development

Public hearing and vote held May 23, 2013

Blog post of Willets Point United Inc., including transcription of resolution adopted by CB3:

Queens Community Board 3 nixes Mets mall

By a wide margin of 30-1 (plus 1 abstention), CB3 voted on Thursday night to disapprove the proposed "Willets West" mall / Willets Point development. The landslide vote endorsed the earlier recommendation, on Tuesday night, of several CB3 committees, and took place after a public hearing on the matter. Reasons for CB3's disapproval include the project's huge and unaddressed traffic congestion and related negative impacts, failure to prioritize housing and a school, overcrowding of subway and bus lines as a consequence of the project, and disregarding the Advisory Committee and Queens officials when selecting the plan and the developers. CB3 concluded: "The proposed project would change the character of the surrounding neighborhoods and impact the livelihoods of 250,000 residents and many small mom-and-pop businesses."

Likely aware of the committees' Tuesday recommendation to disapprove the project, no representative of developers Sterling Equities and Related Companies, or the city, bothered to attend the Thursday night public hearing.

Although CB7 voted last week to approve the same development project by a very slim margin of 22-18 (notoriously, after the CB7 committee had rejected it the week before by a vote of 7-2), the city's Uniform Land Use Review Procedure ("ULURP") entitles other affected community boards to also evaluate a land use application that "may significantly affect the welfare of the district or borough served by such board". CB3 has exercised that right, and decided to disapprove the application. So at the moment, the Willets West mall / Willets Point development has been approved by CB7 by a very slim margin, and rejected by CB3 almost unanimously. ULURP does not give any greater weight to any particular community board's recommendation – so both boards' recommendations must be equally considered by the next decision-makers.

Donovan Finn, a former CB3 member and university professor who teaches urban planning, urban policy and environmental design, stated during the public hearing: "There are too many holes in this contract. It is completely designed to make Related and the Wilpons be able to build their mall, build their new parking lot, do a few nice things along the edges of the development, and if they choose – to pay what for them will be a piddly amount of money and walk away. The affordable housing will never get built. ... I'm not a psychic, but that's the future I

see. This is not just a vote against a really bad plan, which it is, I think. Something will happen on that site – It just should be something better; it should be something that whoever builds it should come and ask us what we need, and what we think should be there, instead of just deciding and telling us that it's in our best interest."

The CB3 Chairperson, Marta Lebreton, read the following statement prior to the board's vote on Thursday night:

"I'm going to read the recommendation that was made on Tuesday night. ... ULURP section 203, item (g.), allows for the review and vote on actions not in a community district. Willets Point may be geographically located within Community Board 7, but the proposed action will directly impact more than 250,000 residents in Community Board 3. Our board is merely a couple of blocks from the site, and therefore any and all actions that take place at Willets Point will directly impact the residents of our board.

On Tuesday, May 21, 2013, Community Board 3 convened a joint committee meeting of the business, economic development, parks, land use and traffic/transportation [committees] to review the Willets Point redevelopment project, which includes 'Willets West' [mall] and the Willets Point Special District. After careful review of the proposal, the committee concluded that the plan in its present form be disapproved.

Community Board 3 Queens is opposed to constructing a mall on mapped public parkland; the demolition of the Empire Millwork Corporation building – a historic site listed in the state and national registries; and the proposed development schedule. The plan calls for soil remediation of 23 out of 62 acres of the proposed site, which will be in Phase One of the project. The anticipated completion date would be 2018, when retail and hotel space would be constructed. Affordable housing and the construction of a school would not come until 2028 – ten years later, in Phase 1B. The aforementioned school and housing should be included in the first phase.

The impacts that are not addressed in the current proposal are:

Traffic: Although a commitment was made to provide \$1.87 million to establish an infrastructure and traffic mitigation fund for traffic improvements, there was no mention of how traffic congestion would be mitigated in Community Board 3 Queens, particularly at 114th Street, Astoria Boulevard, 34th Avenue, Roosevelt Avenue and Northern Boulevard.

Transit and pedestrians: Community Board 3 Queens will be impacted by the increase of ridership on the subway line number 7 and the bus lines of Q48, Q66 and Q19.

Public health concerns: Community Board 3 Queens has been identified as one of the districts that has the highest incidence of asthma and other respiratory ailments. The applicants report that the increase in traffic would have no impact on Community Board 3 Queens. The increase in traffic volumes will surely adversely affect our fragile constituents. The committee strongly recommends that a complete environmental cleanup on all the acres in Willets Point be conducted, not just in the Special District. Further, cleanup of Flushing Bay and installation of a new sewer system so that Flushing Bay will no longer remain a dumping ground.

Environmental and social justice: The current plans do not consider our community needs, nor acknowledge the impact the proposed plan will have on the commercial and residential displacement of our most vulnerable residents in Community Board 3 Queens.

In conclusion, the Willets Point proposal – the city's largest development project in this section of Queens: The impacts of this major undertaking will affect not only the residents of Community Board 7, but all of the surrounding board areas. In July, 2008, the Borough President's recommendation approved the application with the condition that the Willets Point Advisory Committee be comprised of the Queens Borough President, local elected officials, representatives from Community Boards 3, 4 and 7, and other community leaders, should be continued for the duration of the project, including during developer selection, construction, implementation and all other phases of the Willets Point development. We strongly suggest that the Borough President's recommendation be complied with. Community Board 3 Queens recommends that the application be disapproved as presented. The proposed project would change the character of the surrounding neighborhoods and impact the livelihoods of 250,000 residents and many small mom-and-pop businesses. That is the recommendation of the committee. Do I have a motion – a motion is on the floor. Do I have a second? Okay. Any discussion? Okay; we're going to call the question. The motion on the floor, seconded by Ed Westley, is to disapprove the application as presented. And we are going to include everything that I read."

A "Yes" vote is for denial.

Vote tally: 30 "Yes" [for denial of the application]; 1 "No"; 1 abstention.

[End.]

Land deal shameful steal

ONLY in Michael Bloomberg's New York are we asked to believe that giving away huge swaths of city-owned land to millionaires is a wonderful deal.

The mayor announced Wednesday that the city had selected the Wilpons, of the Mets and Sterling Equities, and Steve

Ross of The Related Companies, to develop 23 acres of land in the Willets Point redevelopment area in Queens.

The Wilpon-Ross partnership, Queens Development Group, will be handed this land completely free of charge, so it can build its own new retail, entertainment and hotel complex adjacent to the Mets' Citi Field.

Yes, free land, even though the city is on track to spend nearly \$500 million buying that very land from scores of industries and auto repair firms that operated there for decades, putting in new sewer lines, and erecting new Long Island Expressway ramps. Freeland, even though

Queens Development has committed to developing only one-third of the entire 60-acre Willets Point project City Council approved back in 2008.

Queens Development won't even have to begin construction on a single unit of residential housing — part of the original lure of the project — until 2025.

"How do you give away 23

acres of land

for nothing?"

Jerry Antonacci wants to know. He has run Crown Container, a waste hauling and recycling

plant in Willets Point for nearly 40 years and has been battling the city's efforts to move him out.

"This is like the biggest heist ever," Antonacci said, "We all knew the Wilpons wanted our land for themselves all along, and now they got it."

But when City Hall originally got Council's approval for Willets Point, there was no mention of giveaways or of the Wilpons as a possible developer.

Just the opposite. Back then, Bloomberg's aides assured the Council that any

taxpayer money spent on Willets Point would be recouped when the city sold the land to a developer that would be chosen later.

Council was understandably skeptical. For one thing, all previous development projects always had a developer's name attached to them when they came up for vote. This one didn't.

Then there was the big city money upfront for acquiring private land.

On Oct. 17, 2008, for instance, then-Deputy Mayor Robert Lieber was grilled by former City Councilman Hiram Monserrate about the land sales.

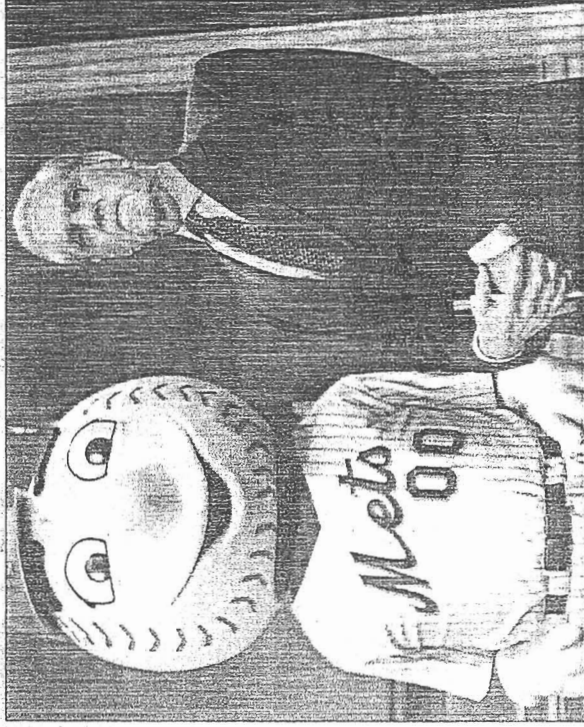
"Our goal would be to get the city taxpayer money back out of this," Lieber said.

"In the sale of the properties?" Monserrate asked.

"That's correct," Lieber said. Lieber conceded that if potential developers claimed the cost of cleaning up the polluted land was too high, the city might agree to "get less for land." He never said anything about free land.

Back then, the city's skin in the game was \$400 million. That has now gone up by another \$80 million to build the LIE ramps for the project.

Back then, the project's



Mets chairman and CEO Fred Wilpon will receive 23 acres of land, free of charge, to redevelop in Willets Point, Queens. Photo by Getty Images

timeline was five to 10 years. It included a convention center, a new school, twice as much housing.

Now, you won't see any housing open for maybe 15 years.

No convention center. No school. And two-thirds of the Willets Point site will remain undeveloped and polluted possibly for decades.

"We are thrilled to have been selected by the City to . . . rejuvenate Willets Points into a stunning, new, mixed-use neighborhood," Jeff Wilpon said as he stood next to Bloomberg.

Sure, they're thrilled. You'd be, too, if you had just been handed 23 acres of land paid for by taxpayers, right next door to your own new baseball stadium.

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The Willets Point plan: a bad deal in every way

by Benjamin M. Haber

Good and responsible government does not exist in the absence of transparency, and in particular when it involves land use matters which have been notorious in favoring real estate interests and those with political connections. Years ago Daniel Doctoroff, then Mayor Bloomberg's economic czar, bragged before a group of real estate moguls that under the Bloomberg administration they received about 90 percent of all zoning requests they wanted.

When it comes to transparency the Bloomberg administration earns a failing grade. A case in point is Willets Point. For decades, and most of Mayor Bloomberg's term in office, the city collected sewer rent from the owners of property in Willets Point, notwithstanding there were no sewers. It collected real estate and other taxes and did not spend any money on the area's infrastructure.

A body and fender shop's operations, which for the most part serve the needs of the poor and the middle class, cannot be as spotless as a Bloomingdale's department store, which makes it all the more important government take care of the infrastructure.

As a coverup for his failure in doing so, Bloomberg declared the site a blight that must go, even though it would mean removing more than 200 small businesses, terminating employment for their 1,000 employees and causing havoc to their thousands of dependents. Cleanup of the so-called blight, which the city will pay for, for the benefit of a developer, could have been done for Willets Point businesses. But it will not be, since they are not real estate moguls with tentacles in the city treasury.

The cost to correct the area and repair the infrastructure, to alienate parkland, free of charge, and to provide subsidies, will be several hundreds of millions of dollars, all to be paid for by taxpayers for the benefit of a private developer. For Bloomberg to allow this taxpayer ripoff ignores his responsibility to be fair and above-board with the public. It's unacceptable.

It was Bloomberg's original plan to develop Willets Point into a huge shopping mall, with yet another convention center; luxury housing with a small portion of affordable housing for the middle class; a small park and a school. Building a school next door to LaGuardia Airport, the Mets' stadium, the United States Tennis Association and a huge mall would be absurd, a feigned icing on the cake to make it appear the proposal was not a private commercial development, but a needed public undertaking.

Willets Point and its surrounding areas

have automobile access only through the Van Wyck Expressway, Grand Central Parkway, Northern Boulevard and Roosevelt Avenue, private streets being out of the question. These arteries have been and are choked to capacity. Queens was ranked as having one of the most congested vehicular arteries in the country and there is no way — I repeat, no way — to increase their capacity to absorb the tens of thousands of additional vehicles the Bloomberg plan would bring.

Faced with a vehicular nightmare and unable to come up with a solution, Mayor Bloomberg has devised what can be described as the mother of all lack of transparencies. The original Willets Point plan has suddenly been split into two phases. His much-heralded original Willets Point plan is now relegated to phase two, which for all practical purposes will be on the back burner and probably not accomplished for decades.

The reason for the so-called split is not just the vehicular problem, but Bloomberg's desire to help out his billionaire friend Fred Wilpon, the owner of the Mets, who have not been doing well financially. Phase one will allow Wilpon to move his parking lots — which are on parkland, as is Citi Field — to Willets Point and to construct a huge mall on the current Mets parking lots. Parking in Willets Point and the mall will not address the vehicular problem, but will destroy the small businesses on Northern Boulevard, Roosevelt Avenue and 108th Street, the malls in Rego Park and on 20th Avenue in Whitestone, and the shops in downtown Flushing. Were I in business in any of those areas, I would hesitate to sign a long-term lease. Unless these merchants and the public make known to the mayor, their City Council members and community boards their opposition, the mayor's plans will be a fait accompli.

Former President Franklin D. Roosevelt once said he wished to be remembered for what he did for the poor and not for the rich. Notwithstanding some laudable philanthropic acts Bloomberg has accomplished as a private individual, as mayor he has viewed his constituents as the wealthy and powerful and not the poor and middle class. I do not believe he will leave a legacy as noteworthy as that of President Roosevelt.

Benjamin M. Haber is a civic activist and retired attorney who lives in Flushing.



EDC and Shulman's Queens LDC admit illegal lobbying

BY **VERA CHINESE**
NEW YORK DAILY NEWS

TWO city economic development agencies have admitted to illegally lobbying the City Council to support a plan to overhaul gritty Willets Point.

A three-year probe by the state Attorney General's office confirmed what many property owners in the so-called Iron Triangle had long complained about — that these agencies were exerting undue influence on the Council.

The findings, unveiled Tuesday, found both the city Economic Development Corp. and the Flushing-Willets Point-Corona Local Development Corp. unlawfully lobbied the Council in 2008 to approve the redevelopment.

The investigation extended to the Coney Island Development Corp., which also admitted to soliciting support for a project there.

The agreement between the city EDC, the two other LDCs and the AG validates years of complaints from Willets Point business owners who charged the Flushing-Willets Point-Corona LDC and specifically, its president, Claire Shulman, curried favor for a plan to take properties through eminent domain.

Mayor Bloomberg announced a different plan last month, when he said the city had reached a deal with Sterling Equities and Related Cos. to build a 1 million-square-foot mall on land already owned by the city.

Under state law, "no such corporation shall attempt to influ-



Flushing-Willets Point-Corona Local Development Corp., headed by Claire Shulman, found to have illegally lobbied City Council. Christie M. Farriella

ence legislation by propaganda or otherwise." The law does not list monetary penalties for violations, so the LDCs will not pay fines.

The agreement stipulates that each LDC will not employ out-

been harsher.

"There was a crime committed here," said Willets Point United President Gerald Antonacci. "People ran for the hills when they were threatened with eminent domain. A lot of people who sold their properties would have never have sold it."

Shulman, the former Queens Borough President, could not be reached for comment. Flushing-Willets Point-Corona LDC officials said they were "glad the matter was behind them."

The EDC will also have to restructure, losing its status as an LDC.

LDCs are quasi-city agencies that have the power to buy or lease city land without undergoing the public bidding process.

An EDC spokesman downplayed the ruling, stating the law did not clearly define what constituted lobbying.

"The restructuring should be seamless from the perspective of third parties and should have little to no impact on the day-to-day operations of the company," the spokesman said in a statement.

Some of the transgressions included ghost-writing op-ed pieces, preparing testimony for third parties and providing transportation for supporters at hearings.

"These local development corporations flouted the law by lobbying elected officials, both directly and through third parties, to win approval of their favored projects," Attorney General Eric Schneiderman said.

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BRIAN KETCHAM ENGINEERING, PC

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Submission by Brian T. Ketcham, P.E., July 10, 2013
to the City Planning Commission regarding the evaluation of the Willets “West” Mall/Willets
Point Development Plan

I am a transportation and environmental engineer. For the last four years I have been assisting Willets Point United in discovering the truth about this project. It is these analyses and the lies we uncovered that have delayed this project for more than three years.

I am writing to encourage the New York City Planning Commission to reject this project. There are good reasons for doing so:

1. NYCEDC claims that by adding the Willets “West” Mall they will actually reduce traffic congestion—this is a preposterous claim; the Willets “West” Mall will make traffic congestion far more severe than what was reported in the WP FGEIS.
2. The plan is too big for the area; Willets Point is surrounded by what are already the nation’s most congested expressways; the Willets “West” Mall/Willets Point Project will only make condition’s worse.
3. Project impacts reported in the SDEIS are extremely severe and it is unlikely many can be mitigated.
4. Mitigation for expressways is not described in the SDEIS; major changes to expressways take years and require their own individual engineering and environmental assessments delaying project implementation.
5. Proposed mitigation still leaves intersections and expressways gridlocked; this is especially true for Astoria Blvd., Northern Blvd. and Roosevelt Avenue.
6. The SDEIS low balls the number of trips this project will generate; a great deal more traffic will in fact be produced than reported further gridlocking the area.
7. For example, the SDEIS reports that less than 60% of shoppers will use autos to access the site; today 85% of Queens’s shopping trips are by auto; 95% of shoppers to large malls arrive by auto; for destination retail the SDEIS under reports auto trips by 50%.
8. Destination retail would be responsible for more than half of total trips reported for this project; there is no justification for nearly 2 million square feet of new destination retail in the Willets Point area.
9. The project proposes relatively little parking for the size of the project; proposed parking cannot accommodate parking demand; spillover traffic will intensify gridlock conditions.
10. The project relies on substantial public transit service; there is no way the MTA can meet proposed transit demand; the No. 7 line will be gridlocked if this project is built; commuters will face huge delays.
11. The Willets “West” Mall will add another 28,000 car and truck trips to the 80,000 reported in the FGEIS adding 61 million miles of travel each year in proximity to the project increasing traffic accidents by 496 and costing motorists and the surrounding communities nearly \$40 million each year in increased health care and property damage costs.
12. The addition of 61 million miles of vehicular travel produces considerable externality costs, not just traffic accidents costs but the health costs of added air pollution, traffic noise, water pollution and so forth. These costs are not trivial: for full Willets Point build out including

the Willets “West” Mall these costs total \$120 million every year—costs that are far greater than any benefits provided to NYC by the Willets Point project.

13. Assuming the assumptions reported in the SDEIS are correct (and we do not believe they are) total project build out will generate 194 million added vehicle miles of travel, increase traffic accidents by 1,578 at a cost to motorists and Queens residents of \$124 million annually; externality costs for total build out including accident costs in 2032 would total \$382 million annually.

Attached are more details about what is wrong with the SDEIS and what information is still needed by the City Planning Commission to make an informed judgment about this project. Just remember, once the full Willets “West” Mall/Willets Point Project is completed the area will suffer extreme congestion levels that cannot be mitigated.

BRIAN KETCHAM ENGINEERING, PC

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QUESTIONS THAT MUST BE ANSWERED IF NEW YORK CITY PLANNING COMMISSION IS TO FULLY UNDERSTAND THE TRANSPORTATION IMPACTS OF THE PROPOSED WILLETS “WEST” MALL/ WILLETS POINT DEVELOPMENT PLAN

I have been asked by Willets Point United (WPU) to comment on the transportation component of the Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Willets “West” Mall/Willets Point Development Plan. The following comments refer to the SDEIS and to related documents listed at various web sites.

My name is Brian T. Ketcham. I am a licensed Professional Engineer, licensed in the State of New York. I am currently retired. Before retiring I worked for more than 4 decades on various transportation engineering projects. I still operate Brian Ketcham Engineering, PC, assisting low and moderate income communities in analyzing proposed projects and holding developers and government officials accountable for compliance with environmental laws and regulations. My most recent project is the Willets Point Development Plan, in which I performed detailed technical analyses. I have participated in dozens of other similar projects, some as large as Willets Point. I also was Vice President of Konheim & Ketcham, a full service environmental engineering firm with projects for the New York State Thruway Authority, the New York State Department of Transportation and the New York City Department of Transportation, among many other agencies and private clients, for which we prepared full environmental impact statements along with detailed traffic plans and models. K&K was closed at the end of 2006. I was also Executive Director of Community Consulting Services over twenty years during which we undertook hundreds of projects supporting low income communities on a pro-bono basis, providing more than 65,000 hours of free engineering services on projects like the Atlantic Yards project in Brooklyn and Hunts Point in The Bronx. Before this I was Executive Director of Citizens for Clean Air, an organization responsible in the 1960’s for New York City’s clean air programs and for bringing the first law suit against the Westside Highway Project in which the federal courts denied the City, State and federal government’s permits to proceed with this project in 1975. This was the first and last time such a suit was undertaken against so large a highway project and was actually won in the public’s interest. The Westside Highway Project was again defeated two years later when NYCDEC refused, based on my demonstration in evidentiary hearings, to again issue a permit for the construction of Westway. And before this I was director of the Bureau of Motor Vehicle Pollution Control for the New York City Department of Air Resources. For this organization I set up a new emissions test facility which, in 1971, had more cars equipped with catalytic emissions controls than the entire world’s automotive industry. Along the way I built (as a private citizens and at my own expense) a three-way catalyst equipped car demonstrating we could meet Clean Air Act emissions standards and improve fuel economy, showing the Congress of the United States that if two young engineers using their own funds to accomplish what the auto industry said could not be done,

certainly auto makers with billions of dollars in resources could at least match what we could do. The result was that Congress did not cave in to demands by auto makers to extend or relax emissions control deadlines. Finally, I was asked by the New York State Department of Environmental Conservation and the United States Environmental Protection Agency in 1972 to prepare New York's Clean Air Plan required by the 1970 CAA. I completed this work in less than 9 months meeting the stringent federal requirements. New York's Clean Air Plan is the most comprehensive transportation plan that has ever been completed for New York City. For this work I was honored in 1993 by Mayor John Lindsay as the most effective manager in New York City government under the age of 35.

The following are examples of what is wrong with the SDEIS supporting this project. More problems and questions will be identified over the coming months.

NYCEDC CLAIMS THEY CAN MITIGATE 65% OF WILLETS POINT TRAFFIC IMPACTS WITH THE ADDITION OF WILLETS "WEST" MALL. THIS IS NOT TRUE.

The developer has reported he will add another 1.4 million square feet of shopping mall/entertainment facilities to the already oversized Willets Point Development project. The developer claims he will actually reduce the impact of this added traffic on the severe congestion along access roads and on nearby expressways already reported in the Willets Point FGEIS. According to the FGEIS the 11 million square feet Willets Point project will add 80,000 car and truck trips to the project area producing "significant" impacts at 78% of all intersections analyzed. Adding Willets "West" Mall will increase project traffic by about 25% impacting even more severely nearby intersections, expressways and expressway entry/exit ramps creating even worse congestion than reported in the FGEIS. Mitigation including the public expenditure of tens of millions of dollars on traffic improvement measures will reduce impacts slightly. However, for many locations full mitigation cannot be achieved and breakdown conditions will prevail. LOS F is reported at many mitigated intersections—for full intersections (many that cannot be mitigated at all) and/or at many intersections they claim to mitigate that retains one or more intersections approaches that remain LOS F or worse. This is what was reported in the FGEIS for Willets Point and the addition of the Willets "West" Mall will make these conditions worse. To claim that adding the Willets "West" Mall will actually make traffic congestion along access roads and on expressways and expressway access/egress ramps is simply not true—it is a lie intended to trick the host community and the New York City Planning Commission into accepting this new project. The consequences of building a 13 million square foot development in so isolated a site will have consequences far beyond the illusion provided by NYCEDC and the developers (see more below).

THE DEVELOPER MUST EXPLAIN THE CONSEQUENCES OF LEAVING MOST INTERSECTIONS ALONG MAJOR ACCESS ROUTES TO WILLETS POINT IN GRIDLOCK CONDITIONS AFTER APPLYING ALL AVAILABLE MITIGATION

The SDEIS reports operating conditions at approximately 30 key intersections affected by the Willets Point project. While relatively few intersections are examined in the SDEIS, project impacts are clear: adding 8,000 to 10,000 hourly car and truck trips to peak travel hours will impose severe restrictions on travel. This can be seen by examining Table 14-59 which shows

project impact for virtually every intersection examined in the SDEIS. More detail can be found by looking at the data presented in Table 22 from Chapter 21 on mitigation.

A review of all results for peak hours with available mitigation shows that during evening peak hours, access roads to Willets Point (Northern Blvd., Roosevelt Avenue, Astoria Blvd.) will be gridlocked. Table 21-6, which I have marked up and attached, shows how severe the developer will leave these major access arterials to Willets Point. With all the mitigation the developer can muster he leaves critical intersections with overall average vehicle delay of 100 to 200 seconds. And these conditions do not get any better on Saturday. Table 27 illustrates the point for a couple of critical intersections. While Table 22 shows some locations along these access roads can be fully or partially mitigated, the community is still faced with gridlock traffic conditions with cars facing two or three signal cycles to move through an intersection with traffic spilling back into adjacent intersections. Certainly the developer has modeled this condition. But he does not provide or describe the results.

Again, looking at Table 22 for 126th Street at Roosevelt Avenue and 34th Street, we find a number of intersection approach movements at LOS F, with delays of between 100 to more than 800 seconds. These are the major entry points to the Willets Point Development. Project traffic creating huge delays will create a huge impediment to the operation of Willets Point and will be of even greater consequence on a METS game day. And, of course, these conditions are only for “average” days not Fridays. Destination retail will experience 19% more traffic on days in December when traffic will be 42% higher than reported. How can the developer justify so large a project with the horrible traffic conditions reported in the SDEIS that cannot be mitigated? And, because we think the developer has under reported trip generation, traffic conditions will be worse than reported.

For example, the complexity of the Roosevelt Avenue/126th Street intersection – a main entry point into the Willets Point project – is not discussed in any detail (this problem is mentioned briefly). How do the columns supporting the overhead No. 7 transit line impede the efficient movement of traffic or reduce sight distance and thus affect safety? As noted elsewhere, the City Planning Commission needs intersection expressway drawings to make this review more effective.

When faced with breakdown conditions in all directions can the developer honestly say that this project will not create huge traffic delays along access roads spilling back onto the surrounding expressway system even with all the mitigation that he can dream up? Can he not admit that this project will have a huge negative effect on this community, imposing greater traffic delays, more traffic injuries and deaths and other costly externalities borne by the million motorists already passing by Willets Point each day on nearby expressways and arterials even with his most optimistic assumptions?

THE ENVIRONMENTAL ASSESSMENT FOR THE VAN WYCK RAMPS MUST BE UPDATED/REVISED

Why did not NYCEDC and/or the developer revise the Environmental Assessment (EA) for the Van Wyck ramps? The SDEIS reports the Willets “West” Mall will be adding about 28,000 car and truck trips to the WP area (and a great deal more if their assumptions are wrong) for average weekdays. Adding the Willets “West” Mall traffic results in significant differences in

background traffic that will affect travel conditions with the ramps. These trips, as many as 3,000 an hour entering or leaving the Willets “West” Mall, will get onto nearby expressways affecting the baseline conditions examined to determine the environmental impacts of the Van Wyck ramps to be constructed. The SDEIS itself reports that the Willets “West” Mall will produce significant traffic impacts on surrounding expressways requiring costly mitigation (should funds be available) (SDEIS Page 21-27). The EA must be updated.

WHAT GUARANTEE CAN THE DEVELOPER PROVIDE THE COMMUNITY THAT THE MTA CAN ACCOMMODATE WP TRANSIT DEMAND?

The developer is relying on the MTA to provide additional bus service to the WP “West” location. WP “West” Mall will produce about 14,000 additional bus riders on an average weekday. At 56 people per bus (capacity) that would require the addition of 250 weekday buses (most spread out from 10 am to 8 pm). What guarantee can the developer provide that the MTA can provide this level of added bus service?

At the third meeting of the Building/Zoning Committee of Queens CB7 the developer mentioned that they were working with the LIRR on using that service to provide some relief for the overcrowding their project will create on the No. 7 subway line. Has the developer analyzed the potential for utilizing the LIRR? If so, what have they found? And, how realistic is using the LIRR during peak commute hours?

CAN THE PROJECT EAST OF 126TH STREET ACCOMMODATE NEARLY 600,000 SF OF LOCAL RETAIL AND, IF SO, HOW?

What is the basis for assuming 593,000 SF of local retail east of 126th Street? This assumption appears very high for a project with just 5,850 residences, approximately 12,000 residents (plus workers and others, although local retail is nowhere close to the Willets “West” Mall and entertainment center and additional retail would be redundant for the Willets Point “West” shopping mall). Moreover, assuming stores are 60 feet deep the developer is looking at installing nearly 2 miles of store front space in the original Willets Point project. We don’t think there is enough space for this much local retail. And, with all this local retail using curb space where will 657,000 SF of additional destination retail go if all frontage is occupied by local retail? So, what’s the point of so much local retail? Considering that just 15% of shoppers are assumed to arrive by auto for local retail we believe this is the developer’s way of hiding auto trips and minimizing traffic impacts. We are convinced that more than half of this “local retail” space will, in fact, end up as destination retail. The SDEIS must be revised to account for this worst case condition. See Table 4, attached, that reports the impact on travel.

WHAT IS THE BASIS FOR ASSUMING JUST 59% OF DESTINATION RETAIL SHOPPERS WILL USE AUTOS TO ACCESS THE SITE?

A comparison of the rates used in the SDEIS with those reported in the 1991, 2001 and 2012 CEQR Technical Manuals shows little change in trip generation rates over this period. We know that many of the assumed trip generation rates date to the Regional Plan Association that did counts in the early 1960’s in Manhattan. How can the developer justify using these antiquated rates especially outside Manhattan? The CEQR Technical Manual advises that if rates are over 3 years old the developer should take counts at representative locations. WPU has repeatedly

requested that the developer undertake such counts. For a project of this size with the severe traffic impacts that the developer has reported in the SDEIS how can they continue to rely on ancient data? We believe that the rates used in the SDEIS significantly under report traffic impacts.

For example, take Willets “West” Mall: The developer assumes that 59% of shopping trips will be made by auto with the rest by walking or transit. This number appears incredibly low when compared to other isolated shopping malls like Gateway Plaza in Brooklyn or Palisades Mall in West Nyack, both of which exceed 95% of shoppers arriving by auto; and both of which provide double the parking per 1,000 SF of retail space. The developer must provide its source justifying this 59% assumption. Would it not be wise to plan for higher auto use in so isolated a site, especially in Phase 1 of this project? The consequences of under reporting auto use on parking and traffic are very significant to this community.

The effects of using reported auto use for isolated destination malls compared to 59% are striking. Tables 1 and 2 (attached) provide a comparison. Table 1 reports the data provided in the SDEIS for Phase 1A. It shows that average daily vehicle trips for Phase 1A would total 28,524 with destination retail making up 81% of this total. Table 2, assuming 90% of shoppers at destination retail arrive by auto, shows an increase in total average daily car and truck trips of 39,345 with destination retail responsible for 86% of total. Table 2 reports a 38% increase in the number of trips from just this one reasonable change, increasing shopper trips to destination retail from 59% to 90%. Vehicle miles of travel would increase by 36% to 83 million miles of vehicular travel annually, from 61 million estimated using SDEIS assumptions.

Another hypothetical, along these same lines, is presented in Tables 3 and 4. Table 3 reports total vehicle trip generation for full project build out, Phase 2, (again for an average weekday) of 87,532 trips, with destination retail producing 50% of this total. However, we dispute not just the use of 59% for shoppers accessing the Willets Point site by car; we dispute the total amount of local retail (there just does not appear to be enough space to accommodate even half what is proposed as discussed above). Table 4 assumes that for Willets Point “West” we stick with 90% of shoppers accessing destination retail by auto (it is an isolated site with poor transit access). However, we assume that for destination retail east of 126th Street 80% of shoppers will arrive by auto. We also assume that the additional local retail proposed for Phase 2 is assumed to be destination retail. The result is an overall increase in average weekday vehicular travel to 109,386, an increase of 21,864 trips, and an increase of 25%. This is a conservative adjustment. We have not tinkered with other trip generation assumptions, most of which do not have supporting documentation.

THE DEVELOPER HAS OVERLOOKED WORST CASE TRAFFIC CONDITIONS

The SDEIS reports average weekday and average Saturday traffic impacts. Not disclosed are the weekly and seasonal variations. For example, the Institute of Transportation Engineers *Trip Generation Manual* reports that for shopping malls Friday traffic is 19% greater than weekly averages and for Saturday, 51% greater. It also reports that Decembers produce 42% more traffic during the month than for annual averages. None of this is reported in the SDEIS although WPU has repeatedly brought this issue to NYCEDC’s attention (and, allegedly, the SDEIS is claiming to “report” “worst case” conditions). Were these differences to be accounted

for you would find true “worst case” conditions would be significantly worse than reported. Parking would also be significantly over-capacity. Surely your traffic engineers understand these effects. Annual average project impacts are severe enough. What can we expect when auto trips are half again higher, holiday effects kick in and parking supply is good for only half of demand? This condition has to be accounted for.

THE DEVELOPER IS NOT PROVIDING ADEQUATE PARKING FOR THIS PROJECT. PLUS THE SDEIS MANIPULATES TEMPORAL ASSUMPTIONS TO MINIMIZE PEAK HOUR PARKING DEMAND.

As suggested by what has already been said, parking is critical. Yet, the developer is providing half what other similar locations are providing. The developer appears to justify this on the basis of extremely optimistic trip generation rates and the heavy use of public transit that really does not exist. Could this project be built if the developer had to provide double the number of parking spaces promised? Can the developer provide this community a guarantee that, should our worst fears come to pass, that parking is not adequate, that they will actually build additional parking garages to supplement the meagre supply of parking promised?

As noted above, experience elsewhere at large malls suggests not only that they attract many more auto trips per 1,000 square feet of retail space, but they typically provide double the number of parking spaces per 1,000 square feet of retail space than is being provided at either the Willets “West” Mall or for the destination retail proposed for Phase 2 of the project. These differences must be addressed by NYCEDC and the developer.

Also, on Table 14-39 the developer loads 15% of daily destination retail travel onto the weekday 1 to 2 pm hour, moving a substantial amount of traffic away from peak travel hours. Tables 14-50 and 14-60 are consistent with this assumption. What is the basis for this assumption? It does not agree with ITE numbers for large shopping malls. What is the basis for all parking temporal characteristics for all land use types? The developer’s source is “Based on travel demand estimates.” That “source” is not good enough. This needs explanation! Has the developer done surveys for parking conditions at other locations and, if so, can he provide the raw data to Willets Point United and to the City Planning Commission? The developer must provide documentation justifying the assumptions made for hourly parking arrivals and departures for the eight land use types evaluated in the SDEIS.

THE DEVELOPER HAS LEFT OUT THE LONG ISLAND EXPRESSWAY IN HIS EXPRESSWAY ANALYSIS

Why did the developer not include the LIE in his traffic analysis? They assign about a sixth of WP traffic to the LIE (and a third of WP traffic to the Van Wyck Expressway). The LIE is already one of the ten most congested roads in the entire United States (so is the Van Wyck and the Grand Central Parkway). The GCP is also not included in the SDEIS, at least that portion of the Grand Central south of the LIE where NYSDOT engineers report it cannot take “one more new vehicle trip from the WP project” even after they spend \$1 billion realigning that expressway near the Jackie Robinson Parkway. Both will be heavily impacted by the expanded Willets Point project (another 28,000 daily car and truck trips from what was examined in the FGEIS). Both should be examined in a revised EA for the Van Wyck ramps.

What is equally incredible is that expressway data are totally missing from the SDEIS; internal site specific traffic movements for the WP project are no longer provided as well. How does NYCEDC expect anyone to evaluate the SDEIS when the traffic network has been simplified so greatly, removing critical data that was originally provided in the FGEIS? This, by the way is how the developer can claim they are mitigating a greater number of intersections—they simply eliminate those reported in the FDEIS and presto, you have fewer affected intersections. It is all a game!

Still, Chapter 21 on mitigation provides considerable insight on project impacts and how hard it is to mitigate so large a project as Willets Point. Table 21-23 attached shows the significant impact for Phase 2 for an average weekday with no games underway. It shows that, while some improvements can be made (very little is described about what, precisely, mitigation involves) it also shows the traffic mess that is left. Table 21-24, also attached, just reaffirms the huge region wide impact the Willets Point project will impose on the surrounding residential communities as well as on the million or so daily motorists who try to thread their way north and south, east and west. The impacts are severe and the SDEIS provides little confidence that much real mitigation can be accomplished and reinforces the communities concern of the mess the developer will leave behind.

THE SDEIS HAS NO DRAWINGS OF EITHER INTERSECTIONS OR EXPRESSWAYS AND RAMPS SHOWING HOW THE DEVELOPER PLANS ON MITIGATING IMPACTS

With the exception of one location we cannot find detailed descriptions of what mitigation the developer is proposing for various expressways or expressway ramps. No description, no drawings. How can the City Planning Commission assess this project without more detail? The developer must provide drawings illustrating each mitigation location. Written descriptions are too brief and just not good enough for public review. And, the 2-point type used in the summary sheets is not legible!

Much of the mitigation proposed in the SDEIS requires the preparation of a site specific Environmental Assessment along with traffic analysis and engineering drawings all subject to NYSDOT and FHWA approval. Each action requires new counts specific to each location. Many of these EAs take from 3 to 10 years to complete and get approved. I have been involved in dozens of these traffic improvement studies – some have taken two decades and 3 or 4 full detailed revisions costing \$10's of millions – more than half these projects never materialized. The SDEIS warns of this problem on page 21-29: mitigation "...measures that may call for detailed review by both NYCDOT and NYSDOT...if these mitigation measures are modified or rejected by the review agencies, significant adverse impacts identified above would be unmitigated." What guarantees can the developer provide that the WP project will not experience the same delays and what impact would that have on project completion schedules? And what if the developer cannot mitigate traffic impacts as promised repeatedly in the SDEIS? What guarantee does the WP community have that this developer will not just gridlock this community 24/7?

And, who is going to pay for mitigation? Including intersection expansion plus modifications to expressways and ramps (plus \$70 million for just the Van Wyck ramps) we are looking at

hundreds of millions of dollars in reconstruction. Is the developer expecting NYC taxpayers to foot this bill?

The developer must provide maps showing vehicular trip assignments by land use type for new no-build construction and for full build out trips including the local project road network. The developer must also provide maps showing traffic volumes along all expressways and expressway ramps on which all Willets Point vehicular trips have been assigned with and without WP Phases 1A, 1B and 2.

THE EFFECTS OF WILLETS POINT ON TRAFFIC ACCIDENTS HAVE BEEN IGNORED. THEY ARE SIGNIFICANT

The FGEIS for the Willets Point Development Plan reports that the project will add 80,000 car and truck trips a day, 365 days a year, generating 116 million additional miles of travel annually. Based on NYSDOT traffic accident rates for NYC the WP project will thereby increase auto and truck accidents by 944 a year including 2 dead and 316 injured. Including the cost of property damage the cost to motorists and society total \$41 million in 2017. Adding another 28,000 car and truck trips a day for the Willets “West” Mall will increase this number to 1,578 crashes annually with 3 dead and 528 injured and approximately 2,500 more cars and trucks damaged. The total cost of the combined effect of Willets “West” Mall and the Willets Point Development Plan in 2032 would be \$124 million annually. And this is only part of the cost of adding daily 108,000 more cars and truck to Queen’s roads. See Table 5 for more detail.

THE ADDITION OF WILLETS POINT TRAFFIC PRODUCES HUGE EXTERNALITY COSTS. THEY CONTINUE TO BE IGNORED BY NYCEDC. IT IS TIME THEY WERE ACKNOWLEDGED

It was earlier demonstrated that the Willets Point Development Plan will produce 80,000 more car and truck trips a day generating \$156 million in externality costs annually. The external or hidden costs to motorists, their passengers, and visitors, residents and workers of the area due to increased vehicular use by travel to and from the Willets Point project include the costs of lost travel time, physical injury, health effects, noise impacts, damage to our roads and utilities. Other costs are paid through taxes such as the control of water pollution, oil spills, greenhouse emissions, the lost value of highway land removed from tax rolls, and, most apparent today, the foreign policy and defense costs of protecting the supply of imported oil (why did we spend a trillion dollars in Iraq?). These harms to society and to households and to the general economy are not well recognized by the public because they increase by a small margin with each added mile of travel and because they are spread among the entire public, both vehicle users and non-users, buried in items such as lower productivity, higher consumer prices and higher insurance costs. But taking them together, even using a low range of vehicle related costs due to the Willets Point project car and truck use greatly reduce the realistic local economic benefits of the project. The costs are based on the well-documented costs per vehicle of mile travel published by the Victoria Transport Policy Institute (VTPI)¹ as well as independent cost accounting that I have undertaken over the last three decades. For this report, the most conservative (i.e., lowest) results have been reported for the social costs of the Willets “West” Mall and the total build out

¹ Litman, T., “Transportation Cost and Benefit Analysis, Techniques, Estimates and Implications,” Tables 6, 7 and 8, Victoria Transport Policy Institute, June 2003, www.vtppi.org/htm.

of the Willets Point Development Project including Willets “West”. The addition of Willets “West” Mall’s 28,000 daily car and truck trips would increase total externality costs to \$382 million a year, an increase of \$120 million just for Willets “West” Mall alone. These totals significantly exceed any benefits of these projects to the communities in and around the Willets Point area. And this does not account for the billions of dollars in public tax payer assistance to the developer, more than a half billion of which has already been spent. A full cost-benefit analysis must be completed for this project before any action can be taken. Without a fully vetted cost-benefit analysis neither the NYCDPC, the City Planning Commission nor the City Council can, in good conscience, act on this project. See Tables 6, 7 and 8 for details.

THE CEQR TECHNICAL MANUAL IS NOT THE “HOLY BIBLE” FOR PREPARING ENVIRONMENTAL IMPACT STATEMENTS

In projects like Willets Point as well as during the recent Queens CB7 Building/Zoning Committee meetings, the CEQR Technical Manual has been cited as the “bottom line” in preparing environmental impact statements. It is not! It is a guideline and developers can and should go beyond the minimal requirements spelled out in the Technical Manual. Preparation of the manual was a collaboration between AKRF and the NY City Dept. of Planning. The objective was to create a process that would best facilitate project approvals with the least effort on the part of developers. For the last two decades it has worked brilliantly to accomplish this goal. The CEQR Technical Manual recommends conservative (optimistic) assumptions that are presumed to be gospel by consultants like AKRF. One example is the selection of trip generation characteristics for traffic projections. The numbers recommended in the Technical Manual date from two to three decades back in time when demographics and travel behavior were very different from today. These are the same numbers used in the FGEIS and now in the SDEIS to under report traffic impacts. In recognition of this problem in 1977 the USEPA provided NYC with a million dollar grant to assemble up to date trip generation data. The City assembled consultants like me to voluntarily contribute what they had collected in the field for various land uses. However, after about 6 months it became obvious that the City had no intention of assembling this data; that they were assuming the consulting community would do this for free. The program quickly fell apart. What happened to the million dollars is unknown but no up-to-date trip generation factors for NYC ever materialized. The lowest common denominator should not be the bottom line for this project.

PUBLIC PARTICIPATION IN THE WILLETS POINT ENVIRONMENTAL ANALYSIS IS A FARCE

Over the past five years more than a thousand pages of comments have been generated on the FGEIS, the Access Modification Report, the Phase 1 Report, the Van Wyck Ramp EA and the Final Scoping Document for Willets Point “West”. Thousands of pages containing thousands of comments have had no effect on the outcome of these analyses. NYCEDC, with the help of AKRF, concoct responses to comments that are meaningless: responses that claim that since the comments were not covered in the scope of work or in the CEQR Technical Manual, they require no response, or, if the comment really hits the mark they simply disagree with the commenter. It is all BS and it is intended to frustrate and discourage public involvement. This practice has been followed for three decades. Occasionally something really awful is identified that has to be addressed—somehow. For example, in 2010 I met with the FHWA, the NYSDOT, NYCEDC,

and a host of lawyers and laid out problems that were so significant that it forced a two year delay in the Willets Point project while EDC and their lawyers tried to come to terms with what we disclosed. What did we find? That EDC with the help of AKRF was lying about the project. Presenting one story in the FGEIS and another in the Environmental Assessment for the Van Wyck Ramps. They were also lying about project impacts, hiding traffic volume to under report project impacts. This sad story is all summarized in the 286 page report that I prepared for WPU and that I presented to NYSDOT as part of my testimony on the Willets Point “West” scope of work. It was completely ignored. Very few times over the last five decades have we been able to expose this behavior. The first was the West Side Highway Project or Westway in which I was able to demonstrate to a Federal judge that the consultants were lying about that project. The consultant, Parsons Brinckerhoff, could not explain their work and could not counter my own testimony sufficiently to convince the judge to approve that project. Some of the people representing Parsons Brinckerhoff in that proceeding were the same engineers and administrators who started AKRF in 1982. They lied about Westway and they are lying now about the Willets Point project. I hope WPU can accomplish for Willets Point what I did with Westway 38 years ago.

Brian T. Ketcham, P.E.
July 8, 2013

TABLE 1
Estimating Total Annual Vehicle Trips for the Willets Point WEST Development Plan
 (Based on assumptions provided in the FEIS)

	WEEKDAY PERSON/VEHICLE TRIPS - PHASE 1A										TOTALS	
	Residential	Office	Destination Retail	Local Retail	Convention Expo Facility	Movie Theatre	Hotel	Community Facility	PS/IS Students	PS/IS Faculty		
Size	0	0	915,000	30,000	0	4,000	200	0	0	0	0	0
Trip Gen Rate	8.075/DU	18	78.2	205	46.2	3.26	9.4	34	2	2	2	2
Modal Split-Bus	10%	14%	18%	10%	12%	18%	5%	5%	10%	0%	0%	0%
Modal Split-Subway	52%	16%	15%	3%	2%	8%	5%	26%	15%	50%	50%	50%
Modal Split-Auto	26%	51%	59%	15%	68%	56%	70%	16%	15%	0%	0%	0%
Modal Split-Taxi	1%	1%	3%	0%	8%	7%	15%	1%	0%	0%	0%	0%
Auto Occupancy	1.39	1.14	2.05	2	2.3	2.52	1.6	1.5	1.3	1.2	1.2	1.2
Taxi Occupancy	1.39	1.14	2.05	2	1.8	2.3	1.4	1.5	1.3	1.3	1.2	1.2
Truck Trip Gen Rate	0.06/DU	0.32	0.35	0.35	0.7	0.02	0.24	0.38	0.04	0	0	0
Total Truck Trips	0	0	320	11	0	80	48	0	0	0	0	0
Total Auto/Taxi Trips	0	0	22,688	461	0	3,692	1,225	0	0	0	0	0
BUS (person trips)	0	0	12,880	615	0	2	0	0	0	0	0	13,497
SUBWAY (person trips)	0	0	10,733	185	0	1	0	0	0	0	0	10,919
AUTOS (vehicles)	0	0	20,593	461	0	2,898	823	0	0	0	0	24,775
TAXI (vehicles)	0	0	2,094	0	0	794	403	0	0	0	0	3,291
TRUCK (vehicles)	0	0	320	11	0	80	48	0	0	0	0	459
TOTAL WEEKDAY VEHICLE TRIPS	0	0	23,008	472	0	3,772	1,273	0	0	0	0	28,524
PERCENT OF TOTAL VEH TRIPS	0%	0%	81%	2%	0%	13%	4%	0%	0%	0%	0%	0%
Reference Table 14-29 SDEIS												
ESTIMATE OF VMT												
TRIP DISTANCE												
AUTO	8	8	6	4	2	4	8	2	4	2	2	2
TAXI	6	6	6	6	6	6	6	6	6	6	6	6
TRUCK	38	38	38	38	38	38	38	38	38	38	38	38
VMT												
AUTO	0	0	123,560	1,845	0	11,591	6,580	0	0	0	0	143,576
TAXI	0	0	12,565	0	0	4,762	2,417	0	0	0	0	19,745
TRUCK	0	0	12,170	399	0	3,040	1,824	0	0	0	0	17,433
TOTALS	0	0	148,295	2,244	0	19,394	10,821	0	0	0	0	180,753
											WEEKDAY	ANNUAL
											48,528,663	48,528,663
											6,673,804	6,673,804
											5,892,185	5,892,185
											61,094,652	61,094,652

TABLE 2
ASSUMES 90% OF SHOPPER ACCESS VIA AUTO
Estimating Total Annual Vehicle Trips for the Willets Point WEST Development Plan
(Based on assumptions provided in the FEIS)

	WEEKDAY PERSON/VEHICLE TRIPS - PHASE 1A										TOTALS	
	Residential	Office	Destination Retail	Local Retail	Convention Expo Facility	Movie Theatre	Hotel	Community Facility	PS/IS Students	PS/IS Faculty		
Size	0	0	915,000	30,000	0	4,000	200	0	0	0	0	0
Trip Gen Rate	8.075/DU	18	78.2	205	46.2	3.26	9.4	34	2	2	2	2
Modal Split-Bus	10%	14%	4%	10%	12%	18%	5%	5%	10%	0%	0%	0%
Modal Split-Subway	52%	16%	3%	3%	2%	8%	5%	26%	15%	50%	50%	50%
Modal Split-Auto	26%	51%	90%	15%	68%	56%	70%	16%	15%	0%	0%	0%
Modal Split-Taxi	1%	1%	3%	0%	8%	7%	15%	1%	0%	0%	0%	0%
Auto Occupancy	1.39	1.14	2.05	2	2.3	2.52	1.6	1.5	1.3	1.2	1.2	1.2
Taxi Occupancy	1.39	1.14	2.05	2	1.8	2.3	1.4	1.5	1.3	1.2	1.2	1.2
Truck Trip Gen Rate	0.06/DU	0.32	0.35	0.35	0.7	0.02	0.24	0.38	0.04	0	0	0
Total Truck Trips	0	0	320	11	0	80	48	0	0	0	0	0
Total Auto/Taxi Trips	0	0	33,508	461	0	3,692	1,225	0	0	0	0	0
BUS (person trips)	0	0	2,862	615	0	2	0	0	0	0	0	3,480
SUBWAY (person trips)	0	0	2,147	185	0	1	0	0	0	0	0	2,332
AUTOS (vehicles)	0	0	31,414	461	0	2,898	823	0	0	0	0	35,595
TAXI (vehicles)	0	0	2,094	0	0	794	403	0	0	0	0	3,291
TRUCK (vehicles)	0	0	320	11	0	80	48	0	0	0	0	459
TOTAL WEEKDAY VEHICLE TRIPS	0	0	33,828	472	0	3,772	1,273	0	0	0	0	39,345
PERCENT OF TOTAL VEH TRIPS	0%	0%	86%	1%	0%	10%	3%	0%	0%	0%	0%	38%
Reference Table 14-29 SDEIS												
ESTIMATE OF VMT												
TRIP DISTANCE												
AUTO	8	8	6	4	2	4	8	2	4	2	2	38
TAXI	6	6	6	6	6	6	6	6	6	6	6	6
TRUCK	38	38	38	38	38	38	38	38	38	38	38	38
VMT												
AUTO	0	0	188,481	1,845	0	11,591	6,580	0	0	0	0	208,497
TAXI	0	0	12,565	0	0	4,762	2,417	0	0	0	0	19,745
TRUCK	0	0	12,170	399	0	3,040	1,824	0	0	0	0	17,433
TOTALS	0	0	213,216	2,244	0	19,394	10,821	0	0	0	0	245,675
												ANNUAL
												70,472,048
												6,673,804
												5,892,185
												83,038,037
												36%

TABLE 3
Estimating Total Annual Vehicle Trips for the Willets "WEST" Mall Development Plan
(Based on assumptions provided in the SDEIS)

	WEEKDAY PERSON/VEHICLE TRIPS - FULL PROJECT BUILD OUT 2032										TOTALS
	Residential	Office	Destination Retail	Local Retail	Convention Expo Facility	Movie Theatre	Hotel	Community Facility	PS/IS Students	PS/IS Faculty	
Size	5,850	780,000	1,756,500	593,000	400,000	4,000	700	150,000	1,463	900	
Trip Gen Rate	8.075/DU	18	78.2	205	46.2	3.26	9.4	34	2	2	
Modal Split-Bus	10%	14%	18%	10%	12%	18%	5%	5%	10%	0%	
Modal Split-Subway	52%	16%	15%	3%	2%	8%	5%	26%	15%	50%	
Modal Split-Auto	26%	51%	59%	15%	68%	56%	70%	16%	15%	50%	
Modal Split-Taxi	1%	1%	3%	0%	8%	7%	15%	1%	0%	0%	
Auto Occupancy	1.39	1.14	2.05	2	2.3	2.52	1.6	1.5	1.3	1.2	
Taxi Occupancy	1.39	1.14	2.05	2	1.8	2.3	1.4	1.5	1.3	1.2	
Truck Trip Gen Rate	0.06/DU	0.32	0.35	0.35	0.7	0.02	0.24	0.38	0.04	0	
Total Truck Trips	351	250	615	208	280	80	168	57	59	0	
Total Auto/Taxi Trips	9,516	6,527	43,553	9,117	7,106	3,692	4,289	578	338	750	
BUS (person trips)	4,724	1,966	24,724	12,157	2,218	2	0	255	0	0	46,046
SUBWAY (person trips)	24,564	2,246	20,604	3,647	370	1	0	1,326	0	1	52,760
AUTOS (vehicles)	8,836	6,281	39,532	9,117	5,464	2,898	2,879	544	338	750	76,639
TAXI (vehicles)	680	246	4,020	0	1,643	794	1,410	34	0	0	8,827
TRUCK (vehicles)	351	250	615	208	280	80	168	57	59	0	2,066
TOTAL WEEKDAY VEHICLE TRIPS	9,867	6,777	44,167	9,325	7,386	3,772	4,457	635	396	750	87,532
PERCENT OF TOTAL VEH TRIPS	11%	8%	50%	11%	8%	4%	5%	1%	0%	1%	
Reference Table 14-29 SDEIS											
ESTIMATE OF VMT											
TRIP DISTANCE											
AUTO	8	8	6	4	2	4	8	2	4	2	
TAXI	6	6	6	6	6	6	6	6	6	6	
TRUCK	38	38	38	38	38	38	38	38	38	38	
VMT											
AUTO	70,688	50,248	237,194	36,470	10,927	11,591	23,030	1,088	1,350	1,500	444,087
TAXI	4,078	1,478	24,121	0	9,856	4,762	8,460	204	0	0	52,960
TRUCK	13,338	9,485	23,361	7,887	10,640	3,040	6,384	2,166	2,224	0	78,525
TOTALS	88,104	61,211	284,677	44,356	31,423	19,394	37,874	3,458	3,574	1,500	575,572
WEEKDAY ANNUAL											
AUTO											150,101,518
TAXI											17,900,464
TRUCK											26,541,420
TOTALS											194,543,402

TABLE 4

WITH MORE REALISTIC % SHOPPERS USING AUTOS
 Estimating Total Annual Vehicle Trips for the Willets "WEST" Mall Development Plan
 (Based on assumptions provided in the SDEIS)

	PH 2										TOTALS		
	PHASE 2 TOT					PHASE 1A LOCAL TO							
	Residential	Office	Destination	Retail	Destination	Retail	Destination	Retail	Convention	Movie		Hotel	Community
		Retail		Retail		Retail		Expo Facilit.	Theatre		Facility	Students	Faculty
Size	5,850	780,000	1,058,500	915,000	276,300	316,700	400,000	4,000	700	150,000	1,463	900	
Trip Gen Rate	8.075/DU	18	78.2	78.2	78.2	205	46.2	3.26	9.4	34	2	2	
Modal Split-Bus	10%	14%	10%	4%	10%	10%	12%	18%	5%	5%	10%	0%	
Modal Split-Subway	52%	16%	7%	3%	7%	3%	2%	8%	5%	26%	15%	0%	
Modal Split-Auto	26%	51%	80%	90%	80%	15%	68%	56%	70%	16%	15%	50%	
Modal Split-Taxi	1%	1%	3%	3%	3%	0%	8%	7%	15%	1%	0%	0%	
Auto Occupancy	1.39	1.14	2.05	2.05	2.05	2	2.3	2.52	1.6	1.5	1.3	1.2	
Taxi Occupancy	1.39	1.14	2.05	2.05	2	2	1.8	2.3	1.4	1.5	1.3	1.2	
Truck Trip Gen Rate	0.06/DU	0.32	0.35	0.35	0.35	0.35	0.7	0.02	0.24	0.38	0.04	0	
Total Truck Trips	351	250	370	320	97	111	280	80	168	57	59	0	2142
Total Auto/Taxi Trips	9,516	6,527	34,725	33,508	9,064	4,869	7,106	3,692	4,289	578	338	750	114,962
BUS (person trips)	4,724	1,966	8,277	2,862	2,161	6,492	2,218	2	0	255	0	0	28,958
SUBWAY (person trips)	24,564	2,246	5,794	2,147	1,512	1,948	370	1	0	1,326	0	1	39,910
AUTOS (vehicles)	8,836	6,281	32,302	31,414	8,432	4,869	5,464	2,898	2,879	544	338	750	105,006
TAXI (vehicles)	680	246	2,423	2,094	632	0	1,643	794	1,410	34	0	0	9,956
TRUCK (vehicles)	351	250	370	320	97	111	280	80	168	57	59	0	2,142
TOTAL WEEKDAY VEHICLE TRIPS	9,867	6,777	35,095	33,828	9,161	4,980	7,386	3,772	4,457	635	396	750	117,104
PERCENT OF TOTAL VEH TRIPS	8%	6%	30%	29%	8%	4%	6%	3%	4%	1%	0%	1%	
Reference Table 14-29 SDEIS													
AUTOS (vehicles) SDEIS	8836	6281	39,532	31,414	7516	9,117	5,464	2,898	2,879	544	338	750	76,639
AUTOS WITH ADJ. % AUTO TRIPS	8836	6281	25,680	31,414	7516	5331	5,464	2,898	2,879	544	338	750	97,929
DIFFERENCE	0	0	-13,852	3,1414	7516	-3,787	0	0	0	0	0	0	21,291
ESTIMATE OF VMT													28%
TRIP DISTANCE													
AUTO	8	8	6	6	6	4	2	4	8	2	4	2	
TAXI	6	6	6	6	6	6	6	6	6	6	6	6	
TRUCK	38	38	38	38	38	38	38	38	38	38	38	38	
VMT	70,688	50,248	193,814	188,481	50,591	19,477	10,927	11,591	23,030	1,088	1,350	1,500	622,787
AUTO	4,078	1,478	14,536	12,565	3,794	0	9,856	4,762	8,460	204	0	0	59,734
TAXI	13,338	9,485	14,078	12,170	3,675	4,212	10,640	3,040	6,384	2,166	2,224	0	81,411
TRUCK	88,104	61,211	222,428	213,216	58,060	23,689	31,423	19,394	37,874	3,458	3,574	1,500	763,932
TOTALS													258,209,034
													33%

PHASE 1A (2018) WITH ACTION PARKING

In Phase 1A, the proposed project would provide approximately 2,500 off-street accessory parking spaces to satisfy the projected parking demand due to the development in Willetts West and 75 accessory spaces for project demand in the District.¹ As shown in **Table 14-39**, the projected weekday and Saturday peak parking demands for Willetts West (1,127 and 2,238 spaces, respectively) is anticipated to be satisfied entirely by the off-street parking facility provided within the site.

**Table 14-39
Willetts West Phase 1A (2018)
Weekday and Saturday Parking Accumulation**

Time Begin	Weekday							Saturday							Total Acc.
	Destination Retail			Movie Theater				Destination Retail			Movie Theater				
	In	Out	Acc.	In	Out	Acc.	Total	In	Out	Acc.	In	Out	Acc.		
Midnight	0	0	0	0	14	14	14	0	0	0	0	28	28	28	
1 AM	0	0	0	0	14	0	0	0	0	0	0	28	0	0	
2 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
3 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
5 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
6 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
7 AM	62	62	0	14	0	14	14	100	0	100	28	0	28	128	
8 AM	377	241	136	27	2	39	175	191	10	281	53	3	78	359	
9 AM	292	120	308	32	6	65	373	180	20	441	94	17	155	596	
10 AM	393	184	517	58	14	109	626	321	80	682	111	28	238	920	
11 AM	591	439	669	55	23	141	810	1,263	541	1,404	108	58	288	1,692	
Noon	1,020	834	855	54	33	162	1,017	881	763	1,522	172	106	354	1,876	
1 PM	1,581	1,549	887	70	46	186	1,073	1,125	1,081	1,566	172	106	420	1,986	
2 PM	1,008	1,114	781	101	73	214	995	1,074	992	1,648	183	150	453	2,101	
3 PM	939	832	888	114	89	239	1,127	1,043	963	1,728	214	175	492	2,220	
4 PM	855	937	806	143	117	265	1,071	579	625	1,682	153	125	520	2,202	
5 PM	871	982	695	125	107	283	978	902	902	1,682	240	204	556	2,238	
6 PM	896	1,040	551	188	160	311	862	812	993	1,501	360	307	609	2,110	
7 PM	803	803	551	200	177	334	885	632	1,173	960	376	347	638	1,598	
8 PM	436	533	454	178	257	255	709	562	1,042	480	342	492	488	968	
9 PM	175	629	0	59	145	169	169	361	841	0	113	276	325	325	
10 PM	0	0	0	23	94	98	98	0	0	0	44	179	190	190	
11 PM	0	0	0	9	79	28	28	0	0	0	17	151	56	56	
Total	10,299	10,299		1,450	1,450			10,026	10,026		2,780	2,780			

Note: Acc = Accumulation
Source: Based on travel demand estimates

As shown in **Tables 14-40** and **14-41**, parking demand from development within the District would not be fully accommodated by the 75 accessory spaces on weekdays or on Saturdays. During the Mets off-season, there would be an additional parking demand of 5 to 131 spaces on weekdays and Saturdays. During the off-season when the recreational uses would be in place, the additional recreational accessory parking demand, if needed, would be provided in Lot B, the north lot, or within the Willetts Point District property itself to satisfy this demand.

¹ Additional parking spaces may be provided for off-season recreation uses within the District if they are warranted.

**Table 14-60
Phase 2 (2032) Special Willets Point District
Weekday Parking Accumulation**

Time Begin	Residential			Office			Destination Retail			Local Retail			Convention/Expo		
	In	Out	Acc.	In	Out	Acc.	In	Out	Acc.	In	Out	Acc.	In	Out	Acc.
Midnight	66	66	3,101	0	0	0	0	0	0	0	0	0	0	0	0
1 AM	31	31	3,101	0	0	0	0	0	0	0	0	0	0	0	0
2 AM	18	18	3,101	0	0	0	0	0	0	0	0	0	0	0	0
3 AM	13	13	3,101	0	0	0	0	0	0	0	0	0	0	0	0
4 AM	13	13	3,101	0	0	0	0	0	0	0	0	0	0	0	0
5 AM	13	13	3,101	0	0	0	0	0	0	0	0	0	0	0	0
6 AM	27	27	3,101	0	0	0	0	0	0	0	0	0	27	0	27
7 AM	34	310	2,825	41	3	38	44	44	0	26	1	25	191	0	218
8 AM	177	707	2,295	465	18	485	271	173	98	103	103	25	300	0	518
9 AM	117	467	1,945	395	68	812	210	86	222	45	30	40	696	14	1,200
10 AM	110	331	1,724	85	68	829	282	132	372	118	81	77	418	74	1,544
11 AM	156	233	1,647	34	97	766	424	315	481	171	178	70	350	87	1,807
Noon	225	217	1,655	145	157	754	732	599	614	650	650	70	283	105	1,985
1 PM	203	203	1,655	172	104	822	1,135	1,113	636	513	534	49	264	310	1,939
2 PM	186	186	1,655	89	56	855	723	800	559	342	356	35	44	146	1,837
3 PM	243	234	1,664	63	77	841	674	598	635	292	303	24	68	308	1,597
4 PM	382	254	1,792	48	295	594	614	673	576	295	307	12	61	347	1,311
5 PM	632	340	2,084	28	535	87	625	705	496	342	342	12	21	673	659
6 PM	585	246	2,423	14	79	22	644	746	394	265	277	0	7	633	33
7 PM	514	220	2,717	7	29	0	577	577	394	260	260	0	0	33	0
8 PM	223	95	2,845	0	0	0	313	382	325	0	0	0	0	0	0
9 PM	179	77	2,947	0	0	0	126	451	0	0	0	0	0	0	0
10 PM	148	64	3,031	0	0	0	0	0	0	0	0	0	0	0	0
11 PM	124	54	3,101	0	0	0	0	0	0	0	0	0	0	0	0
Total	4,419	4,419		1,586	1,586		7,394	7,394		3,422	3,422		2,730	2,730	
Time Begin	Hotel			Community Facility			School – Students			School – Staff			Total Acc.		
	In	Out	Acc.	In	Out	Acc.	In	Out	Acc.	In	Out	Acc.			
Midnight	12	2	306	0	0	0	0	0	0	0	0	0	3,407		
1 AM	13	1	318	0	0	0	0	0	0	0	0	0	3,419		
2 AM	0	0	318	0	0	0	0	0	0	0	0	0	3,419		
3 AM	0	0	318	0	0	0	0	0	0	0	0	0	3,419		
4 AM	0	0	318	0	0	0	0	0	0	0	0	0	3,419		
5 AM	0	0	318	0	0	0	0	0	0	0	0	0	3,419		
6 AM	0	0	318	0	0	0	0	0	0	0	0	0	3,446		
7 AM	8	12	314	17	1	16	8	8	0	6	0	6	3,442		
8 AM	94	136	272	30	2	44	152	152	0	50	0	56	3,793		
9 AM	45	84	233	22	9	57	8	8	0	0	0	56	4,565		
10 AM	50	50	233	19	12	64	0	0	0	0	0	56	4,899		
11 AM	65	65	233	14	17	61	0	0	0	0	0	56	5,121		
Noon	274	129	378	14	17	58	0	0	0	0	0	56	5,570		
1 PM	47	109	316	11	15	54	0	0	0	0	0	56	5,527		
2 PM	37	86	267	9	13	50	0	0	0	0	0	56	5,314		
3 PM	37	86	218	15	21	44	127	127	0	0	44	12	5,035		
4 PM	43	101	160	17	23	38	16	16	0	0	6	6	4,489		
5 PM	221	154	227	15	21	32	25	25	0	0	6	0	3,597		
6 PM	137	206	158	19	26	25	0	0	0	0	0	0	3,055		
7 PM	114	76	196	14	14	25	0	0	0	0	0	0	3,332		
8 PM	103	84	215	4	18	11	0	0	0	0	0	0	3,396		
9 PM	65	34	246	1	12	0	0	0	0	0	0	0	3,193		
10 PM	50	18	278	0	0	0	0	0	0	0	0	0	3,309		
11 PM	23	5	296	0	0	0	0	0	0	0	0	0	3,397		
Total	1,438	1,438		221	221		336	336		56	56				

Note: Acc. = Accumulation
Source: Based on travel demand estimates

Table 21-23
Phase 2 (2032) Highway Level of Service Summary With Mitigation
Weekday PM Non-Game Day

Mainlines	No Action			With Action			With Mitigation		
	Speed (mph)	Density (pc/mi/ln)	LOS	Speed (mph)	Density (pc/mi/ln)	LOS	Speed (mph)	Density (pc/mi/ln)	LOS
Grand Central Parkway EB Mainline (between Roosevelt Ave & Long Island Expwy)	33.0	45.4	F	33.6	35.8	E	32.9	47.6	F
Grand Central Parkway WB Mainline (east side) (between Roosevelt Ave & Long Island Expwy)	37.7	25.8	C	0.4	194.9	F	36.9	32.0	D
Grand Central Parkway WB Mainline (west side) (between Roosevelt Ave & Long Island Expwy)	44.2	34.1	D	35.3	54.0	F	43.9	37.2	E
Van Wyck Expressway NB Mainline (between Roosevelt Ave & Long Island Expwy)	33.7	39.8	E	22.4	67.9	F	32.6	49.2	F
Van Wyck Expressway SB Mainline (between Roosevelt Ave & Long Island Expwy)	17.3	69.7	F	38.9	36.1	E	38.6	41.5	E
Whitestone Expressway NB Mainline (between Northern Boulevard and Linden Place)	35.1	50.1	F	35.5	36.4	E	35.1	52.4	F
Whitestone Expressway SB Mainline (between Northern Boulevard and Linden Place)	31.8	36.2	E	11.2	89.6	F	31.6	38.9	E
Ramps									
Ramp from World's Fair Marina / Boat Basin Road to Grand Central Parkway WB	34.1	20.0	B	33.3	18.3	B	33.0	32.9	D
Ramp from Van Wyck Expressway NB to Northern Boulevard EB	23.8	19.1	B	10.4	44.1	F	21.1	26.2	C
Ramp from Van Wyck Expressway NB to Northern Boulevard WB	24.3	18.1	B	7.2	58.7	F	23.8	31.0	D
Ramp from Whitestone Expressway NB to Van Wyck Expressway SB	19.5	40.5	E	38.6	19.9	B	35.2	31.9	D
Ramp from Northern Boulevard WB to Van Wyck Expressway SB	14.9	41.2	E	24.6	29.2	D	3.5	197.0	F
Ramp from Astoria Boulevard EB & Northern Boulevard EB to Whitestone Expressway NB	38.9	21.0	C	38.9	20.2	C	39.0	20.6	C
Ramp from Whitestone Expressway SB to Grand Central Parkway WB	33.1	33.9	D	33.1	30.3	D	32.9	35.6	E
Ramp from Whitestone Expressway SB to Grand Central Parkway EB	31.8	16.9	B	31.7	17.8	B	32.0	22.1	C
Ramp from Northern Boulevard WB and Whitestone Expressway SB to Astoria Boulevard WB	32.0	11.1	B	32.1	8.7	A	31.9	12.0	B
Ramp from Astoria Blvd EB & Grand Central Pkwy to Whitestone Expwy NB / Northern Blvd EB	34.8	25.8	C	3.1	138.6	F	23.8	50.3	F
Ramp from Grand Central Parkway WB toward Stadium Road and Whitestone Expressway NB	41.4	5.4	A	0.0	235.0	F	40.0	19.3	B
Ramp from Whitestone Expressway SB to Northern Boulevard WB	30.4	20.9	C	3.0	204.6	F	16.2	69.2	F
Note: Significant Impact									

**Table 21-24
Phase 2 (2032) Highway Level of Service Summary With Mitigation
Saturday Non-Game Day**

Mainlines	No Action			With Action			With Mitigation		
	Speed (mph)	Density (pc/mi/ln)	LOS	Speed (mph)	Density (pc/mi/ln)	LOS	Speed (mph)	Density (pc/mi/ln)	LOS
Grand Central Parkway EB Mainline (between Roosevelt Ave & Long Island Expwy)	37.1	44.5	E	38.3	26.2	C	37.2	43.7	E
Grand Central Parkway WB Mainline (east side) (between Roosevelt Ave & Long Island Expwy)	38.1	28.4	D	0.0	200.2	F	37.4	36.0	E
Grand Central Parkway WB Mainline (west side) (between Roosevelt Ave & Long Island Expwy)	43.4	39.0	E	31.2	48.8	F	42.2	43.7	E
Van Wyck Expressway NB Mainline (between Roosevelt Ave & Long Island Expwy)	38.8	32.6	D	12.0	105.7	F	12.0	103.7	F
Van Wyck Expressway SB Mainline (between Roosevelt Ave & Long Island Expwy)	31.8	38.2	E	34.8	33.8	D	40.2	37.9	E
Whitestone Expressway NB Mainline (between Northern Boulevard and Linden Place)	37.0	27.8	C	37.6	15.0	B	36.7	32.1	D
Whitestone Expressway SB Mainline (between Northern Boulevard and Linden Place)	33.1	31.2	D	4.1	147.2	F	19.7	54.6	F
Ramps									
Ramp from World's Fair Marina / Boat Basin Road to Grand Central Parkway WB	33.8	21.1	C	34.0	13.6	B	33.1	24.2	C
Ramp from Van Wyck Expressway NB to Northern Boulevard EB	22.6	24.2	C	7.2	59.2	F	9.4	59.0	F
Ramp from Van Wyck Expressway NB to Northern Boulevard WB	26.1	13.5	B	4.7	77.9	F	25.6	20.9	C
Ramp from Whitestone Expressway NB to Van Wyck Expressway SB	43.5	13.3	B	43.4	9.5	A	37.8	25.8	C
Ramp from Northern Boulevard WB to Van Wyck Expressway SB	28.1	29.2	D	24.2	40.5	E	6.0	150.9	F
Ramp from Astoria Boulevard EB & Northern Boulevard EB to Whitestone Expressway NB	40.1	7.0	A	39.8	7.9	A	39.9	8.4	A
Ramp from Whitestone Expressway SB to Grand Central Parkway WB	33.3	32.7	D	33.7	22.7	C	33.3	31.8	D
Ramp from Whitestone Expressway SB to Grand Central Parkway EB	31.4	11.7	B	30.6	10.8	B	32.5	14.9	B
Ramp from Northern Boulevard WB and Whitestone Expressway SB to Astoria Boulevard WB	39.3	8.9	A	39.6	5.2	A	39.1	9.1	A
Ramp from Astoria Blvd EB & Grand Central Pkwy to Whitestone Expwy NB / Northern Blvd EB	29.6	25.9	C	1.8	141.2	F	7.4	130.4	F
Ramp from Grand Central Parkway WB toward Stadium Road and Whitestone Expressway NB	43.3	7.3	A	0.0	243.5	F	32.8	28.3	D
Ramp from Whitestone Expressway SB to Northern Boulevard WB	30.4	21.0	C	1.5	214.8	F	6.4	171.0	F
Note: Significant Impact									

Table 14-59
Phase 2 (2032) With Action Condition Significant Impact Summary

Intersections	Without a Mets Game				With a Mets Game		
	Weekday AM	Weekday Midday	Weekday PM	Saturday Midday	Pre-game Weekday PM	Pre-game Saturday Midday	Post-game Saturday PM
Astoria Boulevard at 108th Street		x	x	x	x	x	x
Northern Boulevard at 108th Street	x	x	x	x	x	x	x
Northern Boulevard at 114th Street	x	x	x	x	x	x	x
Northern Boulevard at 126th Street	x	x	x	x	x	x	x
Northern Boulevard at Prince Street	x	x	x	x	x	x	x
Northern Boulevard at Main Street	x	x	x	x	x	x	x
Northern Boulevard at Union Street	x	x	x	x	x	x	x
Northern Boulevard at Parsons Boulevard	x	x	x	x	x	x	x
34th Avenue at 114th Street		x	x	x	x	x	x
34th Avenue at 126th Street	x	x	x	x	x	x	x
Roosevelt Avenue at 108th Street	x	x	x	x	x	x	x
Roosevelt Avenue at 111th Street	x	x	x	x	x	x	x
Roosevelt Avenue at 114th Street	x	x	x	x	x	x	x
Roosevelt Avenue at 126th Street	x	x	x	x	x	x	x
Roosevelt Avenue at College Point Boulevard	x	x	x	x	x	x	x
Roosevelt Avenue at Prince Street	x	x	x		x		
Roosevelt Avenue at Main Street	x	x	x	x	x	x	x
Roosevelt Avenue at Union Street	x	x	x	x	x	x	x
Roosevelt Avenue at Parsons Boulevard	x	x	x	x	x		x
Kissena Boulevard at Main Street		x		x		x	
Sanford Avenue at College Point Boulevard			x	x			
Sanford Avenue at Union Street							
Sanford Avenue at Parsons Boulevard	x	x	x	x	x		x
32nd Avenue at College Point Boulevard							
Northern Boulevard at College Point Boulevard	x	x	x	x	x	x	
Boat Basin Road at Stadium Road	x	x	x	x	x	x	x
Boat Basin Road at World's Fair Marina	x	x	x	x	x	x	x
Stadium Road at Grand Central Parkway		x	x	x	x	x	x
Willets Point Boulevard at Northern Boulevard	x	x	x	x	x	x	x
New Willets Point Boulevard at 126th Street	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Roosevelt Avenue at CitiField / Lot B	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Notes: "x" means the intersection would be significantly impacted. n/a means the intersection is new for With Action conditions.

Parking demand for the proposed residential component would be satisfied through on-street and off-street parking opportunities. As in the 2008 FGEIS, it is assumed that approximately 10 percent of residents would use available on-street parking opportunities, which would reduce the need for off-street parking demand by about 300 spaces. Given the anticipated residential demand of 3,101 spaces, approximately 2,800 off-street residential parking spaces would need to be provided. Residential parking demand is typically lowest during the daytime hours when office, community uses, and primary school parking demands are at a maximum. Therefore, shared parking strategies would be implemented and, where possible, office, community, and primary school parking demands would use parking spaces vacated by residents during the daytime hours. This would maximize usage of vacant residential parking spaces during daytime hours and minimize the need for additional dedicated parking spaces for office, community, and primary school uses.

It is expected that the remaining land uses—retail, hotel, and convention center space—could also share common parking areas. However, because peaking patterns among these uses are similar to each other, there would be minimal savings in the number of required parking spaces. Hence, the projected weekday and Saturday parking demands for these uses are based on the sum of the individual peak demands, or approximately 3,050 spaces and 2,900 spaces, respectively. These

they are found to be significantly impacted under the With Action condition, mitigation measures such as those typically implemented by NYCDOT would be further explored to address the impacts, or if no practicable mitigation measures can be identified, the impacts would be disclosed as being unmitigatable.

TRAFFIC—PHASE 2 (2032)

Table 21-5 presents a summary of significant adverse traffic impacts and their ability to be mitigated, and Table 21-6 summarizes the unmitigated traffic study area locations by time period. Details of the intersection capacity results and traffic mitigation measures are provided in tables at the back of this chapter.

Table 21-5
Traffic Impact Mitigation Summary—Phase 2 (2032)

Intersection	Without a Mets Game				With a Mets Game		
	Weekday AM	Weekday Midday	Weekday PM	Saturday Midday	Weekday Pre-Game PM	Saturday Pre-Game Midday	Saturday Post-Game PM
No Significant Impact	5	5	5	5	5	5	5
Fully Mitigated Impact	14	14	13	11	11	11	11
Partially Mitigated Impact	3	7	7	5	5	5	7
Unmitigated Impact	5	5	5	7	5	4	5

Table 21-6
Summary of Unmitigated Intersections—Phase 2 (2032)

Intersection	Without a Mets Game				With a Mets Game		
	Weekday AM	Weekday Midday	Weekday PM	Saturday Midday	Weekday Pre-Game PM	Saturday Pre-Game Midday	Saturday Post-Game PM
Astoria Boulevard at 108th Street			X	X	X		
Northern Boulevard at 108th Street							
Northern Boulevard at 114th Street							
Northern Boulevard at 126th Street							
Northern Boulevard at Prince Street	X		95.3				X
Northern Boulevard at Main Street	X	X	97.6	X	X	X	X
Northern Boulevard at Union Street	X		92.2				
Northern Boulevard at Parsons Boulevard							
34th Avenue at 114th Street							
34th Avenue at 126th Street			106.7				
Roosevelt Avenue at 108th Street							
Roosevelt Avenue at 111th Street			144.1	X	X	X	X
Roosevelt Avenue at 114th Street							
Roosevelt Avenue at 126th Street			156.1				
Roosevelt Avenue at College Point Boulevard			139.1				
Roosevelt Avenue at Prince Street							
Roosevelt Avenue at Main Street		X	98.9				
Roosevelt Avenue at Union Street	X	X	242.3	X	X	X	X
Roosevelt Avenue at Parsons Boulevard				X	X		
Kissena Boulevard at Main Street							
Sanford Avenue at College Point Boulevard							
Sanford Avenue at Union Street							
Sanford Avenue at Parsons Boulevard							
32nd Avenue at College Point Boulevard							
Northern Boulevard at College Point Boulevard	X	X		X		X	
Boat Basin Road at Stadium Road		X	452.5	X			X
Boat Basin Road at Writ's Fair Marina							
Stadium Road at Grand Central Parkway							
Writ's Point Boulevard at Northern Boulevard							
New Writ's Point Boulevard at 126th Street							

Notes: "X" means the intersection would be unmitigated in the corresponding peak hour

TABLE 22
 CITIFIELD - WILLET'S POINT DEVELOPMENT STUDY
 2032 PHASE 2 WEEKDAY NON-GAME PM NO ACTION VS WITH ACTION TRAFFIC LEVELS OF SERVICE COMPARISON

INTERSECTION & APPROACH	No Action						With Action						Mitigation Measure							
	Control			Delay			Control			Delay			Control			Delay				
	MvL	V/C	LOS	MvL	V/C	LOS	MvL	V/C	LOS	MvL	V/C	LOS	MvL	V/C	LOS	MvL	V/C	LOS		
Parsons Boulevard at Northern Boulevard (RT. 25A) Parsons Boulevard	NB	L	0.86	72.5	E	L	0.88	77.4	E	L	0.87	74.8	E	-	L	0.87	74.8	E		
	TR	0.50	35.4	D	TR	0.50	35.4	D	TR	0.49	34.4	C	-	TR	0.49	34.4	C			
	SB	LTR	1.13	100.8	F	LTR	1.19	128.1	F	-	LTR	0.65	34.2	C	-	LTR	0.65	34.2	C	
	EB	L	0.48	46.8	D	L	0.56	48.3	D	-	L	0.46	34.1	C	-	L	0.46	34.1	C	
	WB	TR	0.98	38.8	D	TR	1.13	92.1	F	-	TR	0.57	50.6	D	-	TR	0.57	50.6	D	
Northern Boulevard (Rt. 25A)	NB	L	0.40	40.8	D	L	0.40	43.7	D	-	L	0.40	43.7	D	-	L	0.40	43.7	D	
	TR	1.10	82.2	F	TR	1.29	164.6	F	-	TR	1.10	82.9	F	-	TR	1.10	82.9	F		
	SB	L	0.40	40.8	D	L	0.40	43.7	D	-	L	0.40	43.7	D	-	L	0.40	43.7	D	
	EB	L	0.40	40.8	D	L	0.40	43.7	D	-	L	0.40	43.7	D	-	L	0.40	43.7	D	
	WB	TR	1.10	82.2	F	TR	1.29	164.6	F	-	TR	1.10	82.9	F	-	TR	1.10	82.9	F	
Overall Intersection	-	1.09	60.6	E	-	1.18	114.2	F	-	1.00	76.8	E	-	1.00	76.8	E				
34TH AVENUE																				
114th Street at 34th Avenue 114th Street	SB	L	1.01	64.3	E	L	1.09	89.3	F	-	L	0.98	55.6	E	-	L	0.98	55.6	E	
	TR	0.41	26.1	C	TR	0.48	27.4	C	-	TR	0.44	24.4	C	-	TR	0.44	24.4	C		
	EB	TR	0.38	11.3	B	TR	0.39	11.3	B	-	TR	0.41	13.2	B	-	TR	0.41	13.2	B	
	WB	-	0.60	38.2	D	-	0.63	50.6	D	-	-	0.63	35.0	D	-	-	0.63	35.0	D	
	Overall Intersection	-	0.60	38.2	D	-	0.63	50.6	D	-	-	0.63	35.0	D	-	-	0.63	35.0	D	
126th Street/GCP Ramp at 34th Avenue 126th Street	NB	DdL	0.36	23.9	C	DdL	2.79	846.1	F	-	L	1.47	273.5	F	-	L	1.47	273.5	F	
	TR	0.27	21.2	C	TR	0.71	29.8	C	-	TR	0.85	44.5	D	-	TR	0.85	44.5	D		
	SB	LTR	0.28	21.7	C	LTR	0.82	41.0	D	-	L	0.81	63.0	E	-	L	0.81	63.0	E	
	EB	LTR	0.76	60.2	E	LTR	3.00+	1000.0+	F	-	R	0.71	42.3	D	-	R	0.71	42.3	D	
	WB	LTR	0.45	42.8	D	DdL	3.00+	1000.0+	F	-	DdL	0.90	83.2	F	-	DdL	0.90	83.2	F	
	Overall Intersection	-	1.00	99.0	F	-	3.00+	1000.0+	F	-	-	0.88	48.9	D	-	-	0.88	48.9	D	
	Overall Intersection	-	0.62	44.1	D	-	3.00+	1000.0+	F	-	-	1.39	226.8	F	-	-	1.39	226.8	F	
	Overall Intersection	-	0.62	44.1	D	-	3.00+	1000.0+	F	-	-	1.60	106.7	F	-	-	1.60	106.7	F	
	ROOSEVELT AVENUE 108th Street at Roosevelt Avenue 108th Street	NB	LTR	1.13	113.2	F	LTR	1.19	138.5	F	-	LTR	0.95	58.8	E	-	LTR	0.95	58.8	E
		SB	LTR	1.20	138.5	F	LTR	1.22	147.9	F	-	R	0.40	38.6	D	-	R	0.40	38.6	D
		EB	LTR	0.75	10.1	B	LTR	0.93	21.9	C	-	LTR	0.97	55.9	E	-	LTR	0.97	55.9	E
		WB	LTR	0.84	18.3	B	LTR	1.10	68.9	E	-	R	0.40	38.1	D	-	R	0.40	38.1	D
Overall Intersection		-	0.94	52.6	D	-	1.13	75.8	E	-	-	1.06	49.0	D	-	-	1.06	49.0	D	

-Partially Mitigated
 -Install "No Standing Anytime" regulations along the north curb of the WB Northern Blvd approach 150-ft from the intersection to allow for one 10-ft day lighted right-turn lane.
 -Install "No Standing Anytime" regulations along the south curb of the EB Northern Blvd approach 200-ft from the intersection to allow for one 10-ft day lighted right-turn lane.
 -Install "No Standing Anytime" regulations along the west curb of the SB Parsons Blvd approach 150-ft from the intersection to allow for one 10-ft day lighted right-turn lane.
 -Modify Signal Timing. Shift 1 s green time from LPH phase (east and west crosswalks) to NB/SB phase [LPH shifts from 7 s to 0 s; NB/SB green time shifts from 36 s to 37 s].

-Modify Signal Timing. Shift 3 s of green time from EB phase to SB phase [EB green time shifts from 32 s to 49 s; SB green time shifts from 28 s to 31 s].

-Partially mitigated.
 -Restripe the NB 126th Street approach from two 11-ft travel lanes, one 12-ft travel lane, and one 7-ft buffered median to one 12-ft exclusive left-turn lane, two 12-ft travel lanes and one 5-ft Class II bicycle lane.
 -Widen roadway on the east leg of the intersection to 44 ft to have two 11-ft WB approach lanes and two 11-ft EB receiving lanes.
 -Reconstruct and merge the GCP and Northern Boulevard ramp approaches to have one 11-ft exclusive left-turn lane, two 11-ft travel lanes and one 11-ft exclusive right-turn lane.
 -Modify signal phasing and timing plan: EB/WB phase will have 37 s green time; EB lag phase will have 7 s green time; NB/SB phase will have 42 s green time; NB/SB lag left-turn phase will have 14 s green time [each phase will have 3 s amber and 2 s all red time].

-Partially mitigated.
 -Install "No Standing Anytime" regulations along the east curb of the NB 108th Street approach 150-ft from the intersection to allow for one 11-ft left-through lane and one 11-ft right-turn lane.
 -Install "No Standing Anytime" regulations along the west curb of the SB 108th Street approach 150-ft from the intersection to allow for one 11-ft left-through lane and one 11-ft right-turn lane.

TABLE 22
CITYFIELD - WILLETS POINT DEVELOPMENT STUDY
2032 PHASE 2 WEEKDAY NON-GAME PM NO ACTION VS WITH ACTION TRAFFIC LEVELS OF SERVICE COMPARISON

INTERSECTION & APPROACH	No Action						With Action						Mitigation Measure						
	Mvt.			Control			Mvt.			Control			Mvt.			Control			
	V/C	Delay	LOS	Mvt.	V/C	Delay	LOS	Mvt.	V/C	Delay	LOS	Mvt.	V/C	Delay	LOS	Mvt.	V/C	Delay	
111th Street at Roosevelt Avenue	LTR	0.86	57.2	E	LTR	0.86	57.2	E	-	-	-	LTR	0.66	37.9	D	-	-	-	
	EB	0.79	11.1	F	LTR	0.99	64.9	E	LTR	1.24	152.6	F	LTR	0.84	41.7	D	-	-	-
	WB	1.25	133.7	B	LTR	0.93	22.7	C	LTR	1.53	263.0	F	R	0.13	32.7	-	-	-	-
Overall Intersection	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	-	1.14	78.3	E	-	-	-	-	-	-	-	-	-	0.75	26.2	C	-	-	-
	-	-	-	-	-	-	-	-	-	-	-	-	-	0.81	22.5	C	-	-	-
114th Street at Roosevelt Avenue	LTR	0.99	64.9	E	LTR	0.99	64.9	E	-	-	-	-	-	-	-	-	-	-	
	SB	1.09	91.4	F	LTR	1.24	152.6	F	-	-	-	-	-	-	-	-	-	-	
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Roosevelt Avenue	LTR	0.93	22.7	C	LTR	1.53	263.0	F	-	-	-	-	-	-	-	-	-	-	
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Overall Intersection	-	0.98	31.7	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
126th Street at Roosevelt Avenue	LTR	0.68	55.0	D	LTR	3.00+	1000.0+	F	-	-	-	-	-	-	-	-	-	-	
	SB	1.03	100.7	F	DsL	3.00+	1000.0+	F	-	-	-	-	-	-	-	-	-	-	
	TR	0.66	48.0	D	TR	2.91	912.9	F	-	-	-	-	-	-	-	-	-	-	
Roosevelt Avenue	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Overall Intersection	-	0.79	27.1	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
College Point Boulevard at Roosevelt Avenue	L	1.25	176.0	F	L	1.70	368.8	F	-	-	-	-	-	-	-	-	-	-	
	TR	0.76	31.3	C	TR	0.76	31.3	C	-	-	-	-	-	-	-	-	-	-	
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Roosevelt Avenue	L	1.33	193.8	F	L	1.53	284.5	F	-	-	-	-	-	-	-	-	-	-	
	TR	0.48	37.2	D	L	0.53	38.4	D	-	-	-	-	-	-	-	-	-	-	
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Overall Intersection	-	1.33	119.6	F	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

-Unmitigatable impact

-Shift center line of WB Roosevelt Avenue approach 11 ft to the south
 -Restripe the WB Roosevelt Avenue approach from two 11-ft travel lanes to one 11-ft exclusive left-turn lane, one 11-ft through lane, and one 11-ft exclusive right-turn lane
 -Restripe the EB Roosevelt Avenue approach from two 11-ft travel lanes to one 11-ft exclusive left-turn lane and one 11-ft travel lane
 -Shift centerline of NB 114th Street approach 3 ft to the east
 -Restripe the NB 114th Street approach from one 16-ft travel lane to one 13-ft travel lane
 -Shift center line of SB 114th Street approach 2 ft to the east
 -Install "No Standing Anytime" regulations along the east curb of the NB 114th Street approach 250 ft from the intersection
 -Install "No Standing Anytime" regulations along the south curb of the EB Roosevelt Avenue approach 250 ft from the intersection
 -Modify signal timing. Shift 3 s green time from EB/WB phase to NB/SB phase. EB/WB green time shifts from 80 s to 77 s. NB/SB green time shifts from 30 s to 33 s
 -Install "No Standing 3 PM - 7 PM" regulations along the west curb of the SB 114th Street approach 150-ft from the intersection to allow for one 12-ft left-through lane and one 10-ft right-turn lane

-Partially mitigated
 -Reconfigure NB 126th Street approach to have one 10-ft exclusive left-turn and two 10-ft travel lanes
 -Shift centerline of SB 126th Street approach 9 ft to the east
 -Restripe the SB 126th Street approach from one 11-ft and one 12-ft travel lane to one 11-ft exclusive left-turn lane, one 10-ft through lane, and one 11-ft exclusive right-turn lane for 250 ft
 -Shift centerline of EB Roosevelt Avenue approach 1 ft to north
 -Shift centerline of WB Roosevelt Avenue approach 1 ft to south
 -Restripe the EB Roosevelt Avenue approach from one 10-ft and 11-ft travel lane to two 11-ft travel lanes
 -Restripe the WB Roosevelt Avenue approach from one 11-ft and 10-ft travel lane to two 11-ft travel lanes
 -Modify signal phasing and timing plan. EB/WB will have 64 s green time. EB-lag/SB right phase will have 7 s green time. NB/SB phase will have 34 s green time [each phase will have 3 s amber and 2 s all red time]

-Partially Mitigated
 -Remove center median on east leg of Roosevelt Avenue
 -Restripe the WB Roosevelt Avenue approach from one 22-ft center median, one 13-ft travel lane, and one 17-ft travel lane to one 13-ft left-turn pocket, one 9-ft tapered haunched median, one 11-ft travel lane and one 19-ft travel lane for 80 ft
 -Restripe the NB College Point Boulevard approach from one 9-ft exclusive left-turn lane, one 13-ft travel lane, and one 18-ft travel lane with parking to two 10-ft exclusive left-turn lanes, and two 10-ft travel lanes for 200 ft
 -Restripe the SB College Point Boulevard approach from one 11-ft travel lane and one 19-ft travel lane to three 10-ft travel lanes for 200 ft
 -Install "No Standing Anytime" regulations along the east curb of the NB approach of College Point Boulevard for 250 ft
 -Install "No Standing Anytime" regulations along the west curb of the SB approach of College Point Boulevard for 200 ft
 -Divert SB right-turn traffic on College Point Boulevard to 39th Avenue and Janet Place
 -Modify signal phasing and timing plan. WB-lead phase will have 9 s green time. EB/WB will have 25 s green time. EB-lag phase will have 16 s green time. NB/SB phase will have 26 s green time. NB lag phase will have 19 s green time [each phase will have 3 s amber and 2 s all red time]

TABLE 27
 CITIFIELD - WILLETS POINT DEVELOPMENT STUDY
 2032 PHASE 2 SATURDAY POST-GAME PM NO ACTION VS WITH ACTION TRAFFIC LEVELS OF SERVICE COMPARISON

INTERSECTION & APPROACH	No Action					With Action					Mitigation				
	MvL	V/C	Delay	LOS	MvL	V/C	Delay	LOS	MvL	V/C	Delay	LOS	Control		Delay
													Control	Delay	
11th Street at Roosevelt Avenue	NB	LTR	1.08	85.9	F	LTR	1.08	85.9	F						
	EB	LTR	0.75	17.9	B	LTR	0.93	32.0	C						
	WB	LTR	1.24	130.2	F	LTR	1.49	242.3	F						
	Overall Intersection	-	1.20	84.4	F	-	1.38	140.7	F						
114th Street at Roosevelt Avenue	NB	LTR	0.69	46.6	D	LTR	0.69	46.6	D						
	SB	LTR	1.11	97.5	F	LTR	1.19	129.3	F						
	EB	LTR	1.33	170.5	F	LTR	2.09	511.8	F						
	WB	LTR	0.80	17.4	B	LTR	1.12	80.3	F						
Overall Intersection	-	1.26	71.4	E	-	1.82	192.3	F							
126th Street at Roosevelt Avenue	NB	LTR	0.22	37.4	D	LTR	0.19	38.9	D						
	SB	DefL	1.25	167.0	F	DefL	1.53	293.8	F						
	EB	TR	0.52	30.4	C	TR	0.41	29.9	C						
	WB	DefL	0.62	23.0	C	DefL	3.00+	1000.0+	F						
Overall Intersection	-	0.89	56.0	E	-	3.00+	1000.0+	F							
College Point Boulevard at Roosevelt Avenue	NB	L	1.05	93.9	F	L	1.47	260.9	F						
	EB	TR	0.78	26.3	C	TR	0.78	26.3	C						
	WB	L	0.89	40.4	D	TR	1.14	105.3	F						
	Overall Intersection	-	1.14	62.6	E	-	1.53	133.7	F						

Mitigation Measure

-Unmitigatable impact

-Shift center line of WB Roosevelt Avenue approach 11 ft to the south
 -Restripe the WB Roosevelt Avenue approach from two 11-ft travel lanes to one 11-ft exclusive left-turn lane, one 11-ft through lane, and one 11-ft exclusive right-turn lane.
 -Restripe the EB Roosevelt Avenue approach from two 11-ft travel lanes to one 11-ft exclusive left-turn lane and one 11-ft travel lane.
 -Shift centerline of NB 114th Street approach 3 ft to the east.
 -Restripe the NB 114th Street approach from one 16-ft travel lane to one 13-ft travel lane.
 -Shift center line of SB 114th Street approach 2 ft to the east.
 Install "No Standing Anytime" regulations along the east curb of the NB 114th Street approach 250 ft from the intersection.
 Install "No Standing Anytime" regulations along the south curb of the EB Roosevelt Avenue approach 250 ft from the intersection.
 -Modify signal timing. Shift 1 s green time from EB/WB phase to NB/SB phase [EB/WB green time shifts from 80 s to 79 s; NB/SB green time shifts from 30 s to 31 s].
 -Install "No Standing 3 PM - 7 PM" regulations along the west curb of the SB 114th Street approach 150-ft from the intersection to allow for one 12-ft left-through lane and one 10-ft right-turn lane.

-Partially mitigated
 -Reconfigure NB 126th Street approach to have one 10-ft exclusive left-turn and two 10-ft travel lanes.
 -Shift centerline of SB 126th Street approach 9 ft to the east.
 -Restripe the SB 126th Street approach from one 11-ft and one 12-ft travel lane to one 11-ft exclusive left-turn lane, one 10-ft through lane, and one 11-ft exclusive right-turn lane for 250 ft.
 -Shift centerline of EB Roosevelt Avenue approach 1 ft to north.
 -Shift centerline of WB Roosevelt Avenue approach 1 ft to south.
 -Restripe the EB Roosevelt Avenue approach from one 10-ft and 11-ft travel lane to two 11-ft travel lanes.
 -Restripe the WB Roosevelt Avenue approach from one 11-ft and 10-ft travel lane to two 11-ft travel lanes.
 -Modify signal phasing and timing plan. EB/WB will have 70 s green time. EB-lag/SB right phase will have 7 s green time. NB/SB phase will have 28 s green time [each phase will have 3 s amber and 2 s all red time].

-Partially mitigated
 -Remove center median on east leg of Roosevelt Avenue
 -Restripe the WB Roosevelt Avenue approach from one 22-ft center median, one 13-ft travel lane, and one 17-ft travel lane to one 13-ft left-turn pocket, one 9-ft tapered hatched median, one 11-ft travel lane and one 19-ft travel lane for 80 ft.
 -Restripe the NB College Point Boulevard approach from one 9-ft exclusive left-turn lane, one 13-ft travel lane, and one 18-ft travel lane with parking to two 10-ft exclusive left-turn lanes, and two 10-ft travel lanes for 200 ft.
 -Restripe the SB College Point Boulevard approach from one 11-ft travel lane and one 19-ft travel lane to three 10-ft travel lanes for 200 ft.
 -Install "No Standing Anytime" regulations along the east curb of the NB approach of College Point Boulevard for 250 ft.
 -Install "No Standing Anytime" regulations along the west curb of the SB approach of College Point Boulevard for 200 ft.
 -Divert SB right-turn traffic on College Point Boulevard to 39th Avenue and Janet Place.
 -Modify signal phasing and timing plan. WB-lag phase will have 8 s green time. EB/WB will have 28 s green time. EB-lag phase will have 17 s green time. NB/SB phase will have 28 s green time. NB lag phase will have 14 s green time [each phase will have 3 s amber and 2 s all red time].

TABLE 5
ESTIMATION OF THE NUMBER OF TRAFFIC ACCIDENTS GENERATED
ANNUALLY BY 116 MILLION VMT PRODUCED BY THE ORIGINAL
WILLETS POINT DEVELOPMENT PLAN PROJECT IN 2017

ACCIDENT TYPE	RATE/100 MIL VMT (1)	NUMBER OF ACCIDENTS	EXTERNAL COSTS (2)
Fatal Accidents	1.5	2	\$8,910,262
Incapacitating Injury Accidents	41	48	\$16,722,809
Serious Injury Accidents	81	94	\$6,589,697
Minor Injury Accidents	150	174	\$6,482,370
Property-Damage-Only Accidents	540	626	\$2,478,665
TOTAL NUMBER OF ACCIDENTS EACH YEAR		944	\$41,183,802

(1) Rates based on accident data provided by NYMTC in their 2006 Transportation Safety Statistical Report adjusted for national figures presented in the NHTSA's Traffic Safety Facts 2006.

(2) Based on costs reported in "SafetyAnalyst: Software Tools for Safety Management of Specific Highway Sites, White Paper for Model 3-Economic Appraisal and Priority Ranking," prepared for FHWA by Midwest Research Institute, 2002, adjusted to 2017 dollars. Brian Ketcham Engineering, PC, November 2009

ESTIMATION OF THE NUMBER OF TRAFFIC ACCIDENTS GENERATED
ANNUALLY BY 61 MILLION VMT PRODUCED BY THE WILLETS "WEST"
PROJECT IN 2032

ACCIDENT TYPE	RATE/100 MIL VMT (1)	NUMBER OF ACCIDENTS	EXTERNAL COSTS (2)
Fatal Accidents	1.5	1	\$8,438,444
Incapacitating Injury Accidents	41	25	\$15,837,301
Serious Injury Accidents	81	49	\$6,240,758
Minor Injury Accidents	150	92	\$6,139,115
Property-Damage-Only Accidents	540	329	\$2,347,414
TOTAL NUMBER OF ACCIDENTS EACH YEAR		496	\$39,003,033

(1) Rates based on accident data provided by NYMTC in their 2006 Transportation Safety Statistical Report adjusted for national figures presented in the NHTSA's Traffic Safety Facts 2006.

(2) Based on costs reported in "SafetyAnalyst: Software Tools for Safety Management of Specific Highway Sites, White Paper for Model 3-Economic Appraisal and Priority Ranking," prepared for FHWA by Midwest Research Institute, 2002, adjusted to 2032 dollars. Brian Ketcham Engineering, PC, July 2013

ESTIMATION OF THE NUMBER OF TRAFFIC ACCIDENTS GENERATED
ANNUALLY BY 194 MILLION VMT PRODUCED BY THE WILLETS "WEST"
MALL PLUS THE ORIGINAL WILLETS POINT PROJECT IN 2032

ACCIDENT TYPE	RATE/100 MIL VMT (1)	NUMBER OF ACCIDENTS	EXTERNAL COSTS (2)
Fatal Accidents	1.5	3	\$26,837,020
Incapacitating Injury Accidents	41	80	\$50,367,810
Serious Injury Accidents	81	157	\$19,847,657
Minor Injury Accidents	150	291	\$19,524,398
Property-Damage-Only Accidents	540	1048	\$7,465,547
TOTAL NUMBER OF ACCIDENTS EACH YEAR		1,578	\$124,042,432

(1) Rates based on accident data provided by NYMTC in their 2006 Transportation Safety Statistical Report adjusted for national figures presented in the NHTSA's Traffic Safety Facts 2006.

(2) Based on costs reported in "SafetyAnalyst: Software Tools for Safety Management of Specific Highway Sites, White Paper for Model 3-Economic Appraisal and Priority Ranking," prepared for FHWA by Midwest Research Institute, 2002, adjusted to 2032 dollars. Brian Ketcham Engineering, PC, July 2013

TABLE 6

ANNUAL EXTERNALITY COSTS OF THE WILLETS POINT DEVELOPMENT PLAN, 2017

SUMMARY OF RESULTS

	Externality Costs
Added Travel Time Costs (Congestion)	\$30,624,000
Air Pollution (Health Costs)	\$16,182,000
Noise Impacts (Health Costs)	\$2,784,000
Accident Costs, Internal	\$26,494,038
Accident Costs, External	\$14,689,764
Pavement Wear & Tear	\$3,654,000
Vehicular Wear & Tear Costs	\$3,480,000
Other Externality Costs (1)	\$57,942,000
TOTALS	\$155,849,802

(1) Includes environmental degradation such as the control of water pollution, oil spills, the lost value of highway land removed from tax rolls, and, most apparent today, the foreign policy and military costs of ensuring an abundant supply of imported oil. Greenhouse gas emissions and their destabilizing effect on climate are another important environmental externality from motor vehicle use. Traffic generated by the Willets Point Development Plan will generate

Brian Ketcham Engineering, PC, November 29, 2009

TABLE 7

**ANNUAL EXTERNALITY COSTS OF THE WILLETS "WEST"
MALL, 2032**

SUMMARY OF RESULTS

	Externality Costs
Added Travel Time Costs (Congestion)	\$2,438,052
Air Pollution (Health Costs)	\$2,321,954
Noise Impacts (Health Costs)	\$10,797,088
Accident Costs, Internal	\$25,091,123
Accident Costs, External	\$13,911,910
Pavement Wear & Tear	\$6,501,472
Vehicular Wear & Tear Costs	\$38,660,541
Other Externality Costs (1)	\$20,433,199
TOTALS	\$120,155,340

(1) Includes environmental degradation such as the control of water pollution, oil spills, the lost value of highway land removed from tax rolls, and, most apparent today, the foreign policy and military costs of ensuring an abundant supply of imported oil. Greenhouse gas emissions and their destabilizing effect on climate are another important environmental externality from motor vehicle use. Traffic generated by the Willets Point Development Plan will generate about 38,000 tons

Brian Ketcham Engineering, PC, July 8, 2013

TABLE 8

**ANNUAL EXTERNALITY COSTS OF THE ENTIRE WILLETS
POINT BUILD OUT INCLUDING THE WILLETS "WEST" MALL
IN 2032 DOLLARS**

SUMMARY OF RESULTS

	Externality Costs
Added Travel Time Costs (Congestion)	\$7,763,478
Air Pollution (Health Costs)	\$7,393,788
Noise Impacts (Health Costs)	\$34,381,115
Accident Costs, Internal	\$79,797,998
Accident Costs, External	\$44,244,434
Pavement Wear & Tear	\$20,702,607
Vehicular Wear & Tear Costs	\$123,106,572
Other Externality Costs (1)	\$65,065,336
TOTALS	\$382,455,327

(1) Includes environmental degradation such as the control of water pollution, oil spills, the lost value of highway land removed from tax rolls, and, most apparent today, the foreign policy and military costs of ensuring an abundant supply of imported oil. Greenhouse gas emissions and their destabilizing effect on climate are another important environmental externality from motor vehicle use. Traffic generated by the Willets Point Development Plan will generate about 38,000 tons

Brian Ketcham Engineering, PC, July 8, 2013

Willets Point United Inc.
P.O. Box 560191 • College Point, New York 11356

July 19, 2013

New York City Planning Commissioners
c/o Calendar Information Office – Room 2E
22 Reade Street
New York, New York 10007

Robert R. Kulikowski, Ph. D.
Mayor's Office of Environmental Coordination
100 Gold Street, 2nd Floor
New York, New York 10038

Re: Proposed Willets Point / Willets West development
CEQR No. 07DME014Q
Comments pertaining to pending ULURP application and DSEIS

Dear City Planning Commissioners and Dr. Kulikowski:

I am writing on behalf of Willets Point United Inc. to supplement my oral and written testimony delivered on July 10, 2013 at the public hearing associated with the Uniform Land Use Review Procedure ("ULURP") and the Draft Supplemental Environmental Impact Statement ("DSEIS") pertaining to the proposed Willets Point / Willets West development, CEQR No. 07DME014Q. The following information addresses certain questions and issues raised by the City Planning Commission ("Commission") during the public hearing on July 10, 2013.

(1.) What is Willets Point United Inc.?

Willets Point United Inc. ("WPU") is a coalition of Willets Point property and business owners, formed in 2008, that wants the City to stop its decades-long deliberate withholding of municipal services from Willets Point which hinders the operation of the existing industrial businesses here; that opposes the redevelopment of Willets Point in the manner being promulgated by the Bloomberg administration, which includes the forcible acquisition of our properties via eminent domain to transfer to other private parties to facilitate a non-essential, speculative, alleged economic development project; and that holds project proponents accountable for disseminating false information to decision-makers and the public, abrogating their written guarantees, and engaging in plainly illegal activity to push this project; among other WPU initiatives. For example:

- WPU discovered that the draft Access Modification Report ("AMR") pertaining to proposed new highway access ramps to and from the Van Wyck Expressway (ramps that are essential to the entire proposed Willets Point development), submitted by the New York City Economic Development Corporation ("NYCEDC") with the intent that it be approved by the New York State Department of Transportation ("NYSDOT") and the Federal Highway Administration ("FHWA"), relied upon traffic presumptions that

differed dramatically from those contained within the Final Generic Environmental Impact Statement ("FGEIS") previously prepared for the proposed Willets Point development. As the *New York Times* reported: "State officials have repeatedly expressed frustration with the city's inability to provide reliable information and the pressure it was placing on them to expedite their analysis, according to a review of hundreds of e-mails involving the Willets Point project that were provided to *The New York Times*" by WPU. (Santos, Fernanda. 2010. E-Mails Show State Officials' Skepticism About Willets Point Project. *New York Times*, August 13; p. A17.) WPU's traffic engineer, Brian Ketcham, formally interceded with both NYSDOT and FHWA, challenging the AMR during two all-agency meetings convened for that purpose and by submitting hundreds of pages of independent expert analysis. Thereafter, NYSDOT and FHWA did not approve the draft AMR, but rejected it; restructured the ramp approval process to require an Environmental Assessment prior to approval of any AMR; and sent NYCEDC back to the drawing board to draft a new AMR, which took two years.

- WPU discovered that former Queens Borough President Claire Shulman and her local development corporation ("LDC") conducted a lengthy, unlawful, unregistered lobbying campaign advocating approval of the proposed Willets Point development. The Office of the City Clerk agreed with WPU, resulting in a then-record penalty of \$59,090.00 imposed upon Shulman's LDC.
- WPU discovered that not only Shulman's LDC, but also the New York City Economic Development Corporation ("NYCEDC"), violated state law by attempting to influence legislation authorizing the proposed Willets Point development – activity that is absolutely prohibited to all local development corporations. Moreover, NYCEDC disbursed City funds totaling \$450,000.00 to Shulman's LDC, then directed unlawful lobbying by Shulman's LDC. The New York Mets, owned by the owners of Sterling Equities (which has since been designated by the City as a developer of Willets Point phase one), also financed Shulman's LDC. The New York State Office of the Attorney General conducted a three-year investigation and ultimately agreed with WPU, declaring in 2012: "These local development corporations flouted the law by lobbying elected officials, both directly and through third parties, to win approval of their favored projects." (<http://www.ag.ny.gov/press-release/ag-schneiderman-ends-illegal-lobbying-nyc-officials-three-local-development>) New York City Comptroller John Liu wrote to Mayor Bloomberg: "Last week your Administration admitted in a settlement with the New York State Attorney General that the New York City Economic Development Corporation (EDC) knowingly and illegally lobbied City Council members about your development agenda. ... I urge you to move swiftly to identify those senior officials from City Hall and the EDC responsible for the flagrant and repeated law-breaking activities, and hold them accountable." (http://www.comptroller.nyc.gov/press/2012_releases/pr12-07-083.shtm) As a consequence of its illegal lobbying for the Willets Point development, NYCEDC has had to cease operating as a local development corporation and has been compelled to restructure as a different type of not-for-profit entity. The 2008 approvals of the proposed Willets Point development – procured in the context of lobbying so illegal that it required the restructuring of NYCEDC to ensure it will never happen again – still

are the bases of the proposed Willets Point phase one / Willets West development being considered now.

- WPU sued the City because of the inadequacy of the environmental review conducted for the proposed Willets Point development. Among other things, WPU alleged that the City could not pursue a phased development pursuant to its *Technical Memorandum for the Willets Point Development Plan FGEIS*, TM004, dated February 11, 2011 ("Technical Memorandum 4"), and that the City instead must prepare a Supplemental Environmental Impact Statement ("SEIS"). In that court proceeding, on July 24, 2012, the City finally stipulated that "the City will not proceed with development in Willets Point under Technical Memorandum 4"; and the City is now taking steps to finalize a Supplemental Environmental Impact Statement, just as WPU had said was necessary.
- WPU again sued the City to challenge its attempted use of eminent domain to forcibly acquire Willets Point phase one properties. In that court proceeding, on May 2, 2012, the City finally stipulated that it "would not proceed under its [eminent domain] Determination and Findings, adopted by the City on May 2, 2011", and abandoned the particular attempt to use eminent domain that was the subject of that court proceeding. The City may still attempt to use eminent domain again in the future to acquire Willets Point properties.

In each of the above instances, when WPU took a position and the relevant facts were properly taken into account, WPU's position was vindicated.

Presently, it is the position of WPU that the proposed Willets Point phase one / Willets West plan of Sterling Equities and Related Companies ("Sterling/Related") is inappropriate and cannot be implemented.

(2.) The Commission must consider that the purpose of the special permit to which the ULURP application pertains is to facilitate the shopping mall, and none other.

At the outset of the public hearing held on July 10, 2013, Commission Chair Amanda Burden stated: "... an important element of the project analyzed in the Draft Supplemental Environmental Impact Statement – the retail development at Willets West on the Citi Field site – is not subject to the land use jurisdiction of the Commission since it is located on parkland. ... Just to make it clear, our purview as City Planning Commission really is on the Willets East part of the project and the temporary interim uses there."

We emphasize that the ULURP application now being considered, which pertains to the prospective use of Willets Point phase one property as a parking lot, has but one purpose: to facilitate the construction of a 1.4 million square foot shopping mall / entertainment center on parkland property. Except for the intent to construct that shopping mall and to relocate the existing parking lot, there would be no pending ULURP application for any special permit to modify the use of Willets Point phase one property. It would be both inappropriate and an abdication of the Commission's responsibilities, for the Commission to narrowly consider just

the parking lot application, while disregarding the specific intended larger effect of that application – the construction of a huge shopping mall on parkland – that will "change the character of the surrounding neighborhoods and impact the livelihoods of 250,000 residents and many small mom-and-pop businesses", as Queens Community Board 3 wrote when it disapproved this application by its vote of 30-1.

The Commission cannot allow the proposed site of the mall – which just happens to be parkland – to circumvent the Commission's responsible analysis of an application that will obviously "change the character of the surrounding neighborhoods and impact the livelihoods of 250,000 residents and many small mom-and-pop businesses". In any other circumstance where an application will "change the character of the surrounding neighborhoods" the Commission certainly would be involved in assessing the potential changes in character, and would necessarily factor them into any decision for or against the application. The Commission's responsibility to the public is to do so here, as well.

WPU and the public-at-large are not the only ones who recognize that this parking lot ULURP application is inseparable from the intent to construct a 1.4 million square foot mall, and that the application must be evaluated in that context. The notice of the public hearing published by Queens Community Board 7 describes this application as: "ULURP APPLICATION #C 130223 ZSQ – To allow for a 1.4 million square foot retail and entertainment development known as 'Willetts West.'" (See Attachment A.) As the local community board has formally characterized this ULURP application as allowing for the mall (while not even mentioning the modified parking use at Willetts Point), the Commission is able to do the same.

Do not permit an end-run around the Commission's planning oversight – which is what this ULURP application aims to do.

(3.) The 1961 amendment to the City's administrative code provides no basis to construct a shopping mall on the parkland at issue.

Since the purpose of the pending ULURP application to allow a parking lot on Willetts Point phase one property is to facilitate the construction of a mall on other parkland property, if the construction of that mall is unlawful then there is no legitimate basis for the pending parking lot ULURP application.

Please review the attached letter from attorney Harvey Epstein, Associate Director of the Urban Justice Center, addressed to land use counsel for Sterling/Related (see Attachment B), which sets forth legal reasoning why the 1961 provision of the City's administrative code provides no basis to construct a shopping mall on the parkland at issue, and why the proposed project of Sterling/Related is therefore "fatally flawed".

If the analysis within the Urban Justice Center letter is correct (and we believe it is), then the Commission is being asked to approve a ULURP application to facilitate construction of a mall that is unlawful and cannot occur. The Commission must not approve a ULURP application that is intended to facilitate an unlawful land use that cannot occur.

(4.) Three other developers submitted proposals that kept within the bounds of the Willets Point Special District and did not add any mall on parkland.

In response to the Request for Proposals ("RFP") seeking developers for Willets Point phase one, three respondents other than Sterling/Related submitted proposals to implement development consistent with the provisions of the RFP, within the bounds of the 23-acre phase one site inside the Willets Point Special District. One of those proposals – submitted by Silverstein Properties, Inc. and Taubman Centers, Inc. – even committed "100% of the residential units in Phase 1 to the affordable housing program".

But the City administration rejected all of those proposals, and instead selected the proposal of Sterling/Related – initially a proposal to construct a casino and gaming facility on the parkland property located west of Citi Field beyond the boundaries of the Willets Point Special District, and which included no housing component whatsoever. The Sterling/Related proposal is said to have been modified such that the parkland property where the casino would have been constructed is now designated as the site of a retail mall and entertainment center, and housing is to be constructed within the Special District in the year 2028 (but only if new highway access ramps to and from the Van Wyck Expressway are constructed first – ramps that no one is obligated to construct, and that the project contract specifies the City is not responsible to build). The plan of Sterling/Related also expands the total size of the Willets Point development from 62 acres as approved during 2008, to 108.9 acres as intended now. The Draft SEIS ("DSEIS") explicitly admits this.

The decision to select the plan of Sterling/Related to the exclusion of all others was made by the City administration via a process that violated written guarantees within the Willets Point FGEIS and elsewhere, that the Willets Point Advisory Committee, led by Queens Borough President Helen Marshall, as well as Queens Community Board 7, would participate in and help to guide developer selection. Instead, those Queens entities were completely excluded from the developer selection process. As we now know, the developer selection process was also an opportunity to choose a plan that would not expand the size of the development from 62 acres to 108.9 acres (with associated increased impacts), and that would not sacrifice 30+ acres of Queens' public parkland for use as a retail mall. It is no wonder that the City administration circumvented the promised involvement of Queens entities, and instead dictated the choice of developers.

In the event that the pending ULURP application of Sterling/Related is disapproved, the City can issue a new RFP for development within the Willets Point Special District that does not sacrifice parkland for use as a mall, and that otherwise respects the goals of the Willets Point development as approved in 2008. If the prior RFP responses are any indication, there will be proposals that respect the property boundaries while realizing the goals established in 2008.

Attached is an informative flyer prepared by WPU (see Attachment C) that summarizes the three rejected development proposals. Also attached is a CD-R disc containing the three rejected RFP responses (see Attachment D), so that the Commission may appreciate that Sterling/Related was not the only available choice, and would not be in the future.

(5.) The City and Sterling/Related are deliberately avoiding conducting any environmental tests at this time on Willets Point phase one property.

During the public hearing held on July 10, 2013, Sterling Equities' representative Richard Brown testified: "As soon as we close, we will be in there doing investigative work of all 23 acres, both above grade and below grade. There's been very limited work done at this time – rightly so, because the city has not had possession. We are to be delivered vacant possessions. So whenever that happens, day one, day two, we go in and we start all of our testing."

But the City claims to already own 95 percent of the Willets Point phase one property. Contrary to the misleading testimony of Richard Brown, nothing prevents the City from performing borings, obtaining soil samples, and conducting environmental tests **right now** throughout the 23-acre phase one site. That the City has not done so is very telling.

The City administration spent upwards of \$200 million of taxpayer funds to acquire the Willets Point phase one property, but intends to gift that phase one property to Sterling/Related for the price of \$1 (one dollar). It is bad enough that such a deal is contrary to what City officials told the City Council during 2008: that the City would recoup the cost of acquiring the property, through the sale of the property to the developer. As we understand it, the new rationale for the steeply discounted \$1 price is that the property has "negative value", because it is allegedly contaminated. But with no scientific tests performed, how can the taxpayers be certain that a discount of \$200+ million is actually warranted?

The City and Sterling/Related are deliberately delaying any environmental testing of Willets Point phase one property until after Sterling/Related have closed the property transaction and taken possession of the property. WPU alleges that they are doing so, because (a) if testing was performed now and it determined that the property is not severely contaminated and required little or no remediation, then there would be no justification to transfer the property to Sterling/Related at the sweetheart deal price of \$1, when they should instead pay the going market rate (as the City Council was promised would be the case during 2008); and (b) if testing was performed now and it determined that the property is very severely contaminated, Sterling/Related might conclude that implementing the proposed development is not financially viable – precluding transferring the property to them at all. For those two reasons, the City and Sterling/Related cleverly prefer not to perform any environmental tests at this time, but to delay any tests until after Sterling/Related have taken possession of the property for the price of \$1. That way, no matter what the test results ultimately show, Sterling/Related will possess the property that they covet – even if it can only be paved over for use as a parking lot. But to delay important environmental tests that could be performed now is not in the taxpayers' interest, and constitutes reckless non-planning.

Is the \$1 price justified? Is the proposed remediation and development feasible? Without scientific environmental testing throughout the Willets Point phase one property, it is impossible to answer those key questions. Therefore, the first order of business – before establishing the price of the property, and before transferring ownership of it – must be to perform the environmental tests that are being purposefully delayed until later.

(6.) Unknown "feasibility" and "effectiveness" of traffic mitigation measures – despite relying completely on them.

DSEIS chapter 21 describes traffic mitigation measures. It acknowledges that not every traffic impact can be mitigated. In our opinion, the remaining unmitigated impacts are collectively so severe as to make this proposed development inappropriate and unworthy of approval. Even with the most optimistic mitigation measures in place, a number of intersections at major entry points to the proposed development will operate at Level of Service "F" (fail), with delays of between 100 seconds and more than 800 seconds (13 minutes!).

DSEIS chapter 21 also describes circumstances in which very severe traffic impacts caused by the proposed development (described within DSEIS chapter 14) are completely reversed by the recommended hypothetical mitigation. We think it is dangerous to trust this self-serving mitigation report.

First, DSEIS chapter 21 (the mitigation report) quietly states: "The effectiveness and feasibility of proposed mitigation measures will be further assessed between the draft and final SEIS" (page 21-2).

In other words, no one is committing to the "effectiveness" and "feasibility" of the specific mitigation measures that are being touted now to decision-makers, and which so miraculously improve traffic conditions. Rather, a future, final version of the mitigation report may conclude that all or some of the recommended mitigation measures are simply not effective, or even "feasible" – in which case improvements in traffic flow shown in the present mitigation report will **not** occur, and those impacts may instead be unmitigated.

How can anyone rely upon a report that cannot vouch for even the "feasibility" of the alleged solutions that it presents?

How can the report represent that certain mitigations are essential – without knowing if they are even feasible?

Second, per the mitigation report, some of the recommended mitigations are "measures that may call for detailed review by both NYCDOT and NYSDOT and which represent preferred improvements that would benefit the overall traffic network. As discussed above, if these mitigation measures are modified or rejected by the review agencies, significant adverse impacts identified above would be **unmitigated**" (emphasis added; page 21-29).

In other words, achieving the vastly improved traffic flows described in the mitigation report requires measures that NYCDOT and NYSDOT have not yet reviewed or approved, and which they may eventually reject. At the present time, no one can guarantee that any such mitigation measure will actually be implemented.

Please refer to the analysis of WPU's traffic engineer, Brian Ketcham, submitted together with my written testimony at the public hearing held on July 10, 2013, to understand the severity

of the actual traffic impacts of the proposed project. DSEIS chapter 14 also sets forth what the traffic impacts of the proposed project will be, in the event that mitigation measures cannot be implemented or turn out to be ineffective.

(7.) The Commission has bent its rules to accommodate immediate proxy testimony in favor of the proposed development, while enforcing its rules and delaying proxy testimony opposed to the proposed development.

At the public hearing pertaining to the proposed Willets Point development held on August 13, 2008 – during a section of that hearing dedicated to testimony in opposition to the proposed project – the name "Kevin Loyst" was called to testify. In place of Kevin Loyst, a person named Kevin Phillips came to the podium, identified himself, and stated that he was "here to speak on behalf of Kevin Loyst, who's a colleague" who had to depart the hearing after several hours.

Commission Chair Amanda Burden prohibited Kevin Phillips from testifying at that time as a proxy for Kevin Loyst, telling Phillips unambiguously: "You have to sign up on your own. It's a rule, we have to do – You can't substitute for somebody else. Sorry. So if you just sign up on your own. ... Just sign up on a new card. **You have to sign up for yourself. You can't substitute for somebody else.** ... We will definitely call you, later."

Kevin Phillips then left the podium, and the Commission called a different speaker.

We would have expected consistent enforcement of the Commission's rules at the public hearing recently held on July 10, 2013, when – during a section of the hearing dedicated to testimony in favor of the application – the name "Dan Hendrick" was called to testify, and an unidentified person who was not Dan Hendrick came to the podium. The unidentified person stated that he was "actually here on behalf of Dan Hendrick, who is the V.P. for the New York League of Conservation Voters".

Neither Commission Chair Amanda Burden nor any other Commission member stopped this unidentified person from testifying "on behalf of Dan Hendrick", or enforced the Commission's strict rules that "you have to sign up for yourself" and "you can't substitute for somebody else". The unidentified person proceeded to deliver testimony as a proxy for the absent Dan Hendrick, in favor of the application.

The Commission has treated unequally those who would provide proxy testimony opposed to the Willets Point development, versus those who would provide proxy testimony in favor of the Willets Point development. Kevin Phillips, who was opposed, was relegated to filling out a new speaker's card and beginning the long wait to testify, again; whereas the unidentified person who appeared on July 10, 2013, who was in favor of the application, was welcomed and testified immediately.

WPU intends to post video recordings showing the Commission's unequal treatment of the two above-described speakers on our YouTube channel

(<http://www.youtube.com/user/WilletsPoint>) by Monday, July 22, 2013.

The ULURP process must be neutral and devoid of any such bias. It is no less appropriate that a proxy speaker in favor of the Willets Point development be given a special privilege, than it is that the City should fund an unlawful lobbying scheme to influence decision-makers to approve the project. Both of those tactics, and many others, large and small, have been leveraged by powers-that-be against Willets Point property and business owners – and the WPU membership will not tolerate it.

(8.) The application has significant opposition and virtually no public support.

Significantly, during the public hearing held on July 10, 2013, **no one** from the public ever requested that the Commission approve the pending ULURP application so that they may shop at a Willets West mall built on parkland, park their vehicle on Willets Point phase one property, use a golf driving range at Willets Point during the Mets off-season (i.e., during wintertime), or do anything else that is associated with the ill-conceived, unwanted Sterling/Related project. Indeed, there was a very obvious lack of public enthusiasm for this proposed project during the Commission's public hearing.

Testifiers opposed to the Sterling/Related application outnumbered those in favor. And it must be noted that those in favor merely consisted of NYCEDC employees, AKRF employees, developers' attorneys, and one union member. Simply put, there is virtually no public support for the project which the ULURP application would enable.

(9.) The DSEIS relies upon plainly inaccurate "No Action" baseline conditions.

The DSEIS states: "For the purposes of a conservative impact disclosure, this SEIS assumes that the **existing uses on the project site would be maintained** in each of the three No Action scenarios" (emphasis added; page 1-12).

However, that assumption is inaccurate, for at least two reasons:

First, the City intends, and is already taking steps, to evict tenant businesses that operate throughout the Willets Point phase one property. Tenant businesses are receiving telephone calls from representatives of the New York City Department of Housing Preservation and Development, informing the businesses that they will receive written vacate notices after July 22, 2013. That the City is issuing vacate notices even before obtaining any approval from the Commission or from the City Council that would enable the Sterling/Related proposal to proceed, indicates that the City intends that the tenant businesses vacate the phase one site, regardless of whether the pending ULURP application is approved or any development ever occurs.

The City cannot inform tenant businesses that it will evict them, and proceed to do so, while falsely assuming in the DSEIS exactly the opposite – that "existing uses on the project site would be maintained". Rather, the text of the SEIS must reflect the reality of the circumstances

in the Special District, and the intention of the City. If it does not, then the SEIS is inaccurate.

Moreover, the City has not disclosed what will become of the City-owned Willets Point property in the event that the City's proposed Willets Point development does not occur, but it must do so now in order to ensure an accurate SEIS analysis.

Second, the SEIS must account for the likely future effects of the newly-installed sanitary and storm water sewer lines along 126th Street directly adjacent to Willets Point property, which will be complete by the time the SEIS is finalized, or shortly thereafter.

Whereas during 2008 when the FGEIS was prepared no new sewer main lines actually existed at Willets Point, that is not the case now at the time that the SEIS is being prepared. The existence of the long-sought sewer lines is a significant change in background conditions affecting the entire Willets Point site. All "no action" scenarios described in the SEIS must take into account the likelihood that some existing Willets Point property owners will seek to connect to the new sewer main lines, especially as doing so would facilitate the development of their properties which they have consistently said time and again they would do, if sewer lines existed. It is inconceivable that the sewer lines, having been installed, will not be used.

As part of the SEIS analysis, the City must assess what owner-development would likely occur, even "without action" on the part of the City, now that the sewer main lines exist. The conclusion cannot be that "no change" would be made to any portion of the project site, and that "the existing uses on the project site would be maintained". The sewer lines are bound to inspire changes, and the City is responsible for assessing what those changes might be, as part of the SEIS analysis. That analysis should include outreach to all Willets Point private property owners, to discuss whatever intentions they may have to connect to the sewer systems and enhance the uses of their properties beyond those existing today, in the event that the City's proposed Willets Point development does not occur. To presume that nothing about the area will change despite the presence of the long-sought sewer lines, is to severely underestimate the ambition of the private property owners; and guarantees an inaccurate SEIS analysis.

(10.) More tenant businesses are impacted than the Commission has been led to believe.

The public hearing on July 10, 2013 included testimony from representatives of the Sunrise Cooperative, an association of approximately 60 tenant businesses that are seeking to relocate together (co-locate) in a group or groups. It is our understanding that some of those 60 businesses are located within Willets Point but beyond the 23-acre phase one area that would be affected if the present Sterling/Related plan proceeds.

In the recent eminent domain court case pertaining to a first phase of Willets Point property that was substantially similar to the phase one that is presently contemplated, the City's "Response to EDPL Comments" dated May, 2011 acknowledged that 139 auto related businesses in the first phase would be displaced.

Accordingly, it is important to recognize that the majority of tenant businesses to be

displaced by the present plan are **not** members of the Sunrise Cooperative, and that even if all 60 businesses that are Sunrise Cooperative members would be successfully relocated (and there is no indication that they will be), there are still 79 or more other business within the phase one area – in fact, the majority of affected businesses – that would still need to be relocated, and that would **not** be helped by any Sunrise Cooperative plan.

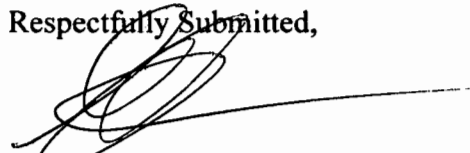
The 79+ businesses that are not members of the Sunrise Cooperative for whatever reason (for example, because they decline to pay the membership dues charged by Sunrise Cooperative) are just as dependent upon co-location for their future survival as are the members of the Sunrise Cooperative. A City administration that is truly interested in preserving businesses, jobs and livelihoods would implement a co-location plan that treats all affected businesses equally, instead of favoring a subset of businesses that have joined a particular group; and would not pretend that other businesses do not also need co-location.

Even as City representatives have told the Commission that the tenant businesses will be relocated, the tenant businesses are receiving telephone calls from representatives of the New York City Department of Housing Preservation and Development, informing the businesses that they will receive written vacate notices after July 22, 2013. At the public hearing held on July 10, 2013, a Commissioner remarked that "we don't understand" why the City would send any such letters now, especially considering that the project for which the property would be needed has not yet been approved. The City presumptively sending vacate notices to tenant businesses indicates a disrespect for the decision-making authority of the Commission and the City Council, and confirms that the City's priority is to see the approximately 139 businesses gone from the phase one site, regardless of whether this application is approved or any development ever occurs.

That is a far cry from the Commission's suggestions, during the 2008 public hearing for the proposed Willets Point development, that the Willets Point businesses should be relocated elsewhere together, as the City did for the Fulton Fish Market businesses and in other cases.

For all of the foregoing reasons, the ULURP application of Sterling/Related is inappropriate and should be denied.

Respectfully Submitted,



Gerald Antonacci
On behalf of Willets Point United Inc.

4 enclosures

Attachment A



Community Board 7

Borough of Queens

Bay Terrace, College Point, Beechhurst, Flushing,
Malba, Queensborough Hill, Whitestone and Willets Point

133-32 41st ROAD • 3rd FLOOR • FLUSHING, NY 11355

(718) 359-2800

Fax: (718) 463-3891

email: qn07@cb.nyc.gov

Helen Marshall
Borough President

Barry Grodenchik
Deputy Borough President/Community Boards

Eugene T. Kelty, Jr.
Chairperson

Marilyn Bitterman
District Manager

PUBLIC HEARING AND REGULAR MEETING

DATE: MONDAY, MAY 13 2013

TIME: *** 7:00 P.M. SHARP ***

PLACE: UNION PLAZA CARE CENTER
33-23 UNION STREET, FLUSHING

A G E N D A

- | | |
|---|------------------|
| 1) Pledge of Allegiance | 7:00 - 7:05 P.M. |
| 2) Roll Call Attendance | 7:05 - 7:10 P.M. |
| 3) Announcements From The Chair | 7:10 - 7:25 P.M. |
| 4) Approval of the Minutes - March 11, 2013 | 7:25 - 7:30 P.M. |

PUBLIC HEARING

- 5) **WILLETS POINT REDEVELOPMENT – ULURP APPLICATION #C 130223 ZSQ - To allow for a 1.4 million square foot retail and entertainment development known as “Willets West”**

CHARLES APELIAN

7:30 – 9:30 P.M.

REGULAR MEETING

- 6) **Public Participation** – Community should sign up for speaking time. Sign up sheets will be available the evening of the meeting. 9:30 – 10:30 P.M.

REGULAR MEETING – The public is invited for information purposes only, not to participate in the discussion.

PUBLIC HEARING – Please sign up for speaking time in advance of the meeting. Sign up sheets will be at the back of the room. All speakers must respect the 3-minute time limit. Presentation will first be made by the applicant or Board Committee. Civic Associations are responsible for notifying their communities. Smoking is not allowed in the auditorium.

A sign language interpreter is available upon request. Please call the Community Board Office on or before May 6, 2013 at 718-359-2800. The next scheduled Public Hearing is Monday, June 10, 2013.

TIMES ARE APPROXIMATE.

Attachment B



Urban Justice Center

123 William Street, 16th Floor, New York, NY 10038
Tel: (646) 602-5600 • Fax: (212) 533-4598
www.urbanjustice.org

May 14, 2013

Jesse Masyr
Wachtel, Masyr, and Missry LLP
One Dag Hammarskjold Plaza
885 Second Avenue
New York, NY 10017

Ross Moskowitz
Stroock, Stooch, and Lavan LLP
180 Maiden Lane
New York, NY 10038

Re: Willets Point Development ULURP

Jesse and Ross:

We write to you regarding your client's pending ULURP application, which we believe to be fatally flawed. As the site of the potential redevelopment is part of Flushing Meadows Corona Park, it is covered by New York State's public trust doctrine. That doctrine prevents the use of parkland for non-park purposes unless it has been alienated pursuant to an appropriate state statute:

[D]edicated park areas in New York are impressed with a public trust for the benefit of the people of the State. Their use for other than park purposes, either for a period of years or permanent, requires the direct or specific approval of the State Legislature, plainly conferred.

Friends of Van Cortlandt Park v. City of New York, 95 N.Y.2.d 623, 631-32 (N.Y. 2001).

The 1961 law which authorized the construction and financing of Shea Stadium on the lot that your client currently is seeking to redevelop, and which supporters of the redevelopment have cited as providing sufficient authority for the plan, does not explicitly allow the alienation of the parkland upon which the stadium was built. NYC Administrative Code 18-118. The statute also does not specifically refer to the alienation of the parkland in question; nor does it provide for replacement parkland or restitution, as do alienation statutes generally. *See* New York State Office of Parks, Recreation and Historic Preservation, *Handbook on the Alienation and Conversion of Municipal Parkland in New York*, at 27 (revised March 2012). For this reason alone, Administrative Code 18-118 is insufficient to support the proposed project and the state must pass additional legislation before any redevelopment of this land moves forward.

Even if Administrative Code 18-1118 were sufficient legislative action to alienate the Flushing Meadows Corona parkland in question, the statute does not provide specific authorization for the city's contemplated use today: a shopping mall. New York courts have long held that legislative action permitting alienation of parkland and setting forth the permitted uses must be plain and explicit. As the New York Supreme Court Queens County made clear over a half-century ago in *Aldrich v. City of New York*:

It has been held that legislative authority permitting encroachment upon park purposes must be "plainly conferred." (*Williams v. Gallatin*, 229 N.Y. 248, 253.) When speaking of the legislative authority to alienate public parks, language varying only slightly has been used. Some have said that the legislative authority must be "special" others, that such authority must be "specific" ... or "direct" or "express" Add to the foregoing the well-settled rule that "When there is a fair, reasonable and substantial doubt concerning the existence of an alleged power in a municipality, the power should be denied" (*Matter of City of New York [Piers Old Nos. 8-11]*, 228 N.Y. 140, 152), and it seems clear that the legislative authority required to enable a municipality to sell its public parks must be plain.

208 Misc. 930, 939 (N.Y. Sup. Ct., Queens Cty. 1955).

Administrative Code 18-118 *does not* permit the city to sell or lease the parkland at issue to construct a mall, let alone authorize such activity plainly or expressly. Rather, its very title indicates its express intent: "Renting of stadium in Flushing Meadow". In furtherance thereof Subsection 118(b) sets forth two groups of permitted uses for the land. The first states as follows:

(1) for any purpose or purposes which is of such a nature as to furnish to, or foster or promote among, or provide for the benefit of, the people of the city, recreation, entertainment, amusement, education, enlightenment, cultural development or betterment, and improvement of trade and commerce, including professional, amateur and scholastic sports and athletic events, theatrical, musical or other entertainment presentations, and meetings, assemblages, conventions, and exhibitions for any purpose, including meetings assemblages, conventions and exhibitions held for business or trade purposes, and other events of civic, community and general public interest . . .

Subsection (2) states that the land may also be used "for any business or commercial purpose which aids in the financing of the construction and operation of such stadium, grounds, parking" and other permitted uses set forth in subsection (1).


Although a shopping mall is a “business or commercial purpose” contemplated by subsection (2), it has not been proposed that any of the proceeds from the venture would aid in the financing of the other endeavors currently located on the applicable parkland. Indeed, all of the provisions of the 1961 Act addressing financing for Shea Stadium (a stadium, we might add, that no longer exists) are obsolete today. Likewise, the contemplated commercial use does not fall under the more narrow range of uses outlined in subsection (1) of the provision. That subsection requires that any proposed use of the land provide *all* of the following benefits to the “people of the city”: “recreation, entertainment, amusement, education, enlightenment, cultural development or betterment, and improvement of trade and commerce.” (emphasis added). The legislators undoubtedly could have used the term “or” rather than “and” when walking through the scope of permitted uses, but they choose not to do so.

The mall that has been proposed to fill the Citi Field parking lot does not provide any of the benefits contemplated by the statute, let alone all of them. The only language in subsection (1) that even remotely suggests your client’s contemplated use is that which allows uses that “promote” “improvement of trade and commerce.” However, that language plainly assumes that the contemplated use would *not* be trade or commerce itself. This assumption is further supported by the long list of explicitly contemplated uses in the subsection, a list which includes “professional, amateur and scholastic sports and athletic events, theatrical, musical or other entertainment presentations, and meetings, assemblages, conventions, and exhibitions for any purpose, including meetings assemblages, conventions and exhibitions held for business or trade purposes.” Wholly commercial uses—such as a shopping mall—are absent from the provision.

Further, if the state had intended subsection (1) to cover all forms of trade and commerce, such as a shopping mall, it easily could have included the phrase “any business or commercial purpose” in that subsection, as it did in subsection (2). To read the two differently-worded phrases as permitting the same range of activities, however, would essentially be to make subsection (2) entirely superfluous. Norms of statutory construction prevent such a result. *See, e.g., Cohen v. Lord, Day & Lord, 75 N.Y.2d 95, 100 (N.Y. 1989)* (“Words are not to be rejected as superfluous where it is practicable to give each a distinct and separate meaning.”). Therefore, there is simply no basis to read the phrase “improvement of trade and commerce” to cover the contemplated shopping mall.

In light of the above arguments, we are confident that the ULURP, as presented jointly by your client and the EDC, would not withstand judicial scrutiny. Accordingly, we urge you not to attempt to move forward as currently contemplated.

Sincerely yours,



Harvey Epstein
Associate Director

May 14, 2013
Page 4

Cc: Seth Pinsky, President NYC Economic Development Corporation
Council Member Julissa Ferreras

Attachment C

**DEVELOP WILLETS POINT,
WITHOUT ADDING A HUGE MALL ON 30+ ACRES OF PARKLAND,
AND WITHOUT EXPANDING THE DEVELOPMENT FROM 62 TO 108.9 ACRES?
THAT'S EXACTLY WHAT THREE OTHER DEVELOPER FIRMS PROPOSED TO DO!**

**THE CITY REJECTED THOSE PROPOSALS –
IN A SELECTION PROCESS THAT SHUT OUT CB7,
DESPITE PROMISING CB7 IN WRITING THAT IT WOULD PARTICIPATE.**

Sterling/Related, and their expanded plan which adds the 1.4 million square foot "Willets West" mall on parkland, were designated by the City administration.

Here are the three proposals that required no parkland mall and no expansion of the project – and which CB7 was denied the opportunity to participate in evaluating:

Macerich



Features:

- "A True Retail Destination"
- Food & Beverage
- Entertainment
- Housing
- Hotel
- Public Open Space
- Parking
- "A Model Green Community"

Silverstein Properties, Inc. and Taubman Centers, Inc.



Features:

- "Entertainment Corridor & Urban Room"
- 126th Street Retail
- Restaurant Row
- Neighborhood Retail Street
- Eco-Promenade
- 100 percent affordable housing (400 units)
- "A Model Sustainable Community"

TDC Development and Construction Corp.



Features:

- "World Trade Center Queens"
- Hotel
- Restaurant
- Trade Mart
- Convention Center
- Retail Complex
- Entertainment District
- Office Building
- Neighborhood Park

Among the reasons given for rejecting those proposals:

- "Would have required public subsidies." – And yet, Sterling/Related are set to receive public subsidies worth nearly half a billion dollars: 23 acres of Willets Point Phase One property, worth more than \$200 million, for the price of just \$1; a capital grant in the amount of \$99 million to cover numerous project costs, including remediation; and \$20 million in sales tax exemption.
- "Would have required rezoning." – Really? Perhaps rezoning the Willets Point Phase One property would have been preferable to expanding the project to 108.9 acres and adding a 1.4 million square foot mall to be constructed on parkland, with increased traffic impacts. Had CB7 been allowed to participate in developer selection as was promised, it could have expressed a preference to proceed with rezoning instead of expanding the project and sacrificing parkland to include a huge mall, with its untenable traffic impacts.

Development of Willets Point need not depend on constructing a mall on 30+ acres of public parkland, and need not expand beyond the boundaries of the 62-acre Special District established in 2008.

Deny the present application of Sterling/Related. Make the City publish a new Request for Proposals, and insist that the City fulfill its written commitments to include CB7 in the developer selection process. In that way, CB7 can do its part to ensure that proposals of all developers – not just those who have special access to property beyond the boundaries specified within an RFP – are fairly considered.

July 17, 2013

Robert R. Kulikowski, Ph.D.
Mayor's Office of Environmental Coordination
100 Gold Street, 2nd Floor
New York, New York 10038

Re: Willetts Point Development Project

Dear Dr. Kulikowski:

I am writing on behalf of Willetts Point United and individual members thereof to provide these comments on the Draft Supplemental Environmental Impact Statement (DSEIS) for the Willetts Point Development Project, CEQR No. 07DME014Q.

Traffic Impacts

Neither the Executive Summary nor the text makes clear (as they should) the magnitude of the traffic disruption that would be caused by the project at full build-out. However, a close examination of the tables in the DSEIS uncovers a disturbing picture. For example, in the year 2032, under the "no action" condition the average speeds on the westbound Grand Central Parkway between Roosevelt Avenue and the Long Island Expressway on non-game days would be 48.1 mph during the weekday morning run, 43.0 mph during the weekday midday, and 37.7 mph during the evening rush. (DSEIS Table 14-69, page 14-106.) If the project is built (including the Van Wyck ramps), the average speeds during those same periods on non-game days would be **6.7 mph, 0.0 mph, and 0.4 mph**, respectively. (DSEIS Table 14-75, page 14-119.)

In order for the reader to comprehend the implications of these sorts of speeds, the FSEIS (as previously requested) should calculate the travel *time* from one end of the studied segment to the other (i.e., between Roosevelt Avenue and the Long Island Expressway on the Grand Central Parkway). The CEQR Technical Manual neither mandates nor prohibits this kind of analysis; SEQRA and CEQR demand that decision-makers be provided with information sufficient to make informed decisions. The meaning of a 0.0 mph speed on a highway should also be explained. The FSEIS should also explain the impacts of these speeds (or, during the 0.0 mph condition, this stationary condition) on emergency response times and on airport access.

Robert R. Kulikowski, Ph.D.
July 17, 2013
Page 2

The DSEIS mentions a variety of mitigation measures but does not commit to them. If these mitigation measures are undertaken, the DSEIS projects speeds in 2032 under the “build” condition of up to 48.8 mph during the morning rush and 48.1 mph during the evening rush, but they would still be at 6.7 mph during midday. (DSEIS Table 21-21, p. 21-50.) The same pages show terrible traffic conditions for many other mainline intervals and intersections in 2032.

The mitigation to accomplish this would involve, among other things, adding lanes to various access roads. Pp. 21-27 - 21-29. It is highly speculative whether this could be done. Adding lanes would require acquisition of additional real estate and a variety of state and city approvals, in addition to additional environmental review and, presumably, condemnation. Even with this, the DSEIS concedes that many of the projected conditions cannot be mitigated. Pp. 21-4, 21-20, 21-31.

In 2032 on non-game days, if the project is not built, the number of signalized intersections with Level of Service F would be 1 during the weekday morning peak; 4 during weekday midday; 2 during the weekday evening peak; and 3 on Saturday midday. If the project is built, those numbers become 9, 12, 15, and 13. (Table 14-55, p. 14-84.) Numerous intersections cannot be mitigated at all. Pages 21-4 - 21-5, 21-19 - 21-21.

If the City approves the project, the SEQRA Findings Statement will have to explain why it is acceptable to undertake a lengthy and expensive action that will result in traffic speeds of 6.7 mph, 0.0 mph, and 0.4 mph on one of the City’s major arteries. If reliance is placed on the lane-widening and other mitigation measures, then 1) those measures should be explained in detail, 2) their collateral consequences (e.g. condemnation of real property and consequent loss of housing and jobs) should be enumerated, and 3) they should be committed to.

The traffic impacts may actually be more severe than revealed in the DSEIS. The reasons for this are set forth in the comments of Brian Ketcham, which are incorporated herein by reference. To pick one notable example, it appears that the DSEIS uses trip generation factors that are considerably lower than real world experience with comparable uses would show are appropriate.

Ramps

The City still refuses to disclose anything about the cost of the Van Wyck ramps, though they say the City has agreed to pay for them (Response to Comments p. 32).

It appears that the traffic methodology used for the DSEIS was similar to that employed by the City in the original FEIS. That FEIS also projected terrible traffic

Robert R. Kulikowski, Ph.D.

July 17, 2013

Page 3

consequences, though not nearly as bad as those in the DSEIS (at least in part because of the considerable enlargement of the project). The City then abandoned that methodology when it prepared an Access Modification Report (AMR) in its successful effort to persuade the State Department of Transportation and the Federal Highway Administration to approve the Van Wyck ramps. Now the City is going back to its original methodology. In view of this new information, the prior approvals by the State DOT and the FHWA are invalid, and those agencies need to undertake a fresh review under the National Environmental Policy Act.

My comments of September 27 on the draft scope for this DSEIS stated, "The City has a history of releasing wildly contradictory reports about the traffic impacts of this project, without ever clearly explaining the reasons for these discrepancies. The supplemental EIS should include a table comparing the assumptions, methodologies and other inputs of the traffic study used there and all the prior traffic studies for this project, so that readers can understand the differences and draw their own conclusions as to which, if any, is valid." The DSEIS failed to include this table. The FSEIS should include it.

Mass Transit Impacts

The tables in the DSEIS (though not the text, except euphemistically) reveal that conditions within the Mets-Willets Point No. 7 subway station would also become horrible; especially the stairs from the Roosevelt Avenue entrances down to the mezzanine. Conditions in 2032 on non-game days without the project show a Level of Service A for these stairs (Table 14-111, p. 14-156); in 2032 with the project, the Level of Service is E+ for one staircase and D+ for two. (Table 14-141, p. 14-187.) The DSEIS says that wider staircases could help alleviate this condition, but that it is not clear whether this would be feasible, there is no indication of how much they would cost or who would pay for them, and they are not committed to (p. 14-189, 21-57).

The DSEIS says that in 2032 with the project built, on the Manhattan-bound express #7 train, the volume/capacity ratio would be 1.20, and the available capacity would be -3,673 (minus 3,673). In other words, the subway would be able to carry 3,673 *fewer* people per hour than want to take it, even with the subways running at the maximum capacity that the signal system will allow. (Table 14-143, p. 14-190.) In order to alleviate some of the subway crowding, the DSEIS suggests providing more LIRR service there (p. 14-156). Again, there is no discussion of whether this is feasible, what it would entail, or how much it would cost, and there is no commitment to do it.

Robert R. Kulikowski, Ph.D.

July 17, 2013

Page 4

Relocation

The DSEIS still does not identify relocation sites for the remaining businesses that have not agreed to sell. The Response to Comments on the Draft Scope (p. 20) says the City is still working on this, but there is no indication that any progress has been made for the last several years.

The original EIS assumed that all the businesses could be readily relocated. Five years later, relocation sites have not yet been found for my clients and others. The supplemental EIS must acknowledge this reality.

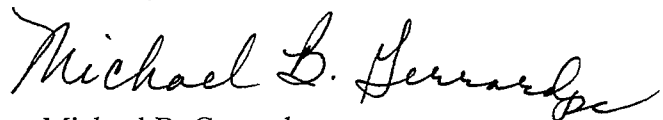
The City rejected my request to study an alternative that looks at the project without any eminent domain (pp. 51-52). This alternative should have been studied, for only that way can the reader understand whether or not this condemnation is truly necessary. The possibility of leaving untouched any properties whose owners will not sell voluntarily becomes more feasible in view of the City's new plan to use much of Willets Point as a parking lot.

Other Comments

The DSEIS does not satisfactorily address the comments raised by a number of commentators that the land that the City acquired for park purposes cannot lawfully be utilized for a shopping mall and associated parking, in particular that there is no, or insufficient, legislative authorization to abrogate the public trust doctrine in this instance, and that the Administrative Code does not permit the City to sell or lease the parkland at issue to construct a mall.

A major rationale for the City's insistence that the entire project be done at once, without phases, was that soil contamination all needed to be remediated at once. The City has now decided to adopt a phased approach. The FSEIS should explain this change in position, and how it envisions that contamination will be addressed on a phased basis. If phasing is now possible, the FSEIS should consider an alternative in which certain properties (especially those being acquired from private parties) are excluded from the early phases.

Sincerely,



Michael B. Gerrard

BRIAN KETCHAM ENGINEERING, PC

175 Pacific Street, Brooklyn, NY 11201, 718-330-0550, btk@konheimketcham.com

Submission by Brian T. Ketcham, P.E., July 10, 2013
to the City Planning Commission regarding the evaluation of the Willets “West” Mall/Willets
Point Development Plan

I am a transportation and environmental engineer. For the last four years I have been assisting Willets Point United in discovering the truth about this project. It is these analyses and the lies we uncovered that have delayed this project for more than three years.

I am writing to encourage the New York City Planning Commission to reject this project. There are good reasons for doing so:

1. NYCEDC claims that by adding the Willets “West” Mall they will actually reduce traffic congestion—this is a preposterous claim; the Willets “West” Mall will make traffic congestion far more severe than what was reported in the WP FGEIS.
2. The plan is too big for the area; Willets Point is surrounded by what are already the nation’s most congested expressways; the Willets “West” Mall/Willets Point Project will only make condition’s worse.
3. Project impacts reported in the SDEIS are extremely severe and it is unlikely many can be mitigated.
4. Mitigation for expressways is not described in the SDEIS; major changes to expressways take years and require their own individual engineering and environmental assessments delaying project implementation.
5. Proposed mitigation still leaves intersections and expressways gridlocked; this is especially true for Astoria Blvd., Northern Blvd. and Roosevelt Avenue.
6. The SDEIS low balls the number of trips this project will generate; a great deal more traffic will in fact be produced than reported further gridlocking the area.
7. For example, the SDEIS reports that less than 60% of shoppers will use autos to access the site; today 85% of Queens’s shopping trips are by auto; 95% of shoppers to large malls arrive by auto; for destination retail the SDEIS under reports auto trips by 50%.
8. Destination retail would be responsible for more than half of total trips reported for this project; there is no justification for nearly 2 million square feet of new destination retail in the Willets Point area.
9. The project proposes relatively little parking for the size of the project; proposed parking cannot accommodate parking demand; spillover traffic will intensify gridlock conditions.
10. The project relies on substantial public transit service; there is no way the MTA can meet proposed transit demand; the No. 7 line will be gridlocked if this project is built; commuters will face huge delays.
11. The Willets “West” Mall will add another 28,000 car and truck trips to the 80,000 reported in the FGEIS adding 61 million miles of travel each year in proximity to the project increasing traffic accidents by 496 and costing motorists and the surrounding communities nearly \$40 million each year in increased health care and property damage costs.
12. The addition of 61 million miles of vehicular travel produces considerable externality costs, not just traffic accidents costs but the health costs of added air pollution, traffic noise, water pollution and so forth. These costs are not trivial: for full Willets Point build out including

the Willets “West” Mall these costs total \$120 million every year—costs that are far greater than any benefits provided to NYC by the Willets Point project.

13. Assuming the assumptions reported in the SDEIS are correct (and we do not believe they are) total project build out will generate 194 million added vehicle miles of travel, increase traffic accidents by 1,578 at a cost to motorists and Queens residents of \$124 million annually; externality costs for total build out including accident costs in 2032 would total \$382 million annually.

Attached are more details about what is wrong with the SDEIS and what information is still needed by the City Planning Commission to make an informed judgment about this project. Just remember, once the full Willets “West” Mall/Willets Point Project is completed the area will suffer extreme congestion levels that cannot be mitigated.

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QUESTIONS THAT MUST BE ANSWERED IF NEW YORK CITY PLANNING COMMISSION IS TO FULLY UNDERSTAND THE TRANSPORTATION IMPACTS OF THE PROPOSED WILLETS “WEST” MALL/ WILLETS POINT DEVELOPMENT PLAN

I have been asked by Willets Point United (WPU) to comment on the transportation component of the Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Willets “West” Mall/Willets Point Development Plan. The following comments refer to the SDEIS and to related documents listed at various web sites.

My name is Brian T. Ketcham. I am a licensed Professional Engineer, licensed in the State of New York. I am currently retired. Before retiring I worked for more than 4 decades on various transportation engineering projects. I still operate Brian Ketcham Engineering, PC, assisting low and moderate income communities in analyzing proposed projects and holding developers and government officials accountable for compliance with environmental laws and regulations. My most recent project is the Willets Point Development Plan, in which I performed detailed technical analyses. I have participated in dozens of other similar projects, some as large as Willets Point. I also was Vice President of Konheim & Ketcham, a full service environmental engineering firm with projects for the New York State Thruway Authority, the New York State Department of Transportation and the New York City Department of Transportation, among many other agencies and private clients, for which we prepared full environmental impact statements along with detailed traffic plans and models. K&K was closed at the end of 2006. I was also Executive Director of Community Consulting Services over twenty years during which we undertook hundreds of projects supporting low income communities on a pro-bono basis, providing more than 65,000 hours of free engineering services on projects like the Atlantic Yards project in Brooklyn and Hunts Point in The Bronx. Before this I was Executive Director of Citizens for Clean Air, an organization responsible in the 1960's for New York City's clean air programs and for bringing the first law suit against the Westside Highway Project in which the federal courts denied the City, State and federal government's permits to proceed with this project in 1975. This was the first and last time such a suit was undertaken against so large a highway project and was actually won in the public's interest. The Westside Highway Project was again defeated two years later when NYCDEC refused, based on my demonstration in evidentiary hearings, to again issue a permit for the construction of Westway. And before this I was director of the Bureau of Motor Vehicle Pollution Control for the New York City Department of Air Resources. For this organization I set up a new emissions test facility which, in 1971, had more cars equipped with catalytic emissions controls than the entire world's automotive industry. Along the way I built (as a private citizens and at my own expense) a three-way catalyst equipped car demonstrating we could meet Clean Air Act emissions standards and improve fuel economy, showing the Congress of the United States that if two young engineers using their own funds to accomplish what the auto industry said could not be done,

certainly auto makers with billions of dollars in resources could at least match what we could do. The result was that Congress did not cave in to demands by auto makers to extend or relax emissions control deadlines. Finally, I was asked by the New York State Department of Environmental Conservation and the United States Environmental Protection Agency in 1972 to prepare New York's Clean Air Plan required by the 1970 CAA. I completed this work in less than 9 months meeting the stringent federal requirements. New York's Clean Air Plan is the most comprehensive transportation plan that has ever been completed for New York City. For this work I was honored in 1993 by Mayor John Lindsay as the most effective manager in New York City government under the age of 35.

The following are examples of what is wrong with the SDEIS supporting this project. More problems and questions will be identified over the coming months.

NYCEDC CLAIMS THEY CAN MITIGATE 65% OF WILLETS POINT TRAFFIC IMPACTS WITH THE ADDITION OF WILLETS "WEST" MALL. THIS IS NOT TRUE.

The developer has reported he will add another 1.4 million square feet of shopping mall/entertainment facilities to the already oversized Willets Point Development project. The developer claims he will actually reduce the impact of this added traffic on the severe congestion along access roads and on nearby expressways already reported in the Willets Point FGEIS. According to the FGEIS the 11 million square feet Willets Point project will add 80,000 car and truck trips to the project area producing "significant" impacts at 78% of all intersections analyzed. Adding Willets "West" Mall will increase project traffic by about 25% impacting even more severely nearby intersections, expressways and expressway entry/exit ramps creating even worse congestion than reported in the FGEIS. Mitigation including the public expenditure of tens of millions of dollars on traffic improvement measures will reduce impacts slightly. However, for many locations full mitigation cannot be achieved and breakdown conditions will prevail. LOS F is reported at many mitigated intersections—for full intersections (many that cannot be mitigated at all) and/or at many intersections they claim to mitigate that retains one or more intersections approaches that remain LOS F or worse. This is what was reported in the FGEIS for Willets Point and the addition of the Willets "West" Mall will make these conditions worse. To claim that adding the Willets "West" Mall will actually make traffic congestion along access roads and on expressways and expressway access/egress ramps is simply not true—it is a lie intended to trick the host community and the New York City Planning Commission into accepting this new project. The consequences of building a 13 million square foot development in so isolated a site will have consequences far beyond the illusion provided by NYCEDC and the developers (see more below).

THE DEVELOPER MUST EXPLAIN THE CONSEQUENCES OF LEAVING MOST INTERSECTIONS ALONG MAJOR ACCESS ROUTES TO WILLETS POINT IN GRIDLOCK CONDITIONS AFTER APPLYING ALL AVAILABLE MITIGATION

The SDEIS reports operating conditions at approximately 30 key intersections affected by the Willets Point project. While relatively few intersections are examined in the SDEIS, project impacts are clear: adding 8,000 to 10,000 hourly car and truck trips to peak travel hours will impose severe restrictions on travel. This can be seen by examining Table 14-59 which shows

project impact for virtually every intersection examined in the SDEIS. More detail can be found by looking at the data presented in Table 22 from Chapter 21 on mitigation.

A review of all results for peak hours with available mitigation shows that during evening peak hours, access roads to Willets Point (Northern Blvd., Roosevelt Avenue, Astoria Blvd.) will be gridlocked. Table 21-6, which I have marked up and attached, shows how severe the developer will leave these major access arterials to Willets Point. With all the mitigation the developer can muster he leaves critical intersections with overall average vehicle delay of 100 to 200 seconds. And these conditions do not get any better on Saturday. Table 27 illustrates the point for a couple of critical intersections. While Table 22 shows some locations along these access roads can be fully or partially mitigated, the community is still faced with gridlock traffic conditions with cars facing two or three signal cycles to move through an intersection with traffic spilling back into adjacent intersections. Certainly the developer has modeled this condition. But he does not provide or describe the results.

Again, looking at Table 22 for 126th Street at Roosevelt Avenue and 34th Street, we find a number of intersection approach movements at LOS F, with delays of between 100 to more than 800 seconds. These are the major entry points to the Willets Point Development. Project traffic creating huge delays will create a huge impediment to the operation of Willets Point and will be of even greater consequence on a METS game day. And, of course, these conditions are only for “average” days not Fridays. Destination retail will experience 19% more traffic or days in December when traffic will be 42% higher than reported. How can the developer justify so large a project with the horrible traffic conditions reported in the SDEIS that cannot be mitigated? And, because we think the developer has under reported trip generation, traffic conditions will be worse than reported.

For example, the complexity of the Roosevelt Avenue/126th Street intersection – a main entry point into the Willets Point project – is not discussed in any detail (this problem is mentioned briefly). How do the columns supporting the overhead No. 7 transit line impede the efficient movement of traffic or reduce sight distance and thus affect safety? As noted elsewhere, the City Planning Commission needs intersection expressway drawings to make this review more effective.

When faced with breakdown conditions in all directions can the developer honestly say that this project will not create huge traffic delays along access roads spilling back onto the surrounding expressway system even with all the mitigation that he can dream up? Can he not admit that this project will have a huge negative effect on this community, imposing greater traffic delays, more traffic injuries and deaths and other costly externalities borne by the million motorists already passing by Willets Point each day on nearby expressways and arterials even with his most optimistic assumptions?

THE ENVIRONMENTAL ASSESSMENT FOR THE VAN WYCK RAMPS MUST BE UPDATED/REVISED

Why did not NYCEDC and/or the developer revise the Environmental Assessment (EA) for the Van Wyck ramps? The SDEIS reports the Willets “West” Mall will be adding about 28,000 car and truck trips to the WP area (and a great deal more if their assumptions are wrong) for average weekdays. Adding the Willets “West” Mall traffic results in significant differences in

background traffic that will affect travel conditions with the ramps. These trips, as many as 3,000 an hour entering or leaving the Willets “West” Mall, will get onto nearby expressways affecting the baseline conditions examined to determine the environmental impacts of the Van Wyck ramps to be constructed. The SDEIS itself reports that the Willets “West” Mall will produce significant traffic impacts on surrounding expressways requiring costly mitigation (should funds be available) (SDEIS Page 21-27). The EA must be updated.

WHAT GUARANTEE CAN THE DEVELOPER PROVIDE THE COMMUNITY THAT THE MTA CAN ACCOMMODATE WP TRANSIT DEMAND?

The developer is relying on the MTA to provide additional bus service to the WP “West” location. WP “West” Mall will produce about 14,000 additional bus riders on an average weekday. At 56 people per bus (capacity) that would require the addition of 250 weekday buses (most spread out from 10 am to 8 pm). What guarantee can the developer provide that the MTA can provide this level of added bus service?

At the third meeting of the Building/Zoning Committee of Queens CB7 the developer mentioned that they were working with the LIRR on using that service to provide some relief for the overcrowding their project will create on the No. 7 subway line. Has the developer analyzed the potential for utilizing the LIRR? If so, what have they found? And, how realistic is using the LIRR during peak commute hours?

CAN THE PROJECT EAST OF 126TH STREET ACCOMMODATE NEARLY 600,000 SF OF LOCAL RETAIL AND, IF SO, HOW?

What is the basis for assuming 593,000 SF of local retail east of 126th Street? This assumption appears very high for a project with just 5,850 residences, approximately 12,000 residents (plus workers and others, although local retail is nowhere close to the Willets “West” Mall and entertainment center and additional retail would be redundant for the Willets Point “West” shopping mall). Moreover, assuming stores are 60 feet deep the developer is looking at installing nearly 2 miles of store front space in the original Willets Point project. We don’t think there is enough space for this much local retail. And, with all this local retail using curb space where will 657,000 SF of additional destination retail go if all frontage is occupied by local retail? So, what’s the point of so much local retail? Considering that just 15% of shoppers are assumed to arrive by auto for local retail we believe this is the developer’s way of hiding auto trips and minimizing traffic impacts. We are convinced that more than half of this “local retail” space will, in fact, end up as destination retail. The SDEIS must be revised to account for this worst case condition. See Table 4, attached, that reports the impact on travel.

WHAT IS THE BASIS FOR ASSUMING JUST 59% OF DESTINATION RETAIL SHOPPERS WILL USE AUTOS TO ACCESS THE SITE?

A comparison of the rates used in the SDEIS with those reported in the 1991, 2001 and 2012 CEQR Technical Manuals shows little change in trip generation rates over this period. We know that many of the assumed trip generation rates date to the Regional Plan Association that did counts in the early 1960’s in Manhattan. How can the developer justify using these antiquated rates especially outside Manhattan? The CEQR Technical Manual advises that if rates are over 3 years old the developer should take counts at representative locations. WPU has repeatedly

requested that the developer undertake such counts. For a project of this size with the severe traffic impacts that the developer has reported in the SDEIS how can they continue to rely on ancient data? We believe that the rates used in the SDEIS significantly under report traffic impacts.

For example, take Willets “West” Mall: The developer assumes that 59% of shopping trips will be made by auto with the rest by walking or transit. This number appears incredibly low when compared to other isolated shopping malls like Gateway Plaza in Brooklyn or Palisades Mall in West Nyack, both of which exceed 95% of shoppers arriving by auto; and both of which provide double the parking per 1,000 SF of retail space. The developer must provide its source justifying this 59% assumption. Would it not be wise to plan for higher auto use in so isolated a site, especially in Phase 1 of this project? The consequences of under reporting auto use on parking and traffic are very significant to this community.

The effects of using reported auto use for isolated destination malls compared to 59% are striking. Tables 1 and 2 (attached) provide a comparison. Table 1 reports the data provided in the SDEIS for Phase 1A. It shows that average daily vehicle trips for Phase 1A would total 28,524 with destination retail making up 81% of this total. Table 2, assuming 90% of shoppers at destination retail arrive by auto, shows an increase in total average daily car and truck trips of 39,345 with destination retail responsible for 86% of total. Table 2 reports a 38% increase in the number of trips from just this one reasonable change, increasing shopper trips to destination retail from 59% to 90%. Vehicle miles of travel would increase by 36% to 83 million miles of vehicular travel annually, from 61 million estimated using SDEIS assumptions.

Another hypothetical, along these same lines, is presented in Tables 3 and 4. Table 3 reports total vehicle trip generation for full project build out, Phase 2, (again for an average weekday) of 87,532 trips, with destination retail producing 50% of this total. However, we dispute not just the use of 59% for shoppers accessing the Willets Point site by car; we dispute the total amount of local retail (there just does not appear to be enough space to accommodate even half what is proposed as discussed above). Table 4 assumes that for Willets Point “West” we stick with 90% of shoppers accessing destination retail by auto (it is an isolated site with poor transit access). However, we assume that for destination retail east of 126th Street 80% of shoppers will arrive by auto. We also assume that the additional local retail proposed for Phase 2 is assumed to be destination retail. The result is an overall increase in average weekday vehicular travel to 109,386, an increase of 21,864 trips, and an increase of 25%. This is a conservative adjustment. We have not tinkered with other trip generation assumptions, most of which do not have supporting documentation.

THE DEVELOPER HAS OVERLOOKED WORST CASE TRAFFIC CONDITIONS

The SDEIS reports average weekday and average Saturday traffic impacts. Not disclosed are the weekly and seasonal variations. For example, the Institute of Transportation Engineers *Trip Generation Manual* reports that for shopping malls Friday traffic is 19% greater than weekly averages and for Saturday, 51% greater. It also reports that Decembers produce 42% more traffic during the month than for annual averages. None of this is reported in the SDEIS although WPU has repeatedly brought this issue to NYCEDC’s attention (and, allegedly, the SDEIS is claiming to “report” “worst case” conditions). Were these differences to be accounted

for you would find true “worst case” conditions would be significantly worse than reported. Parking would also be significantly over-capacity. Surely your traffic engineers understand these effects. Annual average project impacts are severe enough. What can we expect when auto trips are half again higher, holiday effects kick in and parking supply is good for only half of demand? This condition has to be accounted for.

THE DEVELOPER IS NOT PROVIDING ADEQUATE PARKING FOR THIS PROJECT. PLUS THE SDEIS MANIPULATES TEMPORAL ASSUMPTIONS TO MINIMIZE PEAK HOUR PARKING DEMAND.

As suggested by what has already been said, parking is critical. Yet, the developer is providing half what other similar locations are providing. The developer appears to justify this on the basis of extremely optimistic trip generation rates and the heavy use of public transit that really does not exist. Could this project be built if the developer had to provide double the number of parking spaces promised? Can the developer provide this community a guarantee that, should our worst fears come to pass, that parking is not adequate, that they will actually build additional parking garages to supplement the meagre supply of parking promised?

As noted above, experience elsewhere at large malls suggests not only that they attract many more auto trips per 1,000 square feet of retail space, but they typically provide double the number of parking spaces per 1,000 square feet of retail space than is being provided at either the Willets “West” Mall or for the destination retail proposed for Phase 2 of the project. These differences must be addressed by NYCEDC and the developer.

Also, on Table 14-39 the developer loads 15% of daily destination retail travel onto the weekday 1 to 2 pm hour, moving a substantial amount of traffic away from peak travel hours. Tables 14-50 and 14-60 are consistent with this assumption. What is the basis for this assumption? It does not agree with ITE numbers for large shopping malls. What is the basis for all parking temporal characteristics for all land use types? The developer’s source is “Based on travel demand estimates.” That “source” is not good enough. This needs explanation! Has the developer done surveys for parking conditions at other locations and, if so, can he provide the raw data to Willets Point United and to the City Planning Commission? The developer must provide documentation justifying the assumptions made for hourly parking arrivals and departures for the eight land use types evaluated in the SDEIS.

THE DEVELOPER HAS LEFT OUT THE LONG ISLAND EXPRESSWAY IN HIS EXPRESSWAY ANALYSIS

Why did the developer not include the LIE in his traffic analysis? They assign about a sixth of WP traffic to the LIE (and a third of WP traffic to the Van Wyck Expressway). The LIE is already one of the ten most congested roads in the entire United States (so is the Van Wyck and the Grand Central Parkway). The GCP is also not included in the SDEIS, at least that portion of the Grand Central south of the LIE where NYSDOT engineers report it cannot take “one more new vehicle trip from the WP project” even after they spend \$1 billion realigning that expressway near the Jackie Robinson Parkway. Both will be heavily impacted by the expanded Willets Point project (another 28,000 daily car and truck trips from what was examined in the FGEIS). Both should be examined in a revised EA for the Van Wyck ramps.

What is equally incredible is that expressway data are totally missing from the SDEIS; internal site specific traffic movements for the WP project are no longer provided as well. How does NYCEDC expect anyone to evaluate the SDEIS when the traffic network has been simplified so greatly, removing critical data that was originally provided in the FGEIS? This, by the way is how the developer can claim they are mitigating a greater number of intersections—they simply eliminate those reported in the FDEIS and presto, you have fewer affected intersections. It is all a game!

Still, Chapter 21 on mitigation provides considerable insight on project impacts and how hard it is to mitigate so large a project as Willets Point. Table 21-23 attached shows the significant impact for Phase 2 for an average weekday with no games underway. It shows that, while some improvements can be made (very little is described about what, precisely, mitigation involves) it also shows the traffic mess that is left. Table 21-24, also attached, just reaffirms the huge region wide impact the Willets Point project will impose on the surrounding residential communities as well as on the million or so daily motorists who try to thread their way north and south, east and west. The impacts are severe and the SDEIS provides little confidence that much real mitigation can be accomplished and reinforces the communities concern of the mess the developer will leave behind.

THE SDEIS HAS NO DRAWINGS OF EITHER INTERSECTIONS OR EXPRESSWAYS AND RAMPS SHOWING HOW THE DEVELOPER PLANS ON MITIGATING IMPACTS

With the exception of one location we cannot find detailed descriptions of what mitigation the developer is proposing for various expressways or expressway ramps. No description, no drawings. How can the City Planning Commission assess this project without more detail? The developer must provide drawings illustrating each mitigation location. Written descriptions are too brief and just not good enough for public review. And, the 2-point type used in the summary sheets is not legible!

Much of the mitigation proposed in the SDEIS requires the preparation of a site specific Environmental Assessment along with traffic analysis and engineering drawings all subject to NYSDOT and FHWA approval. Each action requires new counts specific to each location. Many of these EAs take from 3 to 10 years to complete and get approved. I have been involved in dozens of these traffic improvement studies – some have taken two decades and 3 or 4 full detailed revisions costing \$10's of millions – more than half these projects never materialized. The SDEIS warns of this problem on page 21-29: mitigation "...measures that may call for detailed review by both NYCDOT and NYSDOT...if these mitigation measures are modified or rejected by the review agencies, significant adverse impacts identified above would be unmitigated." What guarantees can the developer provide that the WP project will not experience the same delays and what impact would that have on project completion schedules? And what if the developer cannot mitigate traffic impacts as promised repeatedly in the SDEIS? What guarantee does the WP community have that this developer will not just gridlock this community 24/7?

And, who is going to pay for mitigation? Including intersection expansion plus modifications to expressways and ramps (plus \$70 million for just the Van Wyck ramps) we are looking at

hundreds of millions of dollars in reconstruction. Is the developer expecting NYC taxpayers to foot this bill?

The developer must provide maps showing vehicular trip assignments by land use type for new no-build construction and for full build out trips including the local project road network. The developer must also provide maps showing traffic volumes along all expressways and expressway ramps on which all Willets Point vehicular trips have been assigned with and without WP Phases 1A, 1B and 2.

THE EFFECTS OF WILLETS POINT ON TRAFFIC ACCIDENTS HAVE BEEN IGNORED. THEY ARE SIGNIFICANT

The FGEIS for the Willets Point Development Plan reports that the project will add 80,000 car and truck trips a day, 365 days a year, generating 116 million additional miles of travel annually. Based on NYSDOT traffic accident rates for NYC the WP project will thereby increase auto and truck accidents by 944 a year including 2 dead and 316 injured. Including the cost of property damage the cost to motorists and society total \$41 million in 2017. Adding another 28,000 car and truck trips a day for the Willets “West” Mall will increase this number to 1,578 crashes annually with 3 dead and 528 injured and approximately 2,500 more cars and trucks damaged. The total cost of the combined effect of Willets “West” Mall and the Willets Point Development Plan in 2032 would be \$124 million annually. And this is only part of the cost of adding daily 108,000 more cars and truck to Queen’s roads. See Table 5 for more detail.

THE ADDITION OF WILLETS POINT TRAFFIC PRODUCES HUGE EXTERNALITY COSTS. THEY CONTINUE TO BE IGNORED BY NYCEDC. IT IS TIME THEY WERE ACKNOWLEDGED

It was earlier demonstrated that the Willets Point Development Plan will produce 80,000 more car and truck trips a day generating \$156 million in externality costs annually. The external or hidden costs to motorists, their passengers, and visitors, residents and workers of the area due to increased vehicular use by travel to and from the Willets Point project include the costs of lost travel time, physical injury, health effects, noise impacts, damage to our roads and utilities. Other costs are paid through taxes such as the control of water pollution, oil spills, greenhouse emissions, the lost value of highway land removed from tax rolls, and, most apparent today, the foreign policy and defense costs of protecting the supply of imported oil (why did we spend a trillion dollars in Iraq?). These harms to society and to households and to the general economy are not well recognized by the public because they increase by a small margin with each added mile of travel and because they are spread among the entire public, both vehicle users and non-users, buried in items such as lower productivity, higher consumer prices and higher insurance costs. But taking them together, even using a low range of vehicle related costs due to the Willets Point project car and truck use greatly reduce the realistic local economic benefits of the project. The costs are based on the well-documented costs per vehicle of mile travel published by the Victoria Transport Policy Institute (VTPI)¹ as well as independent cost accounting that I have undertaken over the last three decades. For this report, the most conservative (i.e., lowest) results have been reported for the social costs of the Willets “West” Mall and the total build out

¹ Litman, T., “Transportation Cost and Benefit Analysis, Techniques, Estimates and Implications,” Tables 6, 7 and 8, Victoria Transport Policy Institute, June 2003, www.vtpi.org/htm.

of the Willets Point Development Project including Willets “West”. The addition of Willets “West” Mall’s 28,000 daily car and truck trips would increase total externality costs to \$382 million a year, an increase of \$120 million just for Willets “West” Mall alone. These totals significantly exceed any benefits of these projects to the communities in and around the Willets Point area. And this does not account for the billions of dollars in public tax payer assistance to the developer, more than a half billion of which has already been spent. A full cost-benefit analysis must be completed for this project before any action can be taken. Without a fully vetted cost-benefit analysis neither the NYCDCP, the City Planning Commission nor the City Council can, in good conscience, act on this project. See Tables 6, 7 and 8 for details.

THE CEQR TECHNICAL MANUAL IS NOT THE “HOLY BIBLE” FOR PREPARING ENVIRONMENTAL IMPACT STATEMENTS

In projects like Willets Point as well as during the recent Queens CB7 Building/Zoning Committee meetings, the CEQR Technical Manual has been cited as the “bottom line” in preparing environmental impact statements. It is not! It is a guideline and developers can and should go beyond the minimal requirements spelled out in the Technical Manual. Preparation of the manual was a collaboration between AKRF and the NY City Dept. of Planning. The objective was to create a process that would best facilitate project approvals with the least effort on the part of developers. For the last two decades it has worked brilliantly to accomplish this goal. The CEQR Technical Manual recommends conservative (optimistic) assumptions that are presumed to be gospel by consultants like AKRF. One example is the selection of trip generation characteristics for traffic projections. The numbers recommended in the Technical Manual date from two to three decades back in time when demographics and travel behavior were very different from today. These are the same numbers used in the FGEIS and now in the SDEIS to under report traffic impacts. In recognition of this problem in 1977 the USEPA provided NYC with a million dollar grant to assemble up to date trip generation data. The City assembled consultants like me to voluntarily contribute what they had collected in the field for various land uses. However, after about 6 months it became obvious that the City had no intention of assembling this data; that they were assuming the consulting community would do this for free. The program quickly fell apart. What happened to the million dollars is unknown but no up-to-date trip generation factors for NYC ever materialized. The lowest common denominator should not be the bottom line for this project.

PUBLIC PARTICIPATION IN THE WILLETS POINT ENVIRONMENTAL ANALYSIS IS A FARCE

Over the past five years more than a thousand pages of comments have been generated on the FGEIS, the Access Modification Report, the Phase 1 Report, the Van Wyck Ramp EA and the Final Scoping Document for Willets Point “West”. Thousands of pages containing thousands of comments have had no effect on the outcome of these analyses. NYCEDC, with the help of AKRF, concoct responses to comments that are meaningless: responses that claim that since the comments were not covered in the scope of work or in the CEQR Technical Manual, they require no response, or, if the comment really hits the mark they simply disagree with the commenter. It is all BS and it is intended to frustrate and discourage public involvement. This practice has been followed for three decades. Occasionally something really awful is identified that has to be addressed—somehow. For example, in 2010 I met with the FHWA, the NYSDOT, NYCEDC,

and a host of lawyers and laid out problems that were so significant that it forced a two year delay in the Willets Point project while EDC and their lawyers tried to come to terms with what we disclosed. What did we find? That EDC with the help of AKRF was lying about the project. Presenting one story in the FGEIS and another in the Environmental Assessment for the Van Wyck Ramps. They were also lying about project impacts, hiding traffic volume to under report project impacts. This sad story is all summarized in the 286 page report that I prepared for WPU and that I presented to NYSDOT as part of my testimony on the Willets Point “West” scope of work. It was completely ignored. Very few times over the last five decades have we been able to expose this behavior. The first was the West Side Highway Project or Westway in which I was able to demonstrate to a Federal judge that the consultants were lying about that project. The consultant, Parsons Brinckerhoff, could not explain their work and could not counter my own testimony sufficiently to convince the judge to approve that project. Some of the people representing Parsons Brinckerhoff in that proceeding were the same engineers and administrators who started AKRF in 1982. They lied about Westway and they are lying now about the Willets Point project. I hope WPU can accomplish for Willets Point what I did with Westway 38 years ago.

Brian T. Ketcham, P.E.
July 8, 2013

TABLE 1
Estimating Total Annual Vehicle Trips for the Willets Point WEST Development Plan
 (Based on assumptions provided in the FEIS)

WEEKDAY PERSON/VEHICLE TRIPS - PHASE 1A

	Residential		Office		Destination Retail		Local Retail		Convention Expo Facility		Movie Theatre		Hotel		Community Facility		PS/IS Students		PS/IS Faculty		TOTALS
Size	0	0	0	915,000	30,000	0	4,000	200	0	0	0	0	0	0	0	0	0	0	0	0	0
Trip Gen Rate	8.075/DU	18	78.2	205	46.2	3.26	9.4	34	2	2	2	2	2	2	2	2	2	2	2	2	2
Modal Split-Bus	10%	14%	18%	10%	12%	18%	5%	5%	10%	10%	18%	5%	5%	10%	10%	5%	10%	10%	10%	0%	0%
Modal Split-Subway	52%	16%	15%	3%	2%	8%	5%	26%	8%	8%	5%	26%	8%	15%	15%	26%	15%	15%	15%	50%	50%
Modal Split-Auto	26%	51%	59%	15%	68%	56%	70%	16%	68%	56%	70%	16%	16%	15%	16%	16%	15%	15%	15%	50%	50%
Modal Split-Taxi	1%	1%	3%	0%	8%	7%	15%	1%	8%	7%	15%	1%	1%	0%	1%	1%	0%	0%	0%	0%	0%
Auto Occupancy	1.39	1.14	2.05	2	2.3	2.52	1.6	1.5	2.3	2.52	1.6	1.5	1.5	1.3	1.5	1.5	1.3	1.3	1.3	1.2	1.2
Taxi Occupancy	1.39	1.14	2.05	2	1.8	2.3	1.4	1.4	1.8	2.3	1.4	1.4	1.5	1.3	1.5	1.5	1.3	1.3	1.3	1.2	1.2
Truck Trip Gen Rate	0.06/DU	0.32	0.35	0.35	0.7	0.02	0.24	0.38	0.7	0.02	0.24	0.38	0.38	0.04	0.38	0.38	0.04	0.04	0.04	0	0
Total Truck Trips	0	0	320	11	0	80	48	0	0	80	48	0	0	0	0	0	0	0	0	0	0
Total Auto/Taxi Trips	0	0	22,688	461	0	3,692	1,225	0	0	3,692	1,225	0	0	0	0	0	0	0	0	0	0
BUS (person trips)	0	0	12,880	615	0	2	0	0	0	2	0	0	0	0	0	0	0	0	0	0	13,497
SUBWAY (person trips)	0	0	10,733	185	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	10,919
AUTOS (vehicles)	0	0	20,593	461	0	2,898	823	0	0	2,898	823	0	0	0	0	0	0	0	0	0	24,775
TAXI (vehicles)	0	0	2,094	0	0	794	403	0	0	794	403	0	0	0	0	0	0	0	0	0	3,291
TRUCK (vehicles)	0	0	320	11	0	80	48	0	0	80	48	0	0	0	0	0	0	0	0	0	459
TOTAL WEEKDAY VEHICLE TRIPS	0	0	23,008	472	0	3,772	1,273	0	0	3,772	1,273	0	0	0	0	0	0	0	0	0	28,524
PERCENT OF TOTAL VEH TRIPS	0%	0%	81%	2%	0%	13%	4%	0%	0%	13%	4%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Reference Table 14-29 SDEIS																					
ESTIMATE OF VMT																					
TRIP DISTANCE																					
AUTO	8	8	6	4	2	4	8	2	2	4	8	2	2	4	2	2	4	4	4	2	2
TAXI	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
TRUCK	38	38	38	38	38	38	38	38	38	38	38	38	38	38	38	38	38	38	38	38	38
VMT																					
AUTO	0	0	123,560	1,845	0	11,591	6,580	0	0	11,591	6,580	0	0	0	0	0	0	0	0	0	143,576
TAXI	0	0	12,565	0	0	4,762	2,417	0	0	4,762	2,417	0	0	0	0	0	0	0	0	0	19,745
TRUCK	0	0	12,170	399	0	3,040	1,824	0	0	3,040	1,824	0	0	0	0	0	0	0	0	0	17,433
TOTALS	0	0	148,295	2,244	0	19,394	10,821	0	0	19,394	10,821	0	0	0	0	0	0	0	0	0	180,753
WEEKDAY ANNUAL																					
AUTO																					48,528,663
TAXI																					6,673,804
TRUCK																					5,892,185
TOTALS																					61,094,652

TABLE 2
ASSUMES 90% OF SHOPPER ACCESS VIA AUTO
Estimating Total Annual Vehicle Trips for the Willets Point WEST Development Plan
(Based on assumptions provided in the FEIS)

	Residential		Office		Destination		Local		Convention		Movie		Hotel		Community		PS/IS		TOTALS
	Size	8.075/DU	0	0	915,000	30,000	0	4,000	200	0	0	0	0	0	0	0	0	0	
Trip Gen Rate			18	14%	78.2	205	46.2	3.26	9.4	34	2	2	2	0	0	0	0	0	0
Modal Split-Bus	10%		14%	10%	4%	10%	12%	18%	5%	5%	10%	0%	0%	0	0	0	0	0	0
Modal Split-Subway	52%		16%	3%	3%	3%	2%	8%	5%	26%	15%	50%	50%	0	0	0	0	0	0
Modal Split-Auto	26%		51%	15%	90%	15%	68%	56%	70%	16%	15%	50%	50%	0	0	0	0	0	0
Modal Split-Taxi	1%		1%	0%	3%	0%	8%	7%	15%	1%	0%	0%	0%	0	0	0	0	0	0
Auto Occupancy	1.39		1.14	2	2.05	2	2.3	2.52	1.6	1.5	1.3	1.2	1.2	0	0	0	0	0	0
Taxi Occupancy	1.39		1.14	2	2.05	2	1.8	2.3	1.4	1.5	1.3	1.2	1.2	0	0	0	0	0	0
Truck Trip Gen Rate	0.06/DU		0.32	0.35	0.35	0.35	0.7	0.02	0.24	0.38	0.04	0	0	0	0	0	0	0	0
Total Truck Trips	0		0	11	320	11	80	48	48	0	0	0	0	0	0	0	0	0	0
Total Auto/Taxi Trips	0		0	461	33,508	461	3,692	1,225	1,225	0	0	0	0	0	0	0	0	0	0
BUS (person trips)	0		0	615	2,862	615	2	0	0	0	0	0	0	0	0	0	0	0	3,480
SUBWAY (person trips)	0		0	185	2,147	185	1	0	0	0	0	0	0	0	0	0	0	0	2,332
AUTOS (vehicles)	0		0	461	31,414	461	2,898	823	823	0	0	0	0	0	0	0	0	0	35,595
TAXI (vehicles)	0		0	0	2,094	0	794	403	403	0	0	0	0	0	0	0	0	0	3,291
TRUCK (vehicles)	0		0	11	320	11	80	48	48	0	0	0	0	0	0	0	0	0	459
TOTAL WEEKDAY VEHICLE TRIPS	0		0	472	33,828	472	3,772	1,273	1,273	0	0	0	0	0	0	0	0	0	39,345
PERCENT OF TOTAL VEH TRIPS	0%		0%	1%	86%	1%	10%	3%	3%	0%	0%	0%	0%	0%	0%	0%	0%	0%	38%
Reference Table 14-29 SDEIS																			
ESTIMATE OF VMT																			
TRIP DISTANCE																			
AUTO	8		8	4	6	4	2	4	8	2	4	2	4	2	2	2	2	2	2
TAXI	6		6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
TRUCK	38		38	38	38	38	38	38	38	38	38	38	38	38	38	38	38	38	38
VMT																			
AUTO	0		0	1,845	188,481	1,845	11,591	6,580	6,580	0	0	0	0	0	0	0	0	0	208,497
TAXI	0		0	0	12,565	0	4,762	2,417	2,417	0	0	0	0	0	0	0	0	0	19,745
TRUCK	0		0	399	12,170	399	3,040	1,824	1,824	0	0	0	0	0	0	0	0	0	17,433
TOTALS	0		0	2,244	213,216	2,244	19,394	10,821	10,821	0	0	0	0	0	0	0	0	0	245,675
																			36%

TABLE 3
Estimating Total Annual Vehicle Trips for the Willets "WEST" Mall Development Plan
(Based on assumptions provided in the SDEIS)

	WEEKDAY PERSON/VEHICLE TRIPS - FULL PROJECT BUILD OUT 2032										TOTALS
	Residential	Office	Destination Retail	Local Retail	Convention Expo Facility	Movie Theatre	Hotel	Community Facility	PS/IS Students	PS/IS Faculty	
Size	5,850	780,000	1,756,500	593,000	400,000	4,000	700	150,000	1,463	900	
Trip Gen Rate	8.075/DU	18	78.2	205	46.2	3.26	9.4	34	2	2	
Modal Split-Bus	10%	14%	18%	10%	12%	18%	5%	5%	10%	0%	
Modal Split-Subway	52%	16%	15%	3%	2%	8%	5%	26%	15%	50%	
Modal Split-Auto	26%	51%	59%	15%	68%	56%	70%	16%	15%	50%	
Modal Split-Taxi	1%	1%	3%	0%	8%	7%	15%	1%	0%	0%	
Auto Occupancy	1.39	1.14	2.05	2	2.3	2.52	1.6	1.5	1.3	1.2	
Taxi Occupancy	1.39	1.14	2.05	2	1.8	2.3	1.4	1.5	1.3	1.2	
Truck Trip Gen Rate	0.06/DU	0.32	0.35	0.35	0.7	0.02	0.24	0.38	0.04	0	
Total Truck Trips	351	250	615	208	280	80	168	57	59	0	
Total Auto/Taxi Trips	9,516	6,527	43,553	9,117	7,106	3,692	4,289	578	338	750	
BUS (person trips)	4,724	1,966	24,724	12,157	2,218	2	0	255	0	0	46,046
SUBWAY (person trips)	24,564	2,246	20,604	3,647	370	1	0	1,326	0	1	52,760
AUTOS (vehicles)	8,836	6,281	39,532	9,117	5,464	2,898	2,879	544	338	750	76,639
TAXI (vehicles)	680	246	4,020	0	1,643	794	1,410	34	0	0	8,827
TRUCK (vehicles)	351	250	615	208	280	80	168	57	59	0	2,066
TOTAL WEEKDAY VEHICLE TRIPS	9,867	6,777	44,167	9,325	7,386	3,772	4,457	635	396	750	87,532
PERCENT OF TOTAL VEH TRIPS	11%	8%	50%	11%	8%	4%	5%	1%	0%	1%	
Reference Table 14-29 SDEIS											
ESTIMATE OF VMT											
TRIP DISTANCE											
AUTO	8	8	6	4	2	4	8	2	4	2	
TAXI	6	6	6	6	6	6	6	6	6	6	
TRUCK	38	38	38	38	38	38	38	38	38	38	
VMT											WEEKDAY
AUTO	70,688	50,248	237,194	36,470	10,927	11,591	23,030	1,088	1,350	1,500	ANNUAL
TAXI	4,078	1,478	24,121	0	9,856	4,762	8,460	204	0	0	150,101,518
TRUCK	13,338	9,485	23,361	7,887	10,640	3,040	6,384	2,166	2,224	0	17,900,464
TOTALS	88,104	61,211	284,677	44,356	31,423	19,394	37,874	3,458	3,574	1,500	26,541,420

Brian Ketcham Engineering, PC, May 4, 2013

TABLE 4
WITH MORE REALISTIC % SHOPPERS USING AUTOS
Estimating Total Annual Vehicle Trips for the Willets "WEST" Mall Development Plan
(Based on assumptions provided in the SDEIS)

	WEEKDAY PERSON/VEHICLE TRIPS - FULL PROJECT BUILD OUT 2032												TOTALS
	PHASE 2 TOT			PHASE 1A			LOCAL TO			Community Facility	PS/IS Students	PS/IS Faculty	
	Destination Retail	Destination Retail	Destination Retail	Destination Retail	Destination Retail	Destination Retail	Local Expo Facilit	Movie Theatre	Hotel				
Size	5,850	780,000	1,058,500	915,000	276,300	316,700	400,000	4,000	700	150,000	1,463	900	
Trip Gen Rate	8.075/DU	18	78.2	78.2	78.2	205	46.2	3.26	9.4	34	2	2	
Modal Split-Bus	10%	14%	10%	4%	10%	10%	12%	18%	5%	5%	10%	0%	
Modal Split-Subway	52%	16%	7%	3%	7%	3%	2%	8%	5%	26%	15%	50%	
Modal Split-Auto	26%	51%	80%	90%	80%	15%	68%	56%	70%	16%	15%	50%	
Modal Split-Taxi	1%	1%	3%	3%	3%	0%	8%	7%	15%	1%	0%	0%	
Auto Occupancy	1.39	1.14	2.05	2.05	2.05	2	2.3	2.52	1.6	1.5	1.3	1.2	
Taxi Occupancy	1.39	1.14	2.05	2.05	2.05	2	1.8	2.3	1.4	1.5	1.3	1.2	
Truck Trip Gen Rate	0.06/DU	0.32	0.35	0.35	0.35	0.35	0.7	0.02	0.24	0.38	0.04	0	
Total Truck Trips	351	250	370	320	97	111	280	80	168	57	59	0	2,142
Total Auto/Taxi Trips	9,516	6,527	34,725	33,508	9,064	4,869	7,106	3,692	4,289	578	338	750	114,962
BUS (person trips)	4,724	1,966	8,277	2,862	2,161	6,492	2,218	2	0	255	0	0	28,958
SUBWAY (person trips)	24,564	2,246	5,794	2,147	1,512	1,948	370	1	0	1,326	0	1	39,910
AUTOS (vehicles)	8,836	6,281	32,302	31,414	8,432	4,869	5,464	2,888	2,879	544	338	750	105,006
TAXI (vehicles)	680	246	2,423	2,094	632	0	1,643	794	1,410	34	0	0	9,956
TRUCK (vehicles)	351	250	370	320	97	111	280	80	168	57	59	0	2,142
TOTAL WEEKDAY VEHICLE TRIPS	9,867	6,777	35,095	33,828	9,161	4,980	7,386	3,772	4,457	635	396	750	117,104
PERCENT OF TOTAL VEH TRIPS	8%	6%	30%	29%	8%	4%	6%	3%	4%	1%	0%	1%	
Reference Table 14-29 SDEIS													
AUTOS (vehicles) SDEIS	8836	6281	39,532	31414	7516	5331	5464	2,898	2,879	544	338	750	76,639
AUTOS WITH ADJ. % AUTO TRIPS	8836	6281	25680	31414	7516	5331	5464	2898	2879	544	338	750	97,929
DIFFERENCE	0	0	-13852	31414	7516	-3787	0	0	0	0	0	0	28%
ESTIMATE OF VMT													
TRIP DISTANCE													
AUTO	8	8	6	6	6	4	2	4	8	2	4	2	
TAXI	6	6	6	6	6	6	6	6	6	6	6	6	
TRUCK	38	38	38	38	38	38	38	38	38	38	38	38	
VMT													WEEKDAY
AUTO	70,688	50,248	193,814	188,481	50,591	19,477	10,927	11,591	23,030	1,088	1,350	1,500	622,787
TAXI	4,078	1,478	14,536	12,565	3,794	0	9,856	4,762	8,460	204	0	0	59,734
TRUCK	13,338	9,485	14,078	12,170	3,675	4,212	10,640	3,040	6,384	2,166	2,224	0	81,411
TOTALS	88,104	61,211	222,428	213,216	58,060	23,689	31,423	19,394	37,874	3,458	3,574	1,500	763,932
													ANNUAL
													210,501,924
													20,190,188
													27,516,921
													258,209,034
													33%

PHASE 1A (2018) WITH ACTION PARKING

In Phase 1A, the proposed project would provide approximately 2,500 off-street accessory parking spaces to satisfy the projected parking demand due to the development in Willetts West and 75 accessory spaces for project demand in the District.¹ As shown in **Table 14-39**, the projected weekday and Saturday peak parking demands for Willetts West (1,127 and 2,238 spaces, respectively) is anticipated to be satisfied entirely by the off-street parking facility provided within the site.

**Table 14-39
Willetts West Phase 1A (2018)
Weekday and Saturday Parking Accumulation**

Time Begin	Weekday							Saturday						
	Destination Retail			Movie Theater			Total	Destination Retail			Movie Theater			Total
	In	Out	Acc.	In	Out	Acc.		In	Out	Acc.	In	Out	Acc.	
Midnight	0	0	0	0	14	14	14	0	0	0	0	28	28	28
1 AM	0	0	0	0	14	0	0	0	0	0	0	0	0	0
2 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7 AM	62	62	0	14	0	14	14	100	0	100	28	0	28	128
8 AM	377	241	136	27	2	39	175	191	10	281	53	3	78	369
9 AM	292	120	308	32	6	65	373	180	20	441	94	17	155	596
10 AM	393	184	517	58	14	109	626	321	80	682	111	28	238	920
11 AM	591	439	669	55	23	141	810	1,263	541	1,404	108	58	288	1,692
Noon	1,020	834	855	54	33	162	1,017	881	763	1,522	172	106	354	1,876
1 PM	1,581	1,549	887	70	46	186	1,073	1,125	1,081	1,566	172	106	420	1,986
2 PM	1,008	1,114	781	101	73	214	995	1,074	992	1,648	183	150	453	2,101
3 PM	939	832	888	114	89	239	1,127	1,043	963	1,728	214	175	492	2,220
4 PM	855	937	806	143	117	265	1,071	579	625	1,682	153	125	520	2,202
5 PM	871	982	695	125	107	283	978	902	902	1,682	240	204	556	2,238
6 PM	896	1,040	551	188	160	311	862	812	993	1,501	360	307	609	2,110
7 PM	803	803	551	200	177	334	885	632	1,173	960	376	347	638	1,598
8 PM	436	533	454	178	257	255	709	562	1,042	480	342	492	488	968
9 PM	175	629	0	59	145	169	169	361	841	0	113	276	325	325
10 PM	0	0	0	23	94	98	98	0	0	0	44	179	190	190
11 PM	0	0	0	9	79	28	28	0	0	0	17	151	56	56
Total	10,299	10,299		1,450	1,450			10,026	10,026		2,780	2,780		

Note: Acc = Accumulation
Source: Based on travel demand estimates

As shown in **Tables 14-40** and **14-41**, parking demand from development within the District would not be fully accommodated by the 75 accessory spaces on weekdays or on Saturdays. During the Mets off-season, there would be an additional parking demand of 5 to 131 spaces on weekdays and Saturdays. During the off-season when the recreational uses would be in place, the additional recreational accessory parking demand, if needed, would be provided in Lot B, the north lot, or within the Willetts Point District property itself to satisfy this demand.

¹ Additional parking spaces may be provided for off-season recreation uses within the District if they are warranted.

Table 14-60
Phase 2 (2032) Special Willets Point District
Weekday Parking Accumulation

Time Begin	Residential			Office			Destination Retail			Local Retail			Convention/Expo		
	In	Out	Acc.	In	Out	Acc.	In	Out	Acc.	In	Out	Acc.	In	Out	Acc.
Midnight	66	66	3,101	0	0	0	0	0	0	0	0	0	0	0	0
1 AM	31	31	3,101	0	0	0	0	0	0	0	0	0	0	0	0
2 AM	18	18	3,101	0	0	0	0	0	0	0	0	0	0	0	0
3 AM	13	13	3,101	0	0	0	0	0	0	0	0	0	0	0	0
4 AM	13	13	3,101	0	0	0	0	0	0	0	0	0	0	0	0
5 AM	13	13	3,101	0	0	0	0	0	0	0	0	0	0	0	0
6 AM	27	27	3,101	0	0	0	0	0	0	0	0	0	27	0	27
7 AM	34	310	2,825	41	3	38	44	44	0	26	1	25	191	0	218
8 AM	177	707	2,295	465	18	485	271	173	98	103	103	25	300	0	518
9 AM	117	467	1,945	395	68	812	210	86	222	45	30	40	696	14	1,200
10 AM	110	331	1,724	85	68	829	282	132	372	118	81	77	418	74	1,544
11 AM	156	233	1,647	34	97	766	424	315	481	171	178	70	350	87	1,807
Noon	225	217	1,655	145	157	754	732	599	614	650	650	70	283	105	1,985
1 PM	203	203	1,655	172	104	822	1,135	1,113	636	513	534	49	264	310	1,939
2 PM	186	186	1,655	89	56	855	723	800	559	342	356	35	44	146	1,837
3 PM	243	234	1,664	63	77	841	674	598	635	292	303	24	68	308	1,597
4 PM	382	254	1,792	48	295	594	614	673	576	295	307	12	61	347	1,311
5 PM	632	340	2,084	28	535	87	625	705	496	342	342	12	21	673	659
6 PM	585	246	2,423	14	79	22	644	746	394	265	277	0	7	633	33
7 PM	514	220	2,717	7	29	0	577	577	394	260	260	0	0	33	0
8 PM	223	95	2,845	0	0	0	313	382	325	0	0	0	0	0	0
9 PM	179	77	2,947	0	0	0	126	451	0	0	0	0	0	0	0
10 PM	148	64	3,031	0	0	0	0	0	0	0	0	0	0	0	0
11 PM	124	54	3,101	0	0	0	0	0	0	0	0	0	0	0	0
Total	4,419	4,419		1,586	1,586		7,394	7,394		3,422	3,422		2,730	2,730	
Time Begin	Hotel			Community Facility			School – Students			School – Staff			Total Acc.		
	In	Out	Acc.	In	Out	Acc.	In	Out	Acc.	In	Out	Acc.			
Midnight	12	2	306	0	0	0	0	0	0	0	0	0	3,407		
1 AM	13	1	318	0	0	0	0	0	0	0	0	0	3,419		
2 AM	0	0	318	0	0	0	0	0	0	0	0	0	3,419		
3 AM	0	0	318	0	0	0	0	0	0	0	0	0	3,419		
4 AM	0	0	318	0	0	0	0	0	0	0	0	0	3,419		
5 AM	0	0	318	0	0	0	0	0	0	0	0	0	3,419		
6 AM	0	0	318	0	0	0	0	0	0	0	0	0	3,446		
7 AM	8	12	314	17	1	16	8	8	0	6	0	6	3,442		
8 AM	94	136	272	30	2	44	152	152	0	50	0	56	3,793		
9 AM	45	84	233	22	9	57	8	8	0	0	0	56	4,565		
10 AM	50	50	233	19	12	64	0	0	0	0	0	56	4,899		
11 AM	65	65	233	14	17	61	0	0	0	0	0	56	5,121		
Noon	274	129	378	14	17	58	0	0	0	0	0	56	5,570		
1 PM	47	109	316	11	15	54	0	0	0	0	0	56	5,527		
2 PM	37	86	267	9	13	50	0	0	0	0	0	56	5,314		
3 PM	37	86	218	15	21	44	127	127	0	0	44	12	5,035		
4 PM	43	101	160	17	23	38	16	16	0	0	6	6	4,489		
5 PM	221	154	227	15	21	32	25	25	0	0	6	0	3,597		
6 PM	137	206	158	19	26	25	0	0	0	0	0	0	3,055		
7 PM	114	76	196	14	14	25	0	0	0	0	0	0	3,332		
8 PM	103	84	215	4	18	11	0	0	0	0	0	0	3,396		
9 PM	65	34	246	1	12	0	0	0	0	0	0	0	3,193		
10 PM	50	18	278	0	0	0	0	0	0	0	0	0	3,309		
11 PM	23	5	296	0	0	0	0	0	0	0	0	0	3,397		
Total	1,438	1,438		221	221		336	336		56	56				

Note: Acc. = Accumulation
Source: Based on travel demand estimates

**Table 21-23
Phase 2 (2032) Highway Level of Service Summary With Mitigation
Weekday PM Non-Game Day**

	No Action			With Action			With Mitigation		
	Speed (mph)	Density (pc/mi/in)	LOS	Speed (mph)	Density (pc/mi/in)	LOS	Speed (mph)	Density (pc/mi/in)	LOS
Mainlines									
Grand Central Parkway EB Mainline (between Roosevelt Ave & Long Island Expwy)	33.0	45.4	F	33.6	35.8	E	32.9	47.6	F
Grand Central Parkway WB Mainline (east side) (between Roosevelt Ave & Long Island Expwy)	37.7	25.8	C	0.4	194.9	F	36.9	32.0	D
Grand Central Parkway WB Mainline (west side) (between Roosevelt Ave & Long Island Expwy)	44.2	34.1	D	35.3	54.0	F	43.9	37.2	E
Van Wyck Expressway NB Mainline (between Roosevelt Ave & Long Island Expwy)	33.7	39.8	E	22.4	67.9	F	32.6	49.2	F
Van Wyck Expressway SB Mainline (between Roosevelt Ave & Long Island Expwy)	17.3	69.7	F	38.9	36.1	E	38.6	41.5	E
Whitestone Expressway NB Mainline (between Northern Boulevard and Linden Place)	35.1	50.1	F	35.5	36.4	E	35.1	52.4	F
Whitestone Expressway SB Mainline (between Northern Boulevard and Linden Place)	31.8	36.2	E	11.2	89.6	F	31.6	38.9	E
Ramps									
Ramp from World's Fair Marina / Boat Basin Road to Grand Central Parkway WB	34.1	20.0	B	33.3	18.3	B	33.0	32.9	D
Ramp from Van Wyck Expressway NB to Northern Boulevard EB	23.8	19.1	B	10.4	44.1	F	21.1	26.2	C
Ramp from Van Wyck Expressway NB to Northern Boulevard WB	24.3	18.1	B	7.2	58.7	F	23.8	31.0	D
Ramp from Whitestone Expressway NB to Van Wyck Expressway SB	19.5	40.5	E	38.6	19.9	B	35.2	31.9	D
Ramp from Northern Boulevard WB to Van Wyck Expressway SB	14.9	41.2	E	24.6	29.2	D	3.5	197.0	F
Ramp from Astoria Boulevard EB & Northern Boulevard EB to Whitestone Expressway NB	38.9	21.0	C	38.9	20.2	C	39.0	20.6	C
Ramp from Whitestone Expressway SB to Grand Central Parkway WB	33.1	33.9	D	33.1	30.3	D	32.9	35.6	E
Ramp from Whitestone Expressway SB to Grand Central Parkway EB	31.8	16.9	B	31.7	17.8	B	32.0	22.1	C
Ramp from Northern Boulevard WB and Whitestone Expressway SB to Astoria Boulevard WB	32.0	11.1	B	32.1	8.7	A	31.9	12.0	B
Ramp from Astoria Blvd EB & Grand Central Pkwy to Whitestone Expwy NB / Northern Blvd EB	34.8	25.8	C	3.1	138.6	F	23.8	50.3	F
Ramp from Grand Central Parkway WB toward Stadium Road and Whitestone Expressway NB	41.4	5.4	A	0.0	235.0	F	40.0	19.3	B
Ramp from Whitestone Expressway SB to Northern Boulevard WB	30.4	20.9	C	3.0	204.6	F	16.2	69.2	F
Note: Significant Impact									

Table 21-24
Phase 2 (2032) Highway Level of Service Summary With Mitigation
Saturday Non-Game Day

	No Action			With Action			With Mitigation		
	Speed (mph)	Density (pc/mi/ln)	LOS	Speed (mph)	Density (pc/mi/ln)	LOS	Speed (mph)	Density (pc/mi/ln)	LOS
Mainlines									
Grand Central Parkway EB Mainline (between Roosevelt Ave & Long Island Expwy)	37.1	44.5	E	38.3	26.2	C	37.2	43.7	E
Grand Central Parkway WB Mainline (east side) (between Roosevelt Ave & Long Island Expwy)	38.1	28.4	D	0.0	200.2	F	37.4	36.0	E
Grand Central Parkway WB Mainline (west side) (between Roosevelt Ave & Long Island Expwy)	43.4	39.0	E	31.2	48.8	F	42.2	43.7	E
Van Wyck Expressway NB Mainline (between Roosevelt Ave & Long Island Expwy)	38.8	32.6	D	12.0	105.7	F	12.0	103.7	F
Van Wyck Expressway SB Mainline (between Roosevelt Ave & Long Island Expwy)	31.8	38.2	E	34.8	33.8	D	40.2	37.9	E
Whitestone Expressway NB Mainline (between Northern Boulevard and Linden Place)	37.0	27.8	C	37.6	15.0	B	36.7	32.1	D
Whitestone Expressway SB Mainline (between Northern Boulevard and Linden Place)	33.1	31.2	D	4.1	147.2	F	19.7	54.6	F
Ramps									
Ramp from World's Fair Marina / Boat Basin Road to Grand Central Parkway WB	33.8	21.1	C	34.0	13.6	B	33.1	24.2	C
Ramp from Van Wyck Expressway NB to Northern Boulevard EB	22.6	24.2	C	7.2	59.2	F	9.4	59.0	F
Ramp from Van Wyck Expressway NB to Northern Boulevard WB	26.1	13.5	B	4.7	77.9	F	25.6	20.9	C
Ramp from Whitestone Expressway NB to Van Wyck Expressway SB	43.5	13.3	B	43.4	9.5	A	37.8	25.8	C
Ramp from Northern Boulevard WB to Van Wyck Expressway SB	28.1	29.2	D	24.2	40.5	E	6.0	150.9	F
Ramp from Astoria Boulevard EB & Northern Boulevard EB to Whitestone Expressway NB	40.1	7.0	A	39.8	7.9	A	39.9	8.4	A
Ramp from Whitestone Expressway SB to Grand Central Parkway WB	33.3	32.7	D	33.7	22.7	C	33.3	31.8	D
Ramp from Whitestone Expressway SB to Grand Central Parkway EB	31.4	11.7	B	30.6	10.8	B	32.5	14.9	B
Ramp from Northern Boulevard WB and Whitestone Expressway SB to Astoria Boulevard WB	39.3	8.9	A	39.6	5.2	A	39.1	9.1	A
Ramp from Astoria Blvd EB & Grand Central Pkwy to Whitestone Expwy NB / Northern Blvd EB	29.6	25.9	C	1.8	141.2	F	7.4	130.4	F
Ramp from Grand Central Parkway WB toward Stadium Road and Whitestone Expressway NB	43.3	7.3	A	0.0	243.5	F	32.8	28.3	D
Ramp from Whitestone Expressway SB to Northern Boulevard WB	30.4	21.0	C	1.5	214.8	F	6.4	171.0	F
Note: Significant Impact									

**Table 14-59
Phase 2 (2032) With Action Condition Significant Impact Summary**

Intersections	Without a Mets Game				With a Mets Game		
	Weekday AM	Weekday Midday	Weekday PM	Saturday Midday	Pre-game Weekday PM	Pre-game Saturday Midday	Post-game Saturday PM
Astoria Boulevard at 108th Street		x	x	x	x	x	x
Northern Boulevard at 108th Street	x	x	x	x	x	x	x
Northern Boulevard at 114th Street	x	x	x	x	x	x	x
Northern Boulevard at 126th Street	x	x	x	x	x	x	x
Northern Boulevard at Prince Street	x	x	x	x	x	x	x
Northern Boulevard at Main Street	x	x	x	x	x	x	x
Northern Boulevard at Union Street	x	x	x	x	x	x	x
Northern Boulevard at Parsons Boulevard	x	x	x	x	x	x	x
34th Avenue at 114th Street		x	x	x	x	x	x
34th Avenue at 126th Street	x	x	x	x	x	x	x
Roosevelt Avenue at 108th Street	x	x	x	x	x	x	x
Roosevelt Avenue at 111th Street	x	x	x	x	x	x	x
Roosevelt Avenue at 114th Street	x	x	x	x	x	x	x
Roosevelt Avenue at 126th Street	x	x	x	x	x	x	x
Roosevelt Avenue at College Point Boulevard	x	x	x	x	x	x	x
Roosevelt Avenue at Prince Street	x	x	x		x		
Roosevelt Avenue at Main Street	x	x	x	x	x	x	x
Roosevelt Avenue at Union Street	x	x	x	x	x	x	x
Roosevelt Avenue at Parsons Boulevard	x	x	x	x	x		x
Kissena Boulevard at Main Street		x		x		x	
Sanford Avenue at College Point Boulevard			x	x			
Sanford Avenue at Union Street							
Sanford Avenue at Parsons Boulevard	x	x	x	x	x		x
32nd Avenue at College Point Boulevard							
Northern Boulevard at College Point Boulevard	x	x	x	x	x	x	
Boat Basin Road at Stadium Road	x	x	x	x	x	x	x
Boat Basin Road at World's Fair Marina	x	x	x	x	x	x	x
Stadium Road at Grand Central Parkway		x	x	x	x	x	x
Willets Point Boulevard at Northern Boulevard	x	x	x	x	x	x	x
New Willets Point Boulevard at 126th Street	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Roosevelt Avenue at CitiField / Lot B	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Notes: "x" means the intersection would be significantly impacted. n/a means the intersection is new for With Action conditions.

Parking demand for the proposed residential component would be satisfied through on-street and off-street parking opportunities. As in the 2008 FGEIS, it is assumed that approximately 10 percent of residents would use available on-street parking opportunities, which would reduce the need for off-street parking demand by about 300 spaces. Given the anticipated residential demand of 3,101 spaces, approximately 2,800 off-street residential parking spaces would need to be provided. Residential parking demand is typically lowest during the daytime hours when office, community uses, and primary school parking demands are at a maximum. Therefore, shared parking strategies would be implemented and, where possible, office, community, and primary school parking demands would use parking spaces vacated by residents during the daytime hours. This would maximize usage of vacant residential parking spaces during daytime hours and minimize the need for additional dedicated parking spaces for office, community, and primary school uses.

It is expected that the remaining land uses—retail, hotel, and convention center space—could also share common parking areas. However, because peaking patterns among these uses are similar to each other, there would be minimal savings in the number of required parking spaces. Hence, the projected weekday and Saturday parking demands for these uses are based on the sum of the individual peak demands, or approximately 3,050 spaces and 2,900 spaces, respectively. These

they are found to be significantly impacted under the With Action condition, mitigation measures such as those typically implemented by NYCDOT would be further explored to address the impacts, or if no practicable mitigation measures can be identified, the impacts would be disclosed as being unmitigatable.

TRAFFIC—PHASE 2 (2032)

Table 21-5 presents a summary of significant adverse traffic impacts and their ability to be mitigated, and Table 21-6 summarizes the unmitigated traffic study area locations by time period. Details of the intersection capacity results and traffic mitigation measures are provided in tables at the back of this chapter.

Table 21-5
Traffic Impact Mitigation Summary—Phase 2 (2032)

Intersection	Without a Mets Game				With a Mets Game		
	Weekday AM	Weekday Midday	Weekday PM	Saturday Midday	Weekday Pre-Game PM	Saturday Pre-Game Midday	Saturday Post-Game PM
No Significant Impact	9	5	5	5	6	8	8
Fully Mitigated Impact	14	14	13	11	11	11	11
Partially Mitigated Impact	3	7	7	8	9	8	7
Unmitigated Impact	5	5	6	7	5	4	5

Table 21-6
Summary of Unmitigated Intersections—Phase 2 (2032)

Intersection	Without a Mets Game				With a Mets Game		
	Weekday AM	Weekday Midday	Weekday PM	Saturday Midday	Weekday Pre-Game PM	Saturday Pre-Game Midday	Saturday Post-Game PM
Astoria Boulevard at 108th Street			X	X	X		
Northern Boulevard at 108th Street							
Northern Boulevard at 114th Street							
Northern Boulevard at 126th Street							
Northern Boulevard at Prince Street	X		95.3				X
Northern Boulevard at Main Street	X	X	87.6	X	X	X	X
Northern Boulevard at Union Street	X		92.2				
Northern Boulevard at Parsons Boulevard							
34th Avenue at 114th Street							
34th Avenue at 126th Street			106.7				
Roosevelt Avenue at 108th Street							
Roosevelt Avenue at 111th Street			144.1	X	X	X	X
Roosevelt Avenue at 114th Street							
Roosevelt Avenue at 128th Street			136.1				
Roosevelt Avenue at College Point Boulevard			139.1				
Roosevelt Avenue at Prince Street							
Roosevelt Avenue at Main Street		X	98.9				
Roosevelt Avenue at Union Street	X	X	212.3	X	X	X	X
Roosevelt Avenue at Parsons Boulevard				X	X		
Kissena Boulevard at Main Street							
Sanford Avenue at College Point Boulevard							
Sanford Avenue at Union Street							
Sanford Avenue at Parsons Boulevard							
32nd Avenue at College Point Boulevard							
Northern Boulevard at College Point Boulevard	X	X		X		X	
Boat Basin Road at Stadium Road		X	145.5	X			X
Boat Basin Road at World's Fair Marina							
Stadium Road at Grand Central Parkway							
Wilets Point Boulevard at Northern Boulevard							
New Wilets Point Boulevard at 126th Street							

Notes: "X" means the intersection would be unmitigated in the corresponding peak hour

TABLE 22
CITYFIELD - WILLETS POINT DEVELOPMENT STUDY
2032 PHASE 2 WEEKDAY NON-GAME PM NO ACTION VS WITH ACTION TRAFFIC LEVELS OF SERVICE COMPARISON

INTERSECTION & APPROACH	Mitigation Measure													
	No Action					With Action					Mitigation Measure			
	Mvt.	V/C	Control Delay	LOS	Mvt.	V/C	Control Delay	LOS	Mvt.	V/C		Control Delay	LOS	
Parsons Boulevard at Northern Boulevard (RT. 25A) Parsons Boulevard	NB	L	0.86	72.5	E	L	0.88	77.4	E	L	0.87	74.8	E	-Partially Mitigated. -Install "No Standing Anytime" regulations along the north curb of the WB Northern Blvd approach 150-ft from the intersection to allow for one 10-ft daylighted right-turn lane. -Install "No Standing Anytime" regulations along the south curb of the EB Northern Blvd approach 200-ft from the intersection to allow for one 10-ft daylighted right-turn lane. -Install "No Standing Anytime" regulations along the west curb of the SB Parsons Blvd approach 150-ft from the intersection to allow for one 10-ft daylighted right-turn lane. -Modify Signal Timing: Shift 1 s green time from LPI phase (east and west crosswalks) to NB/SB phase [LPI shifts from 7 s to 6 s, NB/SB green time shifts from 28 s to 31 s].
	SB	TR	0.50	35.4	D	TR	0.50	35.4	D	TR	0.49	34.4	C	
	EB	LTR	1.13	100.8	F	LTR	1.19	128.1	F	LTR	0.65	34.2	C	
	WB	L	0.48	46.8	D	L	0.56	48.3	D	L	0.46	34.1	C	
		TR	0.98	38.8	D	TR	1.13	92.1	F	TR	0.57	50.6	D	
		L	0.40	40.8	D	L	0.40	43.7	D	L	0.40	43.7	D	
		TR	1.10	82.2	F	TR	1.29	164.6	F	TR	1.10	82.9	F	
		L	0.40	40.8	D	L	0.40	43.7	D	L	0.40	43.7	D	
		TR	1.10	82.2	F	TR	1.29	164.6	F	TR	1.10	82.9	F	
		L	0.40	40.8	D	L	0.40	43.7	D	L	0.40	43.7	D	
Overall Intersection	-	1.09	60.6	E	-	1.18	114.2	F	-	1.00	76.8	E		
34TH AVENUE 114th Street at 34th Avenue 114th Street 34th Avenue	SB	L	1.01	64.3	E	L	1.09	89.3	F	L	0.98	55.6	E	-Partially Mitigated. -Restrict the NB 126th Street approach from two 11-ft travel lanes, one 12-ft travel lane, and one 7-ft hitched median to one 12-ft exclusive left-turn lane, two 12-ft travel lanes and one 5-ft Class II bicycle lane. -Widen roadway on the east leg of the intersection to 44 ft to have two 11-ft WB approach lanes and two 11-ft EB receiving lanes. -Reconstruct and merge the GCP and Northern Boulevard ramp approaches to have one 11-ft exclusive left-turn lane, two 11-ft travel lanes and one 11-ft exclusive right-turn lane. -Modify signal phasing and timing plan. EB/NB phase will have 37 s green time; EB lag phase will have 7 s green time; NB/SB phase will have 42 s green time; NB/SB lag left-turn phase will have 14 s green time (catch phase will have 3 s amber and 2 s all red time).
	EB	TR	0.38	11.3	B	TR	0.39	11.3	B	TR	0.41	13.2	B	
	Overall Intersection	-	0.60	38.2	D	-	0.63	50.6	D	-	0.63	35.0	D	
	NB	DedL	0.36	23.9	C	DedL	2.79	846.1	F	L	1.47	273.5	F	
	SB	TR	0.27	21.2	C	TR	0.71	29.8	C	TR	0.85	44.5	D	
		LTR	0.28	21.7	C	LTR	0.82	41.0	D	L	0.81	63.0	E	
	SB	L	0.76	60.2	E	L	0.82	42.7	D	T	0.82	42.7	D	
	EB	LTR	0.45	42.8	D	LTR	3.00+	1000.0+	F	R	0.71	42.3	D	
		LTR	0.45	42.8	D	DedL	3.00+	1000.0+	F	DedL	0.90	83.2	F	
		LTR	0.45	42.8	D	TR	2.34	656.6	F	TR	0.88	48.9	D	
Overall Intersection	-	0.62	44.1	D	-	3.00+	1000.0+	F	LTR	1.39	226.8	F		
ROOSEVELT AVENUE 108th Street at Roosevelt Avenue 108th Street	NB	LTR	1.13	113.2	F	LTR	1.19	138.5	F	LTR	0.95	58.8	E	-Partially Mitigated. -Install "No Standing Anytime" regulations along the east curb of the NB 108th Street approach 150-ft from the intersection to allow for one 11-ft left-through lane and one 11-ft right-turn lane. -Install "No Standing Anytime" regulations along the west curb of the SB 108th Street approach 150-ft from the intersection to allow for one 11-ft left-through lane and one 11-ft right-turn lane.
	SB	LTR	1.20	138.5	F	LTR	1.22	147.9	F	LTR	0.97	55.9	E	
	EB	LTR	0.75	10.1	B	LTR	0.93	21.9	C	LTR	0.40	38.1	D	
	WB	LTR	0.84	18.3	B	LTR	1.10	68.9	E	LTR	0.93	21.9	C	
	Overall Intersection	-	0.94	52.6	D	-	1.13	75.8	E	-	1.06	49.0	D	

TABLE 22
CITIFIELD - WILLETS POINT DEVELOPMENT STUDY
2032 PHASE 2 WEEKDAY NON-GAME PM NO ACTION VS WITH ACTION TRAFFIC LEVELS OF SERVICE COMPARISON

INTERSECTION & APPROACH	No Action						With Action						Mitigation							
	Mvt.		Control		LOS		Mvt.		Control		LOS		Mvt.		Control		Delay		LOS	
	L	R	Delay	V/C	Delay	V/C	L	R	Delay	V/C	Delay	V/C	L	R	Delay	V/C	Delay	V/C	L	R
11th Street at Roosevelt Avenue 11th Street Roosevelt Avenue	NB	LTR	0.86	57.2	E	LTR	0.86	57.2	E	-	-	-	-	-	-	-	-	-	-	-
	EB	LTR	0.79	11.1	B	LTR	0.99	33.0	C	-	-	-	-	-	-	-	-	-	-	-
	WB	LTR	1.25	133.7	F	LTR	1.51	251.7	F	-	-	-	-	-	-	-	-	-	-	-
Overall Intersection	-	-	1.14	78.3	E	-	1.33	144.1	F	-	-	-	-	-	-	-	-	-	-	-
114th Street at Roosevelt Avenue 114th Street	NB	LTR	0.99	64.9	E	LTR	0.99	64.9	E	-	-	-	-	-	-	-	-	-	-	-
	SB	LTR	1.09	91.4	F	LTR	1.24	152.6	F	-	-	-	-	-	-	-	-	-	-	-
	EB	LTR	0.93	22.7	C	LTR	1.53	263.0	F	-	-	-	-	-	-	-	-	-	-	-
Roosevelt Avenue	WB	LTR	0.74	15.7	B	LTR	1.18	108.2	F	-	-	-	-	-	-	-	-	-	-	-
	Overall Intersection	-	-	0.98	31.7	C	-	1.44	145.3	F	-	-	-	-	-	-	-	-	-	-
	<p>-Shift center line of WB Roosevelt Avenue approach 11 ft to the south. -Restripe the WB Roosevelt Avenue approach from two 11-ft travel lanes to one 11-ft exclusive left-turn lane, one 11-ft through lane, and one 11-ft exclusive right-turn lane. -Restripe the EB Roosevelt Avenue approach from two 11-ft travel lanes to one 11-ft exclusive left-turn lane and one 11-ft travel lane. -Shift centerline of NB 114th Street approach 3 ft to the east. -Restripe the NB 114th Street approach from one 16-ft travel lane to one 13-ft travel lane. -Shift center line of SB 114th Street approach 2 ft to the east. -Install "No Standing Anytime" regulations along the east curb of the NB 114th Street approach 250 ft from the intersection. -Install "No Standing Anytime" regulations along the south curb of the EB Roosevelt Avenue approach 250 ft from the intersection. -Modify signal timing: Shift 3 s green time from EB/WB phase to NBSB phase [EB/WB green time shifts from 80 s to 77 s; NB/SB green time shifts from 30 s to 33 s]. -Install "No Standing 3 PM - 7 PM" regulations along the west curb of the SB 114th Street approach 150-ft from the intersection to allow for one 12-ft left-through lane and one 10-ft right-turn lane. -Partially mitigated. -Reconfigure NB 126th Street approach to have one 10-ft exclusive left-turn and two 10-ft travel lanes. -Shift centerline of SB 126th Street approach 9 ft to the east. -Restripe the SB 126th Street approach from one 11-ft and one 12-ft travel lane to one 11-ft exclusive left-turn lane, one 10-ft through lane, and one 11-ft exclusive right-turn lane for 250 ft. -Shift centerline of EB Roosevelt Avenue approach 1 ft to north. -Shift centerline of WB Roosevelt Avenue approach 1 ft to south. -Restripe the EB Roosevelt Avenue approach from one 10-ft and 11-ft travel lane to two 11-ft travel lanes. -Restripe the WB Roosevelt Avenue approach from one 11-ft and 10-ft travel lane to two 11-ft travel lanes. -Modify signal phasing and timing plan: EB/WB will have 64 s green time; EB-lag/SB right phase will have 7 s green time; NB/SB phase will have 34 s green time [each phase will have 3 s amber and 2 s all red time].</p>																			
126th Street at Roosevelt Avenue 126th Street	NB	L	0.81	65.8	E	L	0.81	65.8	E	-	-	-	-	-	-	-	-	-	-	-
	SB	De/L	1.03	100.7	F	De/L	3.00+	1000.0+	F	-	-	-	-	-	-	-	-	-	-	-
	EB	TR	0.66	48.0	D	TR	2.91	912.9	F	-	-	-	-	-	-	-	-	-	-	-
Roosevelt Avenue	WB	De/L	1.10	127.7	F	De/L	1.74	372.8	F	-	-	-	-	-	-	-	-	-	-	-
	Overall Intersection	-	-	0.79	27.1	C	-	3.00+	1000.0+	F	-	-	-	-	-	-	-	-	-	-
	<p>-Partially mitigated. -Reconfigure NB 126th Street approach to have one 10-ft exclusive left-turn and two 10-ft travel lanes. -Shift centerline of SB 126th Street approach 9 ft to the east. -Restripe the SB 126th Street approach from one 11-ft and one 12-ft travel lane to one 11-ft exclusive left-turn lane, one 10-ft through lane, and one 11-ft exclusive right-turn lane for 250 ft. -Shift centerline of EB Roosevelt Avenue approach 1 ft to north. -Shift centerline of WB Roosevelt Avenue approach 1 ft to south. -Restripe the WB Roosevelt Avenue approach from one 10-ft and 11-ft travel lane to two 11-ft travel lanes. -Restripe the WB Roosevelt Avenue approach from one 11-ft and 10-ft travel lane to two 11-ft travel lanes. -Modify signal phasing and timing plan: EB/WB will have 64 s green time; EB-lag/SB right phase will have 7 s green time; NB/SB phase will have 34 s green time [each phase will have 3 s amber and 2 s all red time].</p>																			
College Point Boulevard at Roosevelt Avenue College Point Boulevard	NB	L	1.25	176.0	F	L	1.70	368.8	F	-	-	-	-	-	-	-	-	-	-	-
	SB	TR	0.76	31.3	C	TR	0.76	31.3	C	-	-	-	-	-	-	-	-	-	-	-
	EB	L	1.33	193.8	F	TR	1.53	284.5	F	-	-	-	-	-	-	-	-	-	-	-
Roosevelt Avenue	WB	L	0.48	37.2	D	L	0.53	38.4	D	-	-	-	-	-	-	-	-	-	-	-
	Overall Intersection	-	-	1.33	119.6	F	-	1.71	207.8	F	-	-	-	-	-	-	-	-	-	-
	<p>-Partially Mitigated -Remove center median on east leg of Roosevelt Avenue -Restripe the WB Roosevelt Avenue approach from one 22-ft center median, one 13-ft travel lane, and one 17-ft travel lane to one 13-ft left-turn pocket, one 9-ft tapered hatched median, one 11-ft travel lane and one 19-ft travel lane for 80 ft. -Restripe the NB College Point Boulevard approach from one 9-ft exclusive left-turn lane, one 13-ft travel lane, and one 18-ft travel lane with parking to two 10-ft exclusive left-turn lanes, and two 10-ft travel lanes for 200 ft. -Restripe the SB College Point Boulevard approach from one 11-ft travel lane and one 19-ft travel lane to three 10-ft travel lanes for 200 ft. -Install "No Standing Anytime" regulations along the east curb of the NB approach of College Point Boulevard for 250 ft. -Install "No Standing Anytime" regulations along the west curb of the SB approach of College Point Boulevard for 200 ft. -Divert SB right-turn traffic on College Point Boulevard to 39th Avenue and Janet Place. -Modify signal phasing and timing plan: WB-lead phase will have 9 s green time; EB/WB will have 25 s green time; EB-lag phase will have 16 s green time; NB/SB phase will have 26 s green time; NB lag phase will have 19 s green time [each phase will have 3 s amber and 2 s all red time].</p>																			

TABLE 27
CITYFIELD - WILLETS POINT DEVELOPMENT STUDY
2032 PHASE 2 SATURDAY POST-GAME PM NO ACTION VS WITH ACTION TRAFFIC LEVELS OF SERVICE COMPARISON

INTERSECTION & APPROACH	No Action					With Action					Mitigation				
	Mvt.	V/C	Control		LOS	Mvt.	V/C	Control		LOS	Mvt.	V/C	Control		LOS
			Delay	Delay				Delay	Delay						
111th Street at Roosevelt Avenue	NB	LTR	1.08	85.9	F	LTR	1.08	85.9	F						
	EB	LTR	0.75	17.9	B	LTR	0.93	32.0	C						
	WB	LTR	1.24	130.2	F	LTR	1.49	242.3	F						
Overall Intersection			1.20	84.4	F		1.38	140.7	F						
114th Street at Roosevelt Avenue	NB	LTR	0.69	46.6	D	LTR	0.69	46.6	D						
	SB	LTR	1.11	97.5	F	LTR	1.19	129.3	F						
	EB	LTR	1.33	170.5	F	LTR	2.09	511.8	F						
Roosevelt Avenue	NB	LTR	0.80	17.4	B	LTR	1.12	80.3	F						
	EB	LTR	0.80	17.4	B	LTR	1.12	80.3	F						
	WB	LTR	0.80	17.4	B	LTR	1.12	80.3	F						
Overall Intersection			1.26	71.4	E		1.82	192.3	F						
126th Street at Roosevelt Avenue	NB	LTR	0.22	37.4	D	LTR	2.71	832.9	D						
	SB	DeL	1.25	167.0	F	DeL	1.90	456.2	D						
	EB	TR	0.52	30.4	C	TR	1.43	238.0	F						
Roosevelt Avenue	NB	LTR	0.62	23.0	C	DeL	3.00+	1000.0+	F						
	EB	LTR	0.62	23.0	C	DeL	3.00+	1000.0+	F						
	WB	LTR	0.51	20.2	C	TR	1.11	92.7	F						
Overall Intersection			0.89	56.0	E		3.00+	1000.0+	F						
College Point Boulevard at Roosevelt Avenue	NB	L	1.05	93.9	F	L	1.47	260.9	F						
	EB	TR	0.78	26.3	C	TR	0.78	26.3	C						
	WB	TR	0.89	40.4	D	TR	1.14	105.3	F						
Roosevelt Avenue	NB	L	1.25	134.7	F	L	0.67	32.0	C						
	EB	L	0.42	25.8	C	TR	0.55	28.3	C						
	WB	TR	0.42	25.8	C	TR	0.55	28.3	C						
Overall Intersection			1.14	62.6	E		1.53	133.7	F						

-Unmitigatable impact

-Shift center line of WB Roosevelt Avenue approach 11 ft to the south.
 -Restripe the WB Roosevelt Avenue approach from two 11-ft travel lanes to one 11-ft exclusive left-turn lane, one 11-ft through lane, and one 11-ft exclusive right-turn lane.
 -Restripe the EB Roosevelt Avenue approach from two 11-ft travel lanes to one 11-ft exclusive left-turn lane and one 11-ft travel lane.
 -Shift centerline of NB 114th Street approach 3 ft to the east.
 -Restripe the NB 114th Street approach from one 16-ft travel lane to one 13-ft travel lane.
 -Shift center line of SB 114th Street approach 2 ft to the east.
 -Install "No Standing Anytime" regulations along the east curb of the NB 114th Street approach 250 ft from the intersection.
 -Install "No Standing Anytime" regulations along the south curb of the EB Roosevelt Avenue approach 250 ft from the intersection.
 -Modify signal timing: Shift 1 s green time from EB/WB phase to NB/SB phase [EB/WB green time shifts from 80 s to 79 s, NB/SB green time shifts from 30 s to 31 s].
 -Install "No Standing 3 PM - 7 PM" regulations along the west curb of the SB 114th Street approach 150-ft from the intersection to allow for one 12-ft left-through lane and one 10-ft right-turn lane.

-Partially mitigated.
 -Reconfigure NB 126th Street approach to have one 10-ft exclusive left-turn and two 10-ft travel lanes.
 -Shift centerline of SB 126th Street approach 9 ft to the east.
 -Restripe the SB 126th Street approach from one 11-ft and one 12-ft travel lane to one 11-ft exclusive left-turn lane, one 10-ft through lane, and one 11-ft exclusive right-turn lane for 250 ft.
 -Shift centerline of EB Roosevelt Avenue approach 1 ft to north.
 -Shift centerline of WB Roosevelt Avenue approach 1 ft to south.
 -Restripe the EB Roosevelt Avenue approach from one 10-ft and 11-ft travel lane to two 11-ft travel lanes.
 -Restripe the WB Roosevelt Avenue approach from one 11-ft and 10-ft travel lane to two 11-ft travel lanes.
 -Modify signal phasing and timing plan: EB/WB will have 70 s green time; EB-lag/SB right phase will have 7 s green time; NB/SB phase will have 28 s green time [each phase will have 3 s amber and 2 s all red time].

-Partially Mitigated.
 -Remove center median on east leg of Roosevelt Avenue
 -Restripe the WB Roosevelt Avenue approach from one 22-ft center median, one 13-ft travel lane, and one 17-ft travel lane to one 13-ft left-turn pocket, one 9-ft tapered hatched median, one 11-ft travel lane and one 19-ft travel lane for 80 ft.
 -Restripe the NB College Point Boulevard approach from one 9-ft exclusive left-turn lane, one 13-ft travel lane, and one 18-ft travel lane with parking to two 10-ft exclusive left-turn lanes, and two 10-ft travel lanes for 200 ft.
 -Restripe the SB College Point Boulevard approach from one 11-ft travel lane and one 19-ft travel lane to three 10-ft travel lanes for 200 ft.
 -Install "No Standing Anytime" regulations along the east curb of the NB approach of College Point Boulevard for 250 ft.
 -Install "No Standing Anytime" regulations along the west curb of the SB approach of College Point Boulevard for 200 ft.
 -Divert SB right-turn traffic on College Point Boulevard to 39th Avenue and Janet Place.
 -Modify signal phasing and timing plan: WB-lag phase will have 8 s green time; EB/WB will have 28 s green time; EB-lag phase will have 17 s green time; NB/SB phase will have 28 s green time; NB lag phase will have 14 s green time [each phase will have 3 s amber and 2 s all red time].

**TABLE 5
ESTIMATION OF THE NUMBER OF TRAFFIC ACCIDENTS GENERATED
ANNUALLY BY 116 MILLION VMT PRODUCED BY THE ORIGINAL
WILLETS POINT DEVELOPMENT PLAN PROJECT IN 2017**

ACCIDENT TYPE	RATE/100 MIL VMT (1)	NUMBER OF ACCIDENTS	EXTERNAL COSTS (2)
Fatal Accidents	1.5	2	\$8,910,262
Incapacitating Injury Accidents	41	48	\$16,722,809
Serious Injury Accidents	81	94	\$6,589,697
Minor Injury Accidents	150	174	\$6,482,370
Property-Damage-Only Accidents	540	626	\$2,478,665
TOTAL NUMBER OF ACCIDENTS EACH YEAR		944	\$41,183,802

(1) Rates based on accident data provided by NYMTC in their 2006 Transportation Safety Statistical Report adjusted for national figures presented in the NHTSA's Traffic Safety Facts 2006.

(2) Based on costs reported in "SafetyAnalyst: Software Tools for Safety Management of Specific Highway Sites, White Paper for Model 3-Economic Appraisal and Priority Ranking," prepared for FHWA by Midwest Research Institute, 2002, adjusted to 2017 dollars. Brian Ketcham Engineering, PC, November 2009

**ESTIMATION OF THE NUMBER OF TRAFFIC ACCIDENTS GENERATED
ANNUALLY BY 61 MILLION VMT PRODUCED BY THE WILLETS "WEST"
PROJECT IN 2032**

ACCIDENT TYPE	RATE/100 MIL VMT (1)	NUMBER OF ACCIDENTS	EXTERNAL COSTS (2)
Fatal Accidents	1.5	1	\$8,438,444
Incapacitating Injury Accidents	41	25	\$15,837,301
Serious Injury Accidents	81	49	\$6,240,758
Minor Injury Accidents	150	92	\$6,139,115
Property-Damage-Only Accidents	540	329	\$2,347,414
TOTAL NUMBER OF ACCIDENTS EACH YEAR		496	\$39,003,033

(1) Rates based on accident data provided by NYMTC in their 2006 Transportation Safety Statistical Report adjusted for national figures presented in the NHTSA's Traffic Safety Facts 2006.

(2) Based on costs reported in "SafetyAnalyst: Software Tools for Safety Management of Specific Highway Sites, White Paper for Model 3-Economic Appraisal and Priority Ranking," prepared for FHWA by Midwest Research Institute, 2002, adjusted to 2032 dollars. Brian Ketcham Engineering, PC, July 2013

**ESTIMATION OF THE NUMBER OF TRAFFIC ACCIDENTS GENERATED
ANNUALLY BY 194 MILLION VMT PRODUCED BY THE WILLETS "WEST"
MALL PLUS THE ORIGINAL WILLETS POINT PROJECT IN 2032**

ACCIDENT TYPE	RATE/100 MIL VMT (1)	NUMBER OF ACCIDENTS	EXTERNAL COSTS (2)
Fatal Accidents	1.5	3	\$26,837,020
Incapacitating Injury Accidents	41	80	\$50,367,810
Serious Injury Accidents	81	157	\$19,847,657
Minor Injury Accidents	150	291	\$19,524,398
Property-Damage-Only Accidents	540	1048	\$7,465,547
TOTAL NUMBER OF ACCIDENTS EACH YEAR		1,578	\$124,042,432

(1) Rates based on accident data provided by NYMTC in their 2006 Transportation Safety Statistical Report adjusted for national figures presented in the NHTSA's Traffic Safety Facts 2006.

(2) Based on costs reported in "SafetyAnalyst: Software Tools for Safety Management of Specific Highway Sites, White Paper for Model 3-Economic Appraisal and Priority Ranking," prepared for FHWA by Midwest Research Institute, 2002, adjusted to 2032 dollars. Brian Ketcham Engineering, PC, July 2013

TABLE 6

ANNUAL EXTERNALITY COSTS OF THE WILLETS POINT DEVELOPMENT PLAN, 2017

SUMMARY OF RESULTS

	Externality Costs
Added Travel Time Costs (Congestion)	\$30,624,000
Air Pollution (Health Costs)	\$16,182,000
Noise Impacts (Health Costs)	\$2,784,000
Accident Costs, Internal	\$26,494,038
Accident Costs, External	\$14,689,764
Pavement Wear & Tear	\$3,654,000
Vehicular Wear & Tear Costs	\$3,480,000
Other Externality Costs (1)	\$57,942,000
TOTALS	\$155,849,802

(1) Includes environmental degradation such as the control of water pollution, oil spills, the lost value of highway land removed from tax rolls, and, most apparent today, the foreign policy and military costs of ensuring an abundant supply of imported oil. Greenhouse gas emissions and their destabilizing effect on climate are another important environmental externality from motor vehicle use. Traffic generated by the Willets Point Development Plan will generate

Brian Ketcham Engineering, PC, November 29, 2009

TABLE 7

**ANNUAL EXTERNALITY COSTS OF THE WILLETS "WEST"
MALL, 2032**

SUMMARY OF RESULTS

	Externality Costs
Added Travel Time Costs (Congestion)	\$2,438,052
Air Pollution (Health Costs)	\$2,321,954
Noise Impacts (Health Costs)	\$10,797,088
Accident Costs, Internal	\$25,091,123
Accident Costs, External	\$13,911,910
Pavement Wear & Tear	\$6,501,472
Vehicular Wear & Tear Costs	\$38,660,541
Other Externality Costs (1)	\$20,433,199
TOTALS	\$120,155,340

(1) Includes environmental degradation such as the control of water pollution, oil spills, the lost value of highway land removed from tax rolls, and, most apparent today, the foreign policy and military costs of ensuring an abundant supply of imported oil. Greenhouse gas emissions and their destabilizing effect on climate are another important environmental externality from motor vehicle use. Traffic generated by the Willets Point Development Plan will generate about 38,000 tons

Brian Ketcham Engineering, PC, July 8, 2013

TABLE 8

ANNUAL EXTERNALITY COSTS OF THE ENTIRE WILLETS POINT BUILD OUT INCLUDING THE WILLETS "WEST" MALL IN 2032 DOLLARS

SUMMARY OF RESULTS

	Externality Costs
Added Travel Time Costs (Congestion)	\$7,763,478
Air Pollution (Health Costs)	\$7,393,788
Noise Impacts (Health Costs)	\$34,381,115
Accident Costs, Internal	\$79,797,998
Accident Costs, External	\$44,244,434
Pavement Wear & Tear	\$20,702,607
Vehicular Wear & Tear Costs	\$123,106,572
Other Externality Costs (1)	\$65,065,336
TOTALS	\$382,455,327

(1) Includes environmental degradation such as the control of water pollution, oil spills, the lost value of highway land removed from tax rolls, and, most apparent today, the foreign policy and military costs of ensuring an abundant supply of imported oil. Greenhouse gas emissions and their destabilizing effect on climate are another important environmental externality from motor vehicle use. Traffic generated by the Willets Point Development Plan will generate about 38,000 tons

Brian Ketcham Engineering, PC, July 8, 2013

138-27 78th Drive
Flushing, New York 11367
July 5, 2013

OFFICE OF THE
CHAIRPERSON

City Planning Commission
New York City Department of Planning
22 Reade Street
New York 10007-1216

JUL 8 - 2013
26570

In Re: Willets Point N130220ZRQ; C130222ZSQ; C130223ZSQ; C130224ZSQ;
C130225ZSQ; Section 124-60
Hearing July 10, 2013

Dear Madams and Sirs:

In connection with the captioned matter, I enclose a statement in opposition which I request be a part of the record.

Please be further advised, I intend to be present at the hearing and to speak in opposition.

Respectfully,


Benjamin M. Haber

Encl.

cc: Amanda M. Burden, FAICP, Chair; Kenneth J. Knuckles, Esq. Vice Chair;
Angela M. Battaglia; Rayann Besser; Irwin G. Cantor, P.E.; Alfred C Cerullo,
III; Betty Y. Chan; Michelle de la Uz; Maria M. Del Toro; Joseph Douek;
Richard W. Eaddy; Anna Hayes Levin; Orlando Mann.

In Re: Willets Point N130220ZRQ; C130222ZRQ; C130223ZSQ; C130224ZSQ;
C130225ZSQ; Section 124-60 - Hearing July 19, 2013

The Case Against a 1.4 Million Square Foot Shopping Mall
In The Citi-Field Parking Lot

In 2008 the Bloomberg administration declared 62 acres of property located in Flushing to the East of Citi-Field called Willets Point, on which there were located over 200 small auto related businesses, a blight. Auto repair businesses in and of themselves cannot be considered a blight, much like a factory that manufactures soap. To the extent there was blight, it was caused by the City which for decades collected sewer rent from the owners notwithstanding there were no sewers and collected real estate and other taxes without in any way repairing the area's infrastructure.

.. The Willets Point plan approved in 2008 was clear and unambiguous. The city would acquire 62 acres in Willets Point either through the voluntary sale by property owners or if need be through eminent domain. The property would then be turned over to a private developer who would construct on the site, retail stores, office buildings, a convention center, a school and luxury housing with a small portion set aside for affordable housing. The developer selected would be required to remove whatever contamination existed on a 23 acre area. There was no mention, I repeat no mention of a 1.4 million square foot shopping mall at Citi Field or any connection to Citi Field.

When the plan was approved in 2008 Bloomberg promised community input in the developer selection process. Bloomberg reneged on this promise, intentionally to keep in the dark a cabal he worked out with the Mets and Related Companies that while there would be several developers interested in the project, the Mets would be selected, and were in fact selected.

Of all the developers interested in the project, only the Mets had access to Citi Field property by virtue of their lease. The Bloomberg cabal envisioned a 1.4 million square foot shopping mall at Citi Field and it follows all the other developers not having access would be shut out. Hence Bloomberg's empty promise of community input in the developer selection process.

The cabal surfaced in 2013 when the Mets and Related Companies sought a change in the 2008 approved Willets Point plan. It sought through ULURP what it called a minor change in the 2008 plan. The change sought was to

change in the 2008 plan. The change sought was to construct on the 23 acre Willets Point site a parking area, something that would be considered minor and not met with much opposition. In fact the change was not minor but major and devious. The parking area has nothing to do with any meaningful connection to the 2008 Willets Point plan, but to enable the Mets to move their Citi-Field parking area to Willets Point and on the vacated Citi Field area construct a 1.4 million square foot shopping mall, something that by no stretch of the imagination had anything to do with the 2008 plan.

The developer selected for the 2008 plan knew it would be required to remove whatever contamination existed in the 23 acre Willets Point area. By accepting the plan, it is clear the Mets knew they would be obliged to clean up the site and it had nothing to do with a Citi-Field shopping mall. Ethan Goodman an attorney for the Mets at a hearing before Community Board 7 stated: "A vote against the plan is a vote against cleaning up Willets Point". Since under the 2008 plan the Mets accepted, they knew they were required to clean up Willets Point without a shopping mall, Mr. Goodman's statement was a scare tactic and misleading.

This was compounded by a additional misleading statements. The Mets now claim they need a the mall to generate a financial engine with which to construct the 2008 plan, this from Wilpon a multi billionaire. If they thought they did not have the financial ability to construct the 2008 plan, why did they bother to bid for it, unless they knew down the line Bloomberg would deliver the mall? And what if the speculation a mall will be a financial success is not, does that mean the financial engine sputters out and the 2008 plan abandoned?.

The Mets failed to point out under the new Bloomberg plan, it will only be required to pay the City \$1.00 dollar, that is right 1.00 for the Willets Point property. The City will also contribute \$99 million taxpayer dollars, of which \$40 million is earmarked for clean up, a sweetheart deal that would make the infamous Boss Tweed tip his hat in admiration. So the claim a mall is needed to ensure Willets Point gets completed, is a lie. Tens of millions of taxpayer dollars were used to acquire Willets Point property and perhaps even more in the future. That this property is being sold to the Mets a private for profit business for \$1.00, on top of which they are getting about \$100 million taxpayer dollars, is not just unacceptable. It is a raid on the city's treasury and the most outrageous governmental malfeasance being perpetrated upon the people of this City in decades, Were this the old West, Bloomberg as the architect of this taxpayer rip off, would be tarred and feathered and driven out of town together with all officials who sit idly by and let it happen.

It is the position of the Mets supported by Bloomberg that since the Mets have a lease on Citi Field, it could pursue any land change it wishes without a ULURP and in fact there is no ULURP pending with regard to the shopping mall. Citi-Field and its parking area are

located on Flushing Meadows Corona Park land and it is the position of the Mets supported by Bloomberg that because of the lease and notwithstanding a radical land use change from a parking area to a huge shopping mall, there is no obligation to replace park land. This is absurd and at least debatable which a transparent Mayor and Park Department would contest and litigate if necessary. Suffice it to say this will not occur given Bloomberg's indifference to FMCP and the less privileged people who need and use the park.

The recent survey which states the acreage of FMCP is not 1,225 as thought, but 897.62 acres, should make it even more clear it is vital that every square inch of the park must be protected.

The Mets claim without them and the mall, Willets Point will never get done. Nonsense. If the Mets walk away, that will demonstrate all they care about is a mall. Other developers will line up to do the job without a mall, and especially with a City contribution of \$99 million. It will get done without the Mets and without a mall. Further proof it is a mall that suddenly becomes paramount is evident from the Mets priority. (1) Clean up the 23 acre site. (2). Build a parking area there. (3). Move the Mets parking area to Willets Point. (4). Construct the 1.4 million square foot shopping mall. Housing goes on the back burner not to be done until 2025, if at all depending upon highway ramps getting built.

The only areas capable of serving the area are Northern Boulevard, Roosevelt Avenue, The Grand Central Parkway and The Van Wyck Expressway, arteries that cannot be enlarged, and are choked to capacity. Ramps to these arteries are akin to the infamous bridge to no where.

Queens has many shopping areas - small, large and malls. Do we really need a shopping mall at Citi Field, one that will cause a traffic nightmare and one that even if it does business it will be at the expense of our long term commercial merchants. If I were a merchant in downtown Flushing, Northern Boulevard or Roosevelt Avenue, I would hesitate to sign a long term lease.

Community Board 7 and 3 pursuant to ULURP rules conducted hearings on the application. Board 7 approved the application 22 to 18, hardly an overwhelming endorsement. Board 3 rejected it by a vote of 30 to 1 with 1 abstention, clearly overwhelming. If we add the votes of Boards 7 and 3, the result is 48 against and 23 in favor, clearly an indication of where the public stands. At a hearing before Queens Borough President Helen Marshall when this was brought out, she claimed the Board 3 vote was irrelevant. She is wrong both under the law and common sense principles. ULURP section 2-3 which permits involvement of other Community Boards makes it clear the relevancy of the Board 3 vote. Board 3 having proceeded pursuant to ULURP, its vote must be considered on an equal footing with that of Board 7 and in deed given its closer proximity

than most of the Board 7 area, even greater consideration.

When a land use change is being sought, relevant to that change is any fallout it may cause. Fallout may be purely local involving a small area or it may encompass a borough wide area. If the corner grocer wants to enlarge a parking area for his or her customers, that would be an example of a minor fallout limited to a small area. A 1.4 million square foot shopping mall which the Mets and Related Companies claim would attract a borough wide area is an example of a borough wide fallout that has great relevancy not just limited to Board 7

It follows both under ULURP and common sense principles, great weight must be given to a disapproval vote of 48 as compared to an approval vote of 23.

The application consists of falsehoods, political back room deals, has no merits and makes a mockery of the ULURP process. It should be rejected making clear the people are the constituents and not a coalition of big business and shady politics.

Benjamin M.Haber
138-27 78th Drive
Flushing, New York 11367

City Planning Commission
New York City Department of Planning
22 Reade Street
New York 1007-1216

CITY OF THE
CHAIRPERSON

JUL 16 2013

26591

Re: Willets Point N139220zrq; C130222ZSQ; C130223ZSQ;C130224ZSQ;
C130225ZSQ; Section 124-60

Dear Commission Members:

Please consider this as a supplement to my statement at the July 10, 2013 hearing in connection with the captioned matter.

This Commission should reject the application because it is deceptive, misleading and not in the public's interests.

The Willets Point plan approved by this Commission in 2008 was clear and unambiguous. The City would acquire 62 acres in Willets Point either through the voluntary sale by property owners or if need be, through eminent domain. A real estate developer would be selected with input from the community and the developer selected would then construct on the site, upscale retail stores, office buildings, a convention center, a school and luxury housing with a small portion set aside for affordable housing. The developer would be required to remove whatever contamination existed on a 23 acre area.

There was no mention of a 1.4 million square foot shopping mall at Citi Field or any connection to the Citi Field area. There was no mention the City which paid tens of millions of taxpayer dollars to acquire the property and may well spend many more millions, would sell the property to the developer for \$1.00, which is not a sale but in fact, a give away. There was no mention the City would subsidize the developer to the tune of \$99 million dollars.

Mayor Bloomberg reneged on his promise the community would have input in the developer selection process and the reason has now surfaced, While there were several developers interested in the project they had no chance of being selected because the fix was in, it would be the Mets and its Related Companies which had a lease on the Citi Field property and the ability to construct a huge shopping mall on its parking lots. Had there been community input as promised, the public would have been aware of the shopping mall, the give away of the Willets Point property

for \$1.00 and the \$99 million dollar subsidy. They could have insisted on any one of the other interested developers who would do the plan without a mall.

This deception in and of itself is sufficient to reject the application, but there exists a host of other reasons that warrant its rejection.

1. The amendment to the 2008 plan claims to seek a "minor" change, to wit: to have constructed on the 23 acre Willets Point area, a parking lot. Clearly a parking lot would be "minor" and unlikely to face much if any opposition. With due respect in making a decision on a matter before it, this Commission has the obligation to take into account not just any fall out of an approved application may cause, but even more importantly, whether the application's underlying basis is legitimate and not a cover up for some other project. In the application in question, it is clear beyond any doubt, the change sought, is not "minor", but "major". The reason behind a Willets Point parking lot, would be to enable the Mets and their Related Companies to transfer the Mets Citi Field parking lot to Willets Point, thereby making the vacated area available for a 1.4 million square foot shopping mall. It is a mall which has nothing at all to do with the 2008 approved Willets Point plan that is the elephant in the room; that is what this application is deceptively all about, and warrants its rejection.

2. Under the 2008 plan which the Mets and its Related Companies bid for and were selected, they were aware and agreed they would be required to remove whatever contamination existed on the 23 acre site. The current claim that without a mall, the contamination would never be accomplished, the Willets Point plan at a dead end, is nonsense. If they wish to walk away other developers would line up to accept the property for \$1.00 with a \$99 million dollar subsidy and do the job without a mall.

3. The claim the Mets, their Related Companies and owner the multi billionaire Fred Wilpon, must have the mall to generate a financial engine with which to construct the original Willets Point plan, is more nonsense. If they did not have the financial ability to construct the 2008 plan to begin with, why did they seek to be the developer? As aforesaid other developers were prepared to do the job without a mall. Furthermore, there is no guarantee a mall would be a financial success. Does that mean if the financial engine sputters out, Willets Point also sputters out?

4. An integral part of the 2008 Willets Point plan was housing. Adding to the deceptiveness of the application is the priorities the applicant intends to pursue.

a) Remove the contamination from the 23 acre site. (b). Transfer the Citi Field parking lots to that area. (c). Build the 1.4 million square foot shopping mall on the vacated Citi-Field parking lot. (d). Construct commercial elements at Willets Point. This Commission will recall an important element of the 2008 plan was housing. Under the Mets and its Related Companies current plan housing has the least priority and is placed on the back burner until 2025 or almost 17 years since 2008. Furthermore housing will not be built until there is in place so called vehicular ramps to handle the huge increase in traffic. The only vehicular arteries that can service the area are the Grand Central Parkway, Van Wyck Expressway, Northern Boulevard and Roosevelt Avenue, arteries that are choked to capacity and cannot in any way be enlarged to handle a huge increase in traffic. So called ramps to these arteries are akin to the infamous bridge to no where. In short we may have a 1.4 million square foot shopping mall, but no housing,

Do we really need a mall that may will harm hundreds of small businesses on Northern Boulevard, Roosevelt Avenue; Downtown Flushing and the malls on 20th Avenue and Rego Park and elsewhere?

This matter was lawfully before two Community Boards. Board 7 approved the application with a vote of 22 to 18, hardly overwhelmingly. Board 3 rejected it with a 30 to 1 vote with 1 abstention. That means there was a 48 rejection vote with a 23 approval and that is overwhelmingly. At a hearing before Queens Borough President Helen Marshall it was pointed out that pursuant to ULURP section 2-3 as well as common sense principles that require consideration be given to fall out consequences, the impact on Board 3 geographically would be far greater than on Board 7 and that she was required to take that into account, She disputed this. This was followed up with written statements sent to her. Her approval makes it clear she fails to understand the law, her approval meaningless and should be excluded in your deliberations.

Were any or all of the above sufficient to justify rejection of the application, there are other elephants in the room that need to be addressed.

The Commission will note the only ULURP proceeding before it is to seek an amendment to the 2008 approved Willets Point plan so as to construct a parking area on the 23 acre Willets Point area. Apart from the fact as outlined above, you are required to look into any fall out a decision may cause and what the application is really all about, it is clear there is no ULURP proceeding seeking permission for the construction of 1.4 million square foot shopping mall on a vacated Citi Field parking lot. It is the position of the Mets and Related Companies that because of its

1961 lease of the Citi Field property it does not need any permission except from Parks Department to change the area from a parking lot to a huge mall; that ULURP does not apply and communities have no say in the matter. ULURP was enacted in 1975-1976 and is the current law that applies to all those who now seek a land use change. While it is debatable whether the applicant can make such a significant change, what is not debatable is that it must comply with current law and pursue a ULURP process. The other elephant in the room, is the fact Citi Field and its parking lot is located on Flushing Meadows Meadows Corona Park land. It cannot be seriously contested that there is a vast difference in land use between a parking lot on park property and a 1.4 million square foot shopping mall on park property. Yet the applicant contends that under its lease it can do as it pleases with the property and is not required to replace park land if it constructs a shopping mall.

In short, that by pretending all it seeks is a "minor" change to the 2008 Willets Point plan, to wit a parking lot on the 23 acre area, the applicant is attempting an end run around ULURP requirements and replacement of park land. This is unacceptable and if this Commission allows it to happen, it will be making a mockery of the ULURP process that was enacted to require transparency in government

I am not against big business, nor should you be. I am against shady business and dishonest applications as you should be. You should send the word out The City Planning Commission takes seriously not just the word of the law, but the spirit of the law as well. That you will not permit an applicant to attempt to blind side you with a phony claim that all it seeks is a minor change to build a parking area, when in fact it intends to make a major change and construct a 1.4 million square foot shopping mall.

The applicant sought and was given the right to construct the 2008 Willets Point plan you approved. That was 5 years ago and it has done nothing since then. Tell them to go ahead and do the 2008 plan without a mall or walk away and allow another developer to do the job.

Let right be done. reject the application and let the people know you take transparency in government seriously.

Benjamin M. Haber
138-27 78th Drive.
Flushing, N.Y 11367

Benjamin M. Haber, 7-12-13

cc: Amanda M. Burden, FAICP, Chair; Kenneth J. Knuckles, Esq. Vice Chair; Angela M. Battaglia; Rayann Besser; Irwin G. Cantor, P.E.; Alfred C Cerullo, III; Betty Y. Chan; Michelle de la Uz; Maria M. Del Toro; Joseph Douek; Richard W. Eaddy; Anna Hayes Levin; Orlando Mann

Heather Russell-Loux
85-25 68th Avenue
Rego Park, NY 11374

July 17, 2013

New York City Planning Commission
22 Reade Street
New York, New York 10007

Re: Willets Point West Development

Dear Commissioners:

I write to testify *against* the proposed Willets Point West Development in Flushing Meadows Corona Park. I attended the Public Hearing on July 10, 2013 before the Commission concerning the Willets Point West Development. What I heard at the hearing compelled me to add my voice to those opposed to the proposed development. I am a long time Queens resident, I grew up in East Elmhurst and currently live in Rego Park. My family and I use Flushing Meadows Corona Park regularly. I can tell you that while the residents of Queens desperately need every precious inch of Flushing Meadows Corona Park, what we do not need is another shopping mall and/or entertainment center.

One of the supporters of the proposed development testified that Queens residents frequently go outside of Queens to do their shopping in locations such as Rosevelt Field or Woodbury Commons. This statement is simply not credible. The Queens Center Mall as well as the Mall at 63rd Drive and Queens Boulevard, and the Target Mall (also on Queens Boulevard) provide an abundance of retail shopping opportunities for Queens residents in the communities surrounding Flushing Meadows Corona Park. Moreover, all of these shopping areas are easily accessible by public transportation. Any proposed Shopping Mall in Willets Point West would not be so easily accessible by public transportation. Thus resulting in increased traffic congestion in the area. Moreover, given the multitude of retail stores within one mile from the proposed development site, the notion that retail stores such as Nordstrom and/or Macy's would have a presence on the proposed development site is truly fantasy. It is highly unlikely that Macy's would be willing to undercut it's sales from their store in the Queens Center Mall. With regard to Nordstrom, their price point is simply too high to be a viable business in the community.

Truly the proposed development is nothing more than a "land grab" by private investors with deep pockets whose claims of "improving" the community are

questionable at best. This is evident by their now expanded timetable for creating affordable housing as well as their abysmal efforts on behalf of the many businesses currently affected by the original Willets Point Development plan approved by the City Council in 2008. What happens to all these individuals who work hard to support their families is of little concern. Make no mistake the current proposed development is not to benefit the community but solely for the benefit of those who wish to attend events at Citi Field. Indeed, recent news reports on Chanel 11 during Major League Baseball's All Star Week confirmed that the proposed developments which Sterling Equities is trying to push through would allow baseball fans to have the "Manhattan experience" prior to and after attending a game at Citi Field.

The disruption to the community as well as to the users of Flushing Meadows Corona Park by the Willets Point West proposed development can not be stressed enough. Businesses and workers will be displaced, the park will be further divided with the potential for encroaching on even more green space.

My husband and I enjoy riding our bicycles throughout Flushing Meadows Corona Park with our two young children. We usually ride every weekend. The Park provides an excellent space for us to enjoy the outdoors and for the children to practice their cycling skills with minimal fear of vehicular traffic. Not only do we use the Park regularly but so do many members of the surrounding communities as well as people from all over Queens. In fact, many Queens residents use public transportation in order to get to Flushing Meadows Corona Park. On any given day you will encounter folks out for their morning run, families out on bicycles, people taking boating lessons and others playing soccer and cricket. It would be a tremendous disservice to the residents of Queens to rob them of even one acre of this precious space. Indeed, if anything Flushing Meadows Corona Park needs more space *not less*.

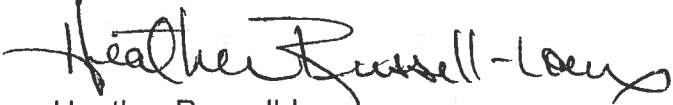
The proposed Willets Point West shopping mall can not be viewed in a vacuum but as part of the larger assault on Flushing Meadows Corona Park. There are currently *three* proposals to permanently annex public park land for private use. The land which is now the old Shea Stadium parking lot was formerly green space which should revert back to green space if it is no longer needed for the original purpose for which it was annexed. The land should not be allowed to be transferred further. In fact, the very thought that it is acceptable to confiscate any amount of park space for the building of a shopping mall, as well as the other proposed developments, *i.e.*, soccer stadium, increasing the USTA's allotment of park space, speaks volumes about the current mayor and our politicians' disregard for minorities and lower income residents of our community. Such a proposal would never have been tolerated much less suggested with regards to Prospect Park or Central Park. Apparently it is fair game to trample on the residents of Queens.

How ironic is it that Mayor Bloomberg wants us to live healthier lifestyles touting us to take the stairs as opposed to using an elevator, but he has no qualms about taking away much needed green space in one of the most heavily used parks in this City. Are the residents of Queens not entitled to healthier lifestyles? Or does our

health, our concerns take a back seat to those who wish to bring the "Manhattan experience" to Citi Field?

As I stated previously, I've lived in Queens all my life. I sincerely hope that in considering the proposed Willets Point West development the Commission will give due consideration to the residents of Queens and what is truly needed in the community. Public access to much needed and highly used green space is vitally important to the residents of Queens. Therefore, I strongly oppose any proposed development which will diminish the available green space now available in Flushing Meadows Corona Park and would advocate that space which was previously annexed if it is no longer needed should be returned as public park land.

Sincerely,



Heather Russell-Loux