

Chapter 26: Comments and Responses on the Draft Scope of Work and Draft Environmental Impact Statement¹

A. INTRODUCTION

This chapter summarizes and responds to all substantive comments on the Draft Scope of Work (Draft Scope) and the Draft Environmental Impact Statement (DEIS) for the proposed Fordham University Lincoln Center Master Plan (Master Plan) made during the public review period. For the Draft Scope, these consist of comments spoken or submitted at the Draft Scope public meeting on September 10, 2007, as well as written comments that were accepted by the lead agency through the tenth day following the Draft Scoping meeting (September 20, 2007). For the DEIS, comments consist of spoken or written testimony submitted at the public hearing held by the New York City Planning Commission (CPC) on March 4, 2009, as well as written comments received during the public comment period, which closed on March 16, 2009. The DEIS hearing also considered comments on the project's Uniform Land Use Review Procedure (ULURP) application. Written comments received on the Draft Scope and DEIS are included in Appendices E and F, respectively.

Section B of this chapter lists the elected officials, community board and organization members, and individuals who commented at the Draft Scope public hearing or in writing. The comments are summarized in Section C. Similarly, Section D lists those who commented at the DEIS public hearing or in writing and Section E presents a summary of their comments. The organization and/or individual that commented are identified after each comment. These summaries convey the substance of the comments but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally follow the chapter structure of the Draft Scope and the DEIS. Where more than one commenter expressed a similar view, the comments have been grouped and addressed together.

B. ORGANIZATIONS AND INDIVIDUALS COMMENTING ON THE DRAFT SCOPE OF WORK

ELECTED OFFICIALS AND COMMUNITY BOARD

1. Gail Brewer, New York City Council (oral testimony) (Brewer)
2. Richard Gottfried, New York State Assembly, also speaking on behalf of U.S. Representative Jerrold Nadler, New York State Senator Tom Duane, and New York State Assemblymember Linda Rosenthal (oral testimony and written testimony dated September 10, 2007) (Gottfried)

¹ This chapter is new to the FEIS.

Fordham University Lincoln Center Master Plan EIS

3. Jerrold Nadler, U.S. Representative; Richard Gottfried, New York State Assembly; Linda Rosenthal, New York State Assembly; and Tom Duane, New York State Senate (letter to Joseph M. McShane, S. J., dated September 7, 2007) (Nadler)
4. Micah Lasher, Office of U.S. Representative Jerrold Nadler (oral testimony on behalf of Jerrold Nadler, Linda Rosenthal, Tom Duane, and Richard Gottfried) (Nadler)
5. Community Board 7 (letter to Chairperson Amanda Burden signed by Hope Cohen, dated September 20, 2005; letter to Chairperson Amanda Burden signed by Sheldon J. Fine, Richard Asche, and Page Crowley, dated December 29, 2005; letter to Chairperson Amanda Burden signed by Sheldon J. Fine, dated September 20, 2007) (CB 7)
6. Jeff Siegal, CB7 Land Use Committee (oral testimony) (Siegal)

OTHER ORGANIZATIONS AND INDIVIDUALS

7. John Beam, Director of the National Center for Community and Education Partnership, housed at Fordham University (oral testimony and written testimony) (Beam)
8. Janice Berchin-Weiss, resident, The Alfred Condominium (oral testimony) (Berchin-Weiss)
9. Antonia Bryson, Esq. (oral testimony on behalf of The Alfred) (Bryson)
10. Dr. Scott Cantor, resident, The Alfred (oral testimony) (Cantor)
11. Sris Chatterjee, Professor, Fordham University, and community resident (oral testimony) (Chatterjee)
12. Charles Edwards, resident, The Alfred (oral testimony) (Edwards)
13. Nancy B. Eills, resident, 2 Columbus Avenue (oral testimony) (Eills)
14. Nitza Escolera, Assistant Dean, Fordham University School of Law (oral testimony) (Escolera)
15. Mary Federico, resident, The Alfred (oral testimony) (Federico)
16. Olive Freud, Committee for Environmentally Sound Development (oral testimony) (Freud)
17. Eric Gingold, resident, The Harmony, Fordham alumnus (oral testimony) (Gingold)
18. Sidney Goldfischer, president of the board, The Alfred (oral testimony) (Goldfischer)
19. Michael Graff, resident, The Alfred (oral testimony and written testimony) (Graff)
20. Karron Graves, resident, The Alfred (oral testimony) (Graves)
21. Michael Groll, president, Lincoln Plaza Towers Co-Op (oral testimony) (GrollM)
22. Terry Groll, Fordham Neighbors United (oral testimony) (GrollT)
23. John P. Kehoe, alumnus, Fordham University (oral testimony) (Kehoe)
24. Frances Kern, resident, The Alfred (oral testimony) (Kern)
25. Brian Ketcham Engineering, P.C., (written comments, no date) (Ketcham)
26. Susan Koeppel, resident, The Alfred (oral testimony and memo to the Department of City Planning, undated) (Koeppel)

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27. Geoffrey Kovall, Fordham Neighbors United, resident, West 60th Street (oral testimony and letter to Robert Dobruskin, dated September 11, 2007) (Kovall)
28. John Langsdorf, resident, The Harmony (oral testimony) (Langsdorf)
29. Anna Levin, Community Board 4; resident, 30 West 60th Street (Coliseum Park Apartments) (oral testimony) (Levin)
30. Batya Lewton, Coalition for a Livable West Side (oral testimony and written testimony) (Lewton)
31. Michael Martin, Professor and Associate Dean, Fordham Law School, and community resident (oral testimony) (Martin)
32. Fr. Gilbert Martinez, pastor, Church of St. Paul the Apostle (oral testimony) (Martinez)
33. Don Maxwell, (oral testimony) (Maxwell)
34. Elliot Meisel, Esq., on behalf of The Alfred (oral testimony and letter to the City Planning Commission, dated September 20, 2007) (Meisel)
35. Dominic Montalbano, resident, The Alfred (oral testimony and written comments dated August 25, 2007) (Montalbano)
36. Dorine Moresco, resident, The Alfred (oral testimony) (Moresco)
37. Irones Paula, resident, The Alfred (oral testimony and written testimony with photographs dated September 12, 2007) (Paula)
38. Delia Peters, Fordham alumna (oral testimony) (Peters)
39. Ed Puzio, resident, The Alfred (oral testimony) (Puzio)
40. Residents of The Alfred, the Beaumont, the Coliseum Apartments, the Harmony, Lincoln Plaza Tower, the Sofia, and Two Columbus Circle (written testimony, undated) (The Alfred et. al.)
41. Michael Roos, resident, 61 West 62nd Street (oral testimony and written testimony, undated) (Roos)
42. Kathleen Ruggiero, Shop Steward of Local 153 Professional and Office Workers Union, employee, Fordham University (oral testimony) (Ruggiero)
43. Steven Savidge, Vice President Local 805 of the Teamsters Union on behalf of Fordham University (oral testimony) (Savidge)
44. Selva Schenkman, (oral testimony and written testimony dated September 19, 2007) (Schenkman)
45. F. Sen, Professor, Fordham University, and community resident (oral testimony) (Sen)
46. Sam Stein, Service Employees International Union 32 BJ (oral testimony) (Stein)
47. Takami Ueno, resident, The Alfred (oral testimony and letter, undated, with copies of correspondence between Fordham University and The Alfred, dated August 21, 2003, and August 27, 2003) (Ueno)
48. Peter Vaughan, Dean and Professor, Fordham University School of Social Sciences (oral testimony) (Vaughan)

C. COMMENTS AND RESPONSES ON THE DRAFT SCOPE OF WORK

PROJECT DESCRIPTION

PROGRAM

Comment 1: Serious consideration should be given to providing low- and middle-income housing because these were the residents who were initially displaced to provide the superblock for Fordham. (Kern)

Response 1: Fordham University (Fordham) has stated that private residential development is needed to provide financing for its construction of new facilities to serve its educational mission. As stated in the Draft Scope, the EIS will examine the potential indirect residential displacement impacts of the proposed Master Plan. If the analysis determines that significant adverse impacts would result, measures to mitigate such impacts will be identified in the EIS.

Comment 2: Section 302 of the Disposition Agreement of December 24, 1957, pursuant to which Fordham acquired the site, stated that Fordham was to “make use of all the land in the Collegiate Site solely for educational purposes.” (Meisel)

Response 2: The City has determined, in a letter issued by DCP on May 25, 2006 (see Attachment A to the Final Scope of Work), that the restrictions on use and development contained in the December 24, 1957, Land Disposition Agreement (the “1957 Disposition Agreement”) as amended on April 7, 1966 (the “1966 Amendment”) between Fordham and the City expired on January 27, 2006, and are no longer in force.

PURPOSE AND NEED

Comment 3: The Draft Scope fails to define the public purpose for the project. It must be amended to demonstrate how the proposed project meets the Dormitory Authority of the State of New York (DASNY) criteria and program priorities. The public purpose for the requested Special Permit for parking must also be explained because the Special Lincoln Square District assumes no additional parking without a showing of no adverse effect on congestion, air quality, noise, and the City’s economic viability. (Ketcham)

Response 3: As noted in the Draft Scope, the EIS will include a detailed statement of Fordham’s purpose and need for the proposed action. The Scope has been amended to clarify that DASNY is an interested agency in this environmental review. As part of the DASNY environmental review process, it is not necessary to have the EIS demonstrate how a proposed project would meet DASNY criteria and program priorities. In reference to the special permits, the Scope

notes that the EIS will address any of the necessary findings required pursuant to the New York City Zoning Resolution.

Comment 4: The EIS should provide a more detailed explanation of the purpose and need for the project than is provided in the Draft Scope and Environmental Assessment Statement (EAS). This statement should disclose Fordham’s projected enrollment figures, the bases for these projections, and why these projections require the amount of space in the proposed project; the financing requirements for the proposed project and how they will be met; the expected revenues to Fordham from the private residential developments; and how plans for Fordham’s other campuses are related to the need for expansion on its Lincoln Center campus. (Meisel)

Response 4: As stated in the response to Comment 3, the EIS will include a detailed statement of Fordham’s purpose and need for the proposed action. This statement will include Fordham’s low space-per-student ratio (100 sf per student compared to 360 sf per student for comparable schools), projected enrollment figures, based on historic enrollment activity, and projected growth in faculty and staff populations for both phases of the proposed action. This section of the EIS will also clarify why the development on Fordham’s other campus would not fulfill the goals for the schools and programs at its central location in Manhattan.

Comment 5: The EIS should discuss how anticipated revenues from the sale of Fordham’s Tarrytown campus will affect its need for the proposed project as currently conceived. In addition, it should explain how the decision to dispose of 24 acres of existing academic, administrative, and dormitory buildings—as well as a portion of the Lincoln Square campus—is consistent with the parallel effort to construct the proposed project on the remainder of the Lincoln Square campus. (Meisel)

Response 5: According to the University, the Tarrytown campus has been sold at a net loss of approximately \$1.5 million. It was the campus of Marymount College, an all-women’s undergraduate college, of which Fordham assumed management in 2000, and which proved to be both academically and fiscally impossible to sustain, leading to its closing. Fordham University states that the proceeds from the sale of the Tarrytown campus were used to reimburse University programs that ran at a loss during the years of Fordham’s operation of the Marymount campus. The proposed project is to benefit the schools currently at Fordham’s Lincoln Center campus which have been there for more than 40 years. Fordham states that those schools cannot be relocated to the Bronx campus for they serve a Manhattan directed population and because they have deep historic roots in Manhattan and a tradition of service to Manhattan communities and Manhattan-based institutions. Fordham believes that such relocation would likely have a

negative impact on the enrollment of the graduate schools and the school of performing arts, which derive a portion of their appeal from their location in proximity to the Manhattan business, governmental, and cultural communities.

As Fordham has stated publicly, Fordham's endowment is modest when compared to other major educational institutions in New York City; moreover, Fordham is a tuition-supported school that provides a very high percentage of its students with financial aid. In order to create the endowment reserves required to fund construction of buildings on the campus and repay the bonded debt that will be incurred for the construction, Fordham has stated that the sale of a portion of the property for private development is necessary. The amount of lot area that will be sold represents only approximately eight percent of the total lot area of the campus. Fordham's strategy, in this regard, is not dissimilar to actions taken by other not-for-profits, including the Red Cross, which recently sold its site (acquired in the Lincoln Square Urban Renewal Plan) at West 66th Street and Amsterdam Avenue for private residential development.

LINCOLN SQUARE URBAN RENEWAL PLAN

Comment 6: The Draft Scope does not articulate the basis for Fordham's right to legally develop the property. (Roos)

Response 6: Fordham's right to develop its property is not a CEQR question.

Comment 7: The expiration of the Lincoln Square Urban Renewal Plan (LSURP) and its controls has not been legally resolved; the LSURP is the most salient public policy for land use and urban design in the community. In the absence of any articulated subsequent policy, the EIS should assume that the LSURP is stated policy. The LSURP required that the Fordham site be fully developed before the expiration of its controls. (Meisel)

Response 7: The LSURP expired in 1997 and is no longer the guiding document for development in the project area. In a letter issued by DCP on May 25, 2006 (see Attachment A to the Final Scope), the City determined that Fordham had complied with its obligations under the LSURP, as amended, and the 1957 Disposition Agreement and the 1966 Amendment, and that the restrictions on use and development contained in these instruments no longer control the project site. The EIS will consider compatibility of the Master Plan with the applicable district zoning.

Comment 8: The City exercised its powers of eminent domain in order to convey the project site to Fordham University for educational purposes. The underlying rationale was that the educational goals of Fordham justified the hardship entailed in clearing the site. Because of this history, it is ethically questionable for Fordham to sell a portion of the site for private residential development. If Fordham is

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unable to use the land, it should be reacquired by the City and dedicated to educational use. (CB 7)

Response 8: Comment noted.

Comment 9: The proposed project would produce a superblock grossly inconsistent with the original Master Plan for the area. (Roos)

Response 9: See response to Comment 7.

Comment 10: The No Build scenario should include the development that would have been on the campus had Fordham complied with its obligations to build a campus in accordance with the LSURP. The EIS must analyze the proposed project against the campus plan that was to have been developed pursuant to the LSURP. (Meisel)

Response 10: The LSURP has expired and is no longer in force. As noted in the response to Comment 7, the City has determined that Fordham had complied with its obligations under the LSURP, as amended, and the 1957 Disposition Agreement and 1966 Amendment, and that the restrictions on use and development contained in these instruments no longer control the project site.

Comment 11: The EIS should disclose the original site plan for the campus that was put forth at the time of the issuance of the LSURP and should analyze the impacts of the proposed project on the original LSURP. (Meisel)

Response 11: As noted in the Scope, Tasks 1 and 2 of the EIS will each discuss the development history of the project site and the study area, which includes the LSURP. However, as noted in the response to Comment 10, the LSURP has expired and is no longer in force.

Comment 12: The EIS should discuss the 1989 City Planning Commission's (CPC) report concerning the Fifth Amended LSURP (C 880802 HUM), which is the most recent statement of public policy for the area. This report should be the basis for evaluating Fordham's proposed Master Plan. The EIS should discuss this report and its consistency with the available 10.0 FAR on the project site. (Meisel)

Response 12: See response to Comment 7. The EIS evaluation of Fordham's proposed Master Plan will include a discussion of the consistency of the proposed plans with the current zoning for the project site.

DESIGN

Comment 13: The proposed plan makes no effort to address or ameliorate significant design flaws with respect to its existing structures, especially the West 60th Street wall forming the southern edge of the podium. (CB 7)

Response 13: As noted in the Final Scope, the design has been modified to provide new glazing and new entrances to Lowenstein and the Pope auditorium from West 60th Street.

Comment 14: The West 62nd Street frontage is presented as a long and unarticulated wall of buildings stretching from the corner of Columbus Avenue to the proposed new residential tower at Amsterdam Avenue. While there will be marginal street-level activity, there will essentially be a fortress wall facing Lincoln Center and Damrosch Park. (CB 7)

Response 14: The bulk envelopes of the buildings in Fordham's proposed Master Plan should not be interpreted as architectural designs. However, the Master Plan does call for a transparent street wall along West 62nd Street, with ground-level building entrances and windows overlooking Lincoln Center and Damrosch Park. In addition, the proposed action would create a 77-foot wide opening on West 62nd Street leading to the publicly accessible open space on the plaza.

Comment 15: DCP should impose clear, mandatory design criteria on the project site as a condition of the approval of the proposed action. These criteria should govern all buildings (including the private residential developments) and streets on the project site. (CB 7)

Response 15: The Scope has been revised to specify that design controls are already embodied in the plans that accompany the application for waivers of height and setback; these would be the basis for any project approvals.

Comment 16: The proposed waivers must be accompanied by firm and legally binding use restrictions that will ensure that any structures built on the site would be dedicated to educational purposes. (CB 7)

Response 16: The proposed waivers would control building form; the underlying zoning controls the land use on the project site. The regulatory drawings to be approved with the application specify permitted uses for each site.

Comment 17: The proposed access stairways to the podium do not appear to be suited to achieve their ostensible purpose of inviting the community up and in. The proposed staircases are unlikely to be areas of congregation and lounging and appear more likely to act as barriers to anyone not having business at Fordham. (CB 7)

Response 17: As noted in response to Comment 14, the Master Plan proposes a wide entrance to the campus and its publicly accessible open space on West 62nd Street. The opening would stretch for a minimum of 77 feet.

ANALYTICAL FRAMEWORK

Comment 18: Dual-agency responsibility requires compliance with both State and City environmental regulations. New York State Environmental Quality Review Act (SEQRA) actions must be properly defined and differentiated from the project. (Stein)

Response 18: DASNY is an interested agency under SEQRA. While Fordham intends to apply to DASNY for funding, there is currently no application. Going forward, DASNY may rely on the EIS as the basis for authorizing bonding issues.

Comment 19: The time frames for the development of Phases I and II of the proposed Master Plan are inadequate and misleading. The EIS should analyze and describe the potential adverse impacts that would result from Phase II being completed at a much earlier date. (Meisel)

Response 19: The Phase I and Phase II build years were selected based on the anticipated time to receipt of discretionary approvals, Fordham's financial resources, the anticipated levels of DASNY funding, and the expected duration of construction. Though individual Phase II buildings are likely to be completed prior to the 2032 build year, the entire Master Plan is not expected to be completed before this date.

NO ACTION CONDITION

Comment 20: The No Action background condition should include some amount of academic space to address Fordham's stated needs. (Siegal)

Response 20: Under CEQR, the No Action condition includes those projects that are planned, proposed as part of a separate discretionary approval process, or under construction. Fordham states that it has no plans for academic space to be built on site other than that in the Master Plan and has made no application to DASNY for funding of one or more academic buildings that are as-of-right under the zoning; therefore no such space will be included in the EIS No Action background condition.

Comment 21: The EIS should not include the three as-of-right residential buildings as part of the No Action scenario. The proposed project should be analyzed against a 2007 baseline condition in which nothing is built on the project site. While it may be technically permissible for Fordham to compare its Build scenario to a full as-of-right build-out, this comparison provides little guidance for City policy

makers on the true effects of the proposed actions. (Nadler, Bryson, Siegal, Stein, Meisel, CB 7)

Response 21: The proposed residential buildings would be permitted under existing zoning (as three buildings with no parking garages) and would not require discretionary approvals for financing. Under CEQR methodology, it is proper to include in a no action scenario development that could reasonably occur without the proposed actions.

Comment 22: If the EIS merely examines the difference between the forms of the residential buildings under as-of-right and proposed action conditions, it will not meet the required disclosure of the proposed actions' environmental impacts. (Meisel)

Response 22: In regard to the residential development, the only aspects subject to environmental review under CEQR are the building envelope and the provision of accessory parking and curb cuts. As noted in the Scope, the EIS will examine those differences as well as the full academic and dormitory program proposed in the Master Plan. The effects of the full as-of-right residential buildings on the site will be examined in the EIS as part of the No Action condition.

Comment 23: If the Build condition will include a building on a given site, standard CEQR practice provides that the No Build condition cannot contain an alternative building on that same site. (Meisel)

Response 23: As noted above, under CEQR methodology, it is proper to include in a no action scenario development that could reasonably occur on the project site without the proposed actions.

Comment 24: The *CEQR Technical Manual* states that the No Build condition cannot contain any portion of a proposed project. Furthermore, the manual states that the No Build condition should include only developments that can "reasonably be expected to be completed," when accounting for "market conditions, existing trends and other constraints and incentives (including zoning and public policy)." It is not reasonable to assume that the residential component of the proposed project would be constructed absent the proposed action. Though the proposed floor area is permitted under current zoning, the existing regulations on parking, height, and setback would make development of these buildings unlikely. These restrictions must be explicitly inserted into the Scope of Work. (Ketcham)

Response 24: As explained in the Scope, the form of the proposed residential development would differ in the No Build scenario from the residential development with the proposed action, i.e., three smaller buildings instead of two larger ones, and no accessory parking garages. Beyond these zoning constraints, DCP has determined that there are no unusual market conditions, trends, or other

constraints or incentives that would otherwise cause the development of these residential buildings to be unreasonable.

Comment 25: The No Build scenario should include the development that would have been on the campus had Fordham complied with its obligations to build a campus in accordance with the LSURP. The EIS must analyze the proposed project against the campus plan that was to have been developed pursuant to the LSURP. (Meisel)

Response 25: As noted in the responses to Comments 7 and 10, the LSURP has expired and is no longer in force. As noted in the referenced responses, the City determined that Fordham had complied with its obligations under the LSURP and the 1957 Disposition Agreement and 1966 Amendment, and that the restrictions on use and development contained in these instruments no longer control the project site. Since the campus plan set forth in the LSURP is no longer given to be public policy, CEQR does not require that it be considered in the EIS.

CUMULATIVE ANALYSIS

Comment 26: The EIS must include a cumulative impact analysis that accounts for other developments that are planned or underway in the vicinity of the project site and expected to be completed between 2008 and 2014, including the Lincoln Center for the Performing Arts Redevelopment, the American Red Cross site, 15 Central Park West, Riverside South, the Museum of Arts and Design, the Empire Hotel, the expansion of John Jay College, the West 59th Street Marine Transfer Station, the addition of a subway entrance at West 60th Street and Broadway, the closure of the northbound Miller Highway exit ramp at 72nd Street, Hudson Yards, numerous developments along West 59th, West 60th, West 61st, and West 70th Streets, and others. (Gottfried, GrollM, Siegal, The Alfred et. al., Meisel, CB 7)

Response 26: The conditions examined in the EIS will include the activity generated by the proposed Master Plan, No Build projects, and background growth, thus presenting a cumulative analysis of future conditions with the proposed action in accordance with the methodologies and approaches recommended in the *CEQR Technical Manual*. Each technical analysis will consider those projects that are relevant to its area of inquiry and fall within the boundaries of its study area.

Comment 27: The EIS should include a cumulative impact analysis for the entire area, which would allow for the implementation of district-wide mitigation measures. Energy, sewage, and sanitation are particular areas that would not be impacted by the proposed project in isolation but may be impacted in a cumulative analysis. (Bryson)

Response 27: As noted in the Scope, the conditions examined in the EIS will include the activity generated by No Build projects and the proposed action together added to the existing conditions in the area, thus presenting a cumulative analysis of future conditions with the proposed action, in accordance with the methodologies and approaches recommended in the *CEQR Technical Manual*. This methodology will be used for each technical area of analysis, including infrastructure, energy, and solid waste and sanitation.

STUDY AREAS

Comment 28: The EIS should measure all study area boundaries from the perimeter of the project site, rather than the center point of the site. In addition, study areas should not have rounded corners: since the project site is rectangular, shouldn't a radius around the project site be rectangular as well? As drawn in the Draft Scope, the study areas appear to be oval in shape and thus likely too small. (Gottfried, GrollM, Siegal, The Alfred et. al., CB 7)

Response 28: The study areas presented in the Draft Scope were drawn from the perimeter of the superblock, with the exception that the historic resources and urban design/visual resources study areas (Figure A-12) were expanded by 200 feet to the north to capture the entire campus of the Lincoln Center for the Performing Arts. The study areas are rectangles with rounded corners. This is the shape that results from measuring a constant distance from a smaller rectangle, such as the project site. If the study areas were delineated with rectangles, they would either be more than ¼-mile from the project site at the corners or less than that distance along the edges.

Comment 29: The study area should be expanded to include the area bounded by West 54th Street, West 73rd Street, Eighth Avenue/CPW, and the Hudson River. (Siegal, CB 7)

Response 29: As noted in the Scope, the technical analyses presented in the EIS will use study areas drawn in accordance with the guidelines in the *CEQR Technical Manual*. See also the responses to Comments 31 and 38.

LAND USE, ZONING, AND PUBLIC POLICY

LAND USE

Comment 30: The land use study area shown in Figure A-9 of the Draft Scope seems to go farther north than south of the Fordham campus. (CB 7)

Response 30: The ¼-mile study area boundary was inadvertently misaligned in Figure A-9 of the Draft Scope. This error has been corrected in the Final Scope.

Comment 31: The proposed boundaries of the land use study area are too small. The land use study area should account for the natural boundaries of the neighborhood, which extend to West 72nd Street to the north, and should be measured to at least ¼-mile from the perimeter of the project site, rather than its center point. (Meisel)

Response 31: The Final Scope has been revised to include a ½-mile secondary study area in addition to the ¼-mile primary study area. As shown in Figure 9 of the Final Scope, both land use study areas are measured from the perimeter of the project site (see also response to Comment 28). The study areas were selected and drawn in accordance with the guidelines in the *CEQR Technical Manual*.

Comment 32: The EIS should discuss the land use and public policy impacts of the proposed parking facilities on the Special Lincoln Square District. The granting of special permits for parking should be discussed in terms of their compatibility with the Special District’s regulations, provisions of the Zoning Resolution that limit parking in the Central Business District and adjacent areas, the City’s efforts to discourage driving through congestion pricing, and the public policies embodied in PlaNYC. (Meisel)

Response 32: As noted in the Scope, the EIS will discuss all aspects of the proposed Master Plan—including the parking component—in terms of its compatibility with existing zoning regulations on the project site and in the surrounding area, and with all applicable public policies.

ZONING

Comment 33: The underlying C4-7 zoning district, which permits a maximum FAR of 10.0, is inappropriate for a college campus and inconsistent with recent DCP policy. In the Lincoln Square neighborhood, C4-7 should be mapped only along wide streets, and midblocks should be zoned C6-2, which permits a maximum FAR of 6.02. (Meisel)

Response 33: As described in the Scope, City zoning policy, existing zoning on the project site, and existing zoning in the study area will be analyzed in the EIS. See also response to Comment 34.

Comment 34: The EIS should account for the possibility of potential future downzonings in the area. (Meisel)

Response 34: In accordance with *CEQR Technical Manual* guidelines, projects or actions that could potentially be proposed but are not in active consideration are beyond the scope of CEQR analyses and are not included in the analysis of future baseline conditions.

PUBLIC POLICY

Comment 35: The land use analysis should assess the consistency of the proposed project, including the 876 new units of private luxury residential housing, with the land use controls and public policy embodied in the LSURP. (Meisel)

Response 35: As noted in the Scope, the EIS will assess the consistency of the 876 residential units and the proposed Master Plan with land use, zoning, and all applicable public policies in the study area. Because the LSURP expired in 1997, it is no longer an applicable public policy, and it will not be included in this analysis. See also response to Comment 7.

Comment 36: The Draft Scope should be amended to include consideration of the City's long-term sustainability goals, including its proposed policies to limit vehicular travel in Manhattan south of 86th Street, and its commitment to cut carbon dioxide emissions by 30 percent by 2030. (Ketcham)

Response 36: As noted in the Scope, the EIS will consider all public policies that are applicable to the project site, including those parts of PlaNYC (the City's long-term sustainability plan) that are currently in force. However, certain aspects of PlaNYC, including the implementation of congestion pricing between 86th and 60th Streets in Manhattan, are currently not included in the plan and are thus beyond the scope of this analysis. If the congestion pricing proposal is revised to include the project study area, the EIS analysis will be adjusted to account for this change.

Comment 37: The EIS should examine the impacts of the project site being developed to its full 10.0 FAR in light of the current and accelerating policy of reducing density in New York City. (Meisel)

Response 37: The EIS, in accordance with the Scope, will analyze the proposed action in terms of the zoning regulations and public policies that are expected to be in place in the 2014 and 2032 build years. Although individual discretionary actions undertaken by the City may have the effect of reducing density in specific areas, no such actions are proposed in the Lincoln Square area. See also response to Comment 34.

SOCIOECONOMIC CONDITIONS

Comment 38: The socioeconomic conditions study area should include the two blocks bounded by West 66th Street, Amsterdam Avenue, West 64th Street, and West End Avenue. In addition, the study area should include all or a portion of Census Tract 135. Both of these areas contain low- and moderate-income

households that would be affected by an infusion of luxury housing on the project site. (Nadler, Levin, The Alfred et. al.)

Response 38: As shown in the Final Scope, the socioeconomic conditions study area has been revised and will include the populations at the block level for the two blocks bounded by West 66th Street, Amsterdam Avenue, West 64th Street, and West End Avenue, as well as three blocks bounded by West 55th Street, Tenth Avenue, West 58th Street, and Eleventh Avenue. However, please note that U.S. Census demographic information, such as median household income, poverty level, and median contract rent, are not available at the block level, and therefore the demographics of the populations in these blocks can not be included in the overall demographic characterization of the study area.

Comment 39: The EIS must determine the impact that the introduction of luxury residential development on the site would have on the surrounding mixed-income community, including the Amsterdam Houses, Amsterdam Addition, Harbor View, and Clinton Towers. The proposed luxury development may impact the local amenities that these residents depend on. (Gottfried, Nadler)

Response 39: As noted in the Scope, the socioeconomic analysis will address the potential for indirect displacement of lower-income residents and also of the neighborhood shops and services that support them.

COMMUNITY FACILITIES AND SERVICES

Comment 40: Facilities and services at Fordham should be excluded from the analysis because they are not practically accessible to community members who are not directly associated with Fordham. (GrollT, The Alfred et. al.)

Response 40: As noted in the Scope, the EIS will account for public schools, public libraries (not Fordham's private academic library), publicly funded day-care facilities, hospitals, and police and fire stations in the study area. The Fordham Lincoln Center campus does not include any of these facilities.

OPEN SPACE

Comment 41: Local residents have never been permitted to enter the current open space on the Fordham podium, and the community is unlikely to have access to the proposed open space. (Edwards, Kern)

Response 41: The existing open space atop the Fordham podium is open to the public during daylight hours. Although the proposed open space will not be publicly owned, as noted in the Scope, Fordham has committed to creating an open space that is inviting to the community and that will remain publicly accessible.

Comment 42: The Draft Scope indicates that the population generated by the proposed 876 private residential units will not be considered as part of the increased population making demands on open space resources. This is improper under CEQR practice. (Meisel)

Response 42: The proposed residential units would be permitted as-of-right under current zoning. Therefore, under CEQR methodology, it is proper to assign the population increase that could be realized from those residential units to the No Action scenario. See also response to Comment 21.

Comment 43: The elevation of the existing campus podium, as a practical matter, means that it is and will be totally inaccessible from the street level. The podium is effectively intended for and will be used by Fordham's students and faculty exclusively. Therefore, it should not be considered as an open space resource available to the public and should not be counted in the inventory of open space resources. Any new open space provided on the podium by Fordham should be likewise excluded. (Meisel, CB 7)

Response 43: The Scope has been modified to make clear that neither the existing nor the proposed open space on Fordham's podium will be considered in the inventory of open spaces for quantitative analysis. However, because Fordham currently makes this space available to the public and will continue to do so in the future, it will be considered qualitatively in the open space analysis.

Comment 44: The EIS should study the effect that the elimination of the podium would have on the use, accessibility, and quality on the Fordham campus. (Meisel)

Response 44: Fordham University has stated that the removal of the podium would be prohibitively expensive and would cause such disruption to the existing facilities, operations, and activities on its Lincoln Center campus that it would be inconsistent with the goals of the Master Plan and of the University itself.

SHADOWS

Comment 45: The EIS should analyze shadow impacts on the proposed public plaza component of the proposed project. (Gottfried, The Alfred et. al.)

Response 45: The Scope has been revised to clarify that the EIS will delineate and describe project-generated shadows on all publicly accessible open space (both publicly and privately owned), including the Fordham open space.

Comment 46: The shadows analysis should assess the impacts of the proposed project against the existing condition, rather than the three residential buildings in the No Build scenario. (Meisel, CB 7)

Chapter 26: Comments Received on the Scope of Work and DEIS

Response 46: As described in the Scope and addressed in response to Comment 21, above, the EIS will compare conditions with the proposed action to the future No Action condition in all technical areas. The No Action condition includes three residential buildings on the project site.

Comment 47: The EIS should disclose the difference between the expected impacts from the proposed project and the impacts that were disclosed in the November 1989 SEQRA and CEQR studies that found adverse impacts from much smaller proposed developments. (Meisel)

Response 47: The potential impacts of previously reviewed and subsequently abandoned plans for the project site are not germane to the CEQR review of the proposed action.

URBAN DESIGN/VISUAL RESOURCES

Comment 48: The EIS must honestly and accurately study the urban design aspects of the proposed project. (Levin, The Alfred et. al.)

Response 48: Comment noted.

Comment 49: The EIS should include an analysis of wind forces. The Alfred was not built with the anticipation that other large structures would be around it; the addition of new structures could change wind patterns in a way that affects The Alfred. The EIS should include a wind analysis for the proposed structures that discloses the stresses and deflections at critical locations on The Alfred, taking into account that building's original wind load design specifications. In addition, the EIS should examine how the proposed project's impact on wind flow would affect pedestrians. (Meisel, Montalbano, The Alfred et. al.)

Response 49: The Scope does not include structural or pedestrian wind studies in conjunction with the CEQR review of the proposed action. The Master Plan would not develop uses or building forms that are notably different from those that are allowed by existing zoning and those that characterize the surrounding area and other developed areas in Manhattan. It is assumed that The Alfred has been designed to withstand winds well beyond the loads that would occur with or without the development proposed in the Master Plan. With regard to pedestrian wind levels, these are expected to be similar to those throughout the Lincoln Center area and other high-density upland locations in Manhattan.

Comment 50: The proposed structures should be compared to the Equitable Building on lower Broadway. (Roos)

Response 50: According to the *CEQR Technical Manual*, the EIS should assess the proposed action's potential to affect the urban design, visual character, and/or the visual

resources within a study area surrounding the project site. The Equitable Building, which is located in Downtown Manhattan, is outside this study area.

Comment 51: The EIS should analyze how the requested waiver of the 60-foot separation between structures and the proposed project's deviation from standard building spacing and setback norms would impact the light, air, shadows, privacy, and sight lines of The Alfred Condominium and other neighboring structures. (Meisel, Montalbano, The Alfred et. al.)

Response 51: As described in the Scope, the EIS will address impacts of the proposed action on light and air, as well as views from publicly accessible spaces. CEQR does not examine impacts on views from private spaces.

Comment 52: The proposed towers on Columbus Avenue are unrelated to any context anywhere else along this avenue. (CB 7)

Response 52: The EIS will analyze the proposed action's potential contextual effects on urban design and visual resources in the study area, including Columbus Avenue.

INFRASTRUCTURE

Comment 53: The EIS should assess the proposed project's impacts on infrastructure, sanitation, and energy supply and delivery in terms of conformity with PlaNYC. (Meisel)

Response 53: As previously noted, the EIS will incorporate the public policy goals of PlaNYC into its analyses where warranted. As noted in the Scope, Fordham University has accepted the Mayor's challenge to reduce its carbon emissions by 30 percent by 2017.

Comment 54: The EIS should include a cumulative impact analysis for infrastructure, sanitation, and energy supply and delivery that accounts for the proposed project as well as the numerous other developments that are planned or underway in the area. (Meisel)

Response 54: Assessments will be conducted for potential impacts on water supply and wastewater, sanitation, and energy supply services, in accordance with the *CEQR Technical Manual* methodologies. However, it should be noted that individual projects, unless they are extremely large, are unlikely to adversely affect those services. This is due to the large size of the City's water supply, wastewater, and sanitation collection systems and the City's commitment to maintain adequate service in these areas for all users. Similarly, because of the large size of the energy supply system and because all new structures must comply with the New York State Energy Conservation Code, individual projects

are very unlikely to adversely affect the City's energy supply. See also response to Comment 27.

SOLID WASTE AND SANITATION SERVICES

Comment 55: The EIS should disclose the proposed project's effects on the frequency and impacts of combined sewage overflow (CSO) events. (Meisel)

Response 55: Under CEQR, potential impacts that are already subject to the control of local law or regulations are not considered in an EIS. In order to obtain a permit to connect to the City's sewer system, the New York City Department of Environmental Protection (DEP) requires analyses and design features that demonstrate no significant adverse impacts on CSO events. Thus, this analysis will not be included in the EIS. To the extent that the applicant must include design features that ameliorate the potential for impacts on CSOs, these features will be described in the EIS.

Comment 56: The EIS should include an analysis of impacts on the 59th Street Marine Transfer Station, the North River WPCP, and the 49th Street Energy Transmission Facility. (GrollIT, The Alfred et. al.)

Response 56: As noted in the Scope, the EIS will consider the proposed action's potential impacts on infrastructure, solid waste and sanitation, and energy. The analysis will follow *CEQR Technical Manual* guidelines in determining which specific facilities may be affected by the proposed action.

ENERGY

Comment 57: The EIS should examine the impact the development would have on energy supply in the area. (GrollIT)

Response 57: As stated in the Scope, the EIS will assess the demands the proposed action would place on the supply of energy. See also response to Comment 54.

Comment 58: The EIS must analyze the proposed project's effects on mobile source energy consumption in terms of increased fuel consumption by new and existing motorists. (Ketcham)

Response 58: As noted in the Scope (see "Traffic and Parking") the EIS will disclose the estimated number of new trips by mode of transportation. CEQR methodology does not require consideration of the energy consumed by those trips.

Comment 59: The EIS should analyze the possibility of on-site, or nearby, energy generation or co-generation to supply the larger Fordham plant with the energy resources it needs. (CB 7)

Response 59: The EIS will analyze the proposed action's potential impacts on energy demands and supply. If it is determined that the proposed action would cause significant adverse impacts on energy supply, appropriate mitigation measures would be proposed.

TRAFFIC AND PARKING

STUDY AREA

Comment 60: The study must show the full cumulative impact of traffic in the broader area, including the proposed change of direction on West 61st Street between West End Avenue and Amsterdam Avenue. (Lewton)

Response 60: The analysis of the No Action condition in the EIS will include the change in street direction mentioned here.

Comment 61: The traffic study area should include additional intersections along West End, Amsterdam, and Columbus Avenues at West 65th, West 66th, and West 72nd Streets. In addition, the study area should extend to the Hudson River so it includes the traffic flow on the Henry Hudson Parkway/West Side Highway. (Meisel)

Response 61: The study area was developed in accordance with the *CEQR Technical Manual*. Using the guidance of the manual, preliminary estimates were made, which show that in 2032, the analysis year for the completed project, the total incremental traffic volumes would be less than 150 project-generated vehicles entering and leaving the entire study area during any peak hour, with a maximum of 45 project-generated vehicles entering or leaving the study area on any approach to the north during any peak period. The detailed traffic assignments undertaken as part of the EIS study determined that the inclusion of these suggested intersections is not warranted.

Comment 62: The traffic study area should include all of the "potential additional analysis intersections," intersections along West 72nd Street (at West End, Amsterdam, and Columbus Avenues and Broadway) and the intersections of West 57th Street and Broadway and Eighth Avenue. (Ketcham)

Response 62: See response to Comment 61, above, on traffic study area determination. The detailed traffic assignments undertaken as part of the EIS study determined that the inclusion of these suggested intersections is not warranted.

Comment 63: The following intersections should be added to the traffic study: West End Avenue and West 57th, West 59th, West 66th, and West 72nd Streets; the Broadway corridor between West 60th and West 63rd Streets; and Columbus Circle. (Siegal, Roos, Lewton)

Response 63: See responses to Comments 61 and 62, above.

Comment 64: The traffic study area must be expanded to include every intersection in an area bounded by West 57th Street, West 66th Street, Central Park West/Eighth Avenue, and West End/Eleventh Avenue. (Gottfried, The Alfred et. al.) It should also include the West Side Highway and Henry Hudson Drive. (Ketcham)

Response 64: See above response to Comment 61 on the traffic study area. Under CEQR guidelines, there is no basis for including the West Side Highway in the analysis.

Comment 65: The EIS must collect turning movement counts for three days (a Tuesday, Wednesday, and Thursday) in addition to one week of automatic traffic recorder (ATR) counts. Classification counts must be taken along Broadway, Ninth/Columbus Avenue, and Tenth/Amsterdam Avenue, all of which exhibit very large taxi and truck movements. ATR counts must also be taken along the Henry Hudson Parkway and along West 72nd Street. Manual counts must be taken for three days at 25 locations. (Ketcham)

Response 65: Consistent with CEQR procedures, one day of turning movement counts supplemented by ATR data is sufficient for establishing the existing traffic network. Classification counts have been conducted at all the avenues mentioned. As discussed in the response to Comment 61, the traffic study area was developed in accordance with the *CEQR Technical Manual*, and there is no justification for requiring ATR or manual counts at the additional locations mentioned.

ANALYSIS METHODS

Comment 66: The Draft Scope relies on CEQR traffic data that is 30 years old, outdated, and unacceptable. Surveys must be conducted to collect current data so as to more accurately predict project impacts. (Stein)

Response 66: The *CEQR Technical Manual* was updated in 2001. While certain guidelines, parameters, and statistics may not have changed, they are deemed acceptable for use in current impact studies.

Comment 67: The Draft Scope indicates that the modal splits used in the EIS will be based on a 2003 Internet survey. This survey, however, does not appear to be consistent with City policies, which are concentrated on limiting parking in order to reduce driving. (Meisel)

Response 67: The on-line survey was used to determine faculty/staff travel and parking characteristics and is the most accurate way to reflect actual personnel travel

behavior. Similarly, student travel characteristics were based on actual interviews at the university's campus access points. The garage has been designed to meet the existing level of demand for Fordham faculty and staff only. While future initiatives could ultimately result in reduced traffic levels and numbers of parking spaces in this and other Manhattan locations, the CEQR analysis undertaken for the EIS needs to account for a reasonably conservative worst-case condition for full impact disclosure.

Comment 68: The Draft Scope indicates that the traffic analysis will be based on extensive surveys performed by Fordham in 2003. This data must be made available for public review before any comment period on the Draft Scope is closed. (Ketcham)

Response 68: The appropriate staff from DCP and the New York City Department of Transportation (NYCDOT) will review the results of this survey and any other trip generation sources used for framing the EIS study—and may require revisions in the analysis—before the CPC certifies the DEIS as complete. The public may comment on these sources during the public review of the DEIS.

Comment 69: Traffic and transit should not be analyzed separately; to do so is misleading. (Roos)

Response 69: Traffic and transit impacts of the proposed action will be presented in the EIS in separate chapters, as recommended by the *CEQR Technical Manual*. However, both analyses rest on the same study of trip characteristics, which determines how people going to and from the proposed project would make their trips. Thus, the traffic and transit chapters should be considered as branches of the same analysis.

Comment 70: The methods of analysis proposed will capture the capacity of the intersections studied rather than the demand for travel in those intersections. It is important to conduct a traffic delay study that will account for the true demand for travel through an intersection, not just the number of cars that are able to pass through it. (Lewton, Coalition)

Response 70: As noted in the Scope, the analysis will be performed in accordance with the procedures outlined in the *CEQR Technical Manual*. Where appropriate, actual field-observed conditions and factors affecting traffic flow will be incorporated into the analysis. The impact assessment will address the full demand at any given location, because it will allocate that demand onto the traffic network without imposing constraints based on intersection capacity limitations and without diverting traffic away from badly performing locations.

Comment 71: The EIS traffic analysis should fairly portray the extent of current traffic congestion. If over-saturation or cycle failure at one intersection causes queue spillback to an upstream intersection, the EIS methodology should make sure that delay at the upstream intersection is characteristic of level of service E or F, even if traffic volumes indicate otherwise. (Meisel)

Response 71: Comment noted. The traffic analysis will be performed in accordance with the procedures outlined in the *CEQR Technical Manual*.

Comment 72: The underlying trip type assumptions used in the EIS must be modified to account for some form of congestion pricing. The prospect of congestion pricing completely invalidates the estimates in the *CEQR Technical Manual*, which are based on reference sources that are 30 years old. Additional surveys must be performed for this project. Developers must be required to collect current data from nearby projects to more accurately estimate future project impacts. (Ketcham)

Response 72: Congestion pricing in Manhattan between 86th and 60th Streets is not currently under consideration in the plan, and is thus not included in the Scope. Speculatively analyzing congestion pricing would contradict the CEQR guidance of developing a reasonable worst-case condition for disclosing potential adverse impacts. Trip estimates from the academic and dormitory components of the proposed project were based on specific survey information, University population projections, and discussions with Fordham University administrators. Trip estimates for no build projects, including the residential buildings on the project site, were made using guidance from the *CEQR Technical Manual*, trip rates available from the environmental reviews of individual projects, and standard sources.

Comment 73: Traffic impacts must be analyzed using a traffic simulation model, such as Synchro, to demonstrate the impacts of traffic spillback along impacted streets. The traffic simulation model used in the EIS must be provided to the public for review in the DEIS. Precedents for using these tools have been established with other SEQR projects, such as Atlantic Yards, and are consistent with CEQR methodologies. (Ketcham)

Response 73: As noted in the Scope project impacts will be analyzed by using HCS version 4.1f and associated methodology in accordance with the *CEQR Technical Manual*. A traffic simulation model is not required for this study but could be developed, if warranted, to address specific traffic operation issues. The Atlantic Yards project used the simulation tool only for assessing the effectiveness of newly proposed roadway configurations, not for assessing potential impacts.

Comment 74: In its estimate of project impacts, the EIS should disclose the number of accidents expected to occur as a direct result of traffic added by the proposed

project. This will allow the full social cost of traffic accidents to be estimated. (Ketcham)

Response 74: As noted in the Scope the EIS will contain a safety analysis as recommended by the *CEQR Technical Manual* to examine the project's impacts on pedestrian safety at high pedestrian accident locations. CEQR does not require an accounting of the social cost of traffic accidents.

BACKGROUND CONDITIONS

Comment 75: The EIS should examine the traffic congestion and pollution created by both public and private sanitation trucks. (The Alfred et. al.)

Response 75: The numbers and travel patterns of private and public sanitation trucks serving the area were captured in the traffic data collection program and will be considered in developing both the traffic and air quality analyses.

Comment 76: The EIS should consider the new rush-hour regulations on West End Avenue that have been implemented to mitigate the permanent closure of the 72nd Street off-ramp of the Miller Highway. (The Alfred et. al.)

Response 76: As noted in the Scope, any new traffic regulations that have been implemented or proposed in the study area will be incorporated into the analysis.

Comment 77: The EIS should take into account the use of West 62nd Street for bus traffic and parking by Lincoln Center. (The Alfred et. al.)

Response 77: Bus traffic in the study area was captured in the traffic data collection program and will be accounted for in the traffic and parking analysis.

WEST 61ST STREET CUL-DE-SAC

Comment 78: The EIS must study the impacts of the proposed curb cuts on the West 61st Street cul-de-sac. (Graff, Montalbano, The Alfred et. al.)

Response 78: Any curb cut addition on the West 61st Street cul-de-sac will be evaluated for its design and any impact on traffic patterns.

Comment 79: The EIS should include a traffic and pedestrian analysis of the West 61st Street cul-de-sac with the Build condition. This analysis should note the poor sightlines for drivers exiting the garage ramps and the two-way traffic on a narrow street. (Montalbano)

Response 79: The traffic analysis will evaluate conditions at West 61st Street and Amsterdam Avenue. The projections of pedestrian activity there do not warrant a quantitative pedestrian analysis at this location. The driveway and garage

designs are subject to review by DCP and NYCDOT for questions of sight-lines and safety, among other factors.

SHUTTLE VANS

Comment 80: The EIS traffic analysis should account for the Fordham University shuttle vans in the area. This van service should be included in the EIS analysis. (Meisel, Graff, The Alfred et. al.)

Response 80: The Fordham University shuttle vans were accounted for as part of the traffic stream in the data collection efforts and will be included in the traffic volumes for analysis.

PARKING

Comment 81: By creating a new supply of off-street parking within the City's proposed congestion pricing zone, the proposed project would undermine the goals of that policy and PlaNYC in general. The EIS should examine the traffic and congestion impacts that the proposed parking garages would have on these policies. (Meisel)

Response 81: As noted in responses to Comments 36 and 72, the project site is not within the City's proposed congestion pricing zone. As noted in the Scope, the traffic analysis will address the effects of traffic generated by the proposed action on the surrounding street network. Should the analysis find a significant impact which cannot be mitigated, that impact will be discussed in light of those public policies and plans that address traffic congestion.

Comment 82: The parking study area should extend ¼ to ½ mile from the project site. If large garages, such as those at Riverside South, straddle the boundary, the entire garage should be counted in the study area. In addition, the parking inventory should include garages that have been approved but have not yet been constructed. (Meisel)

Response 82: As noted in the Scope, the parking study area includes lots and garages extending as far west as West End Avenue, as far east as Central Park West/Eighth Avenue, as far south as West 56th Street, and as far north as West 70th Street. Since the proposed action would accommodate its own parking demand on site, it would not exert additional demand on parking facilities within this approximately ¼-mile area; therefore, extending the parking study area is unnecessary. In accordance with the *CEQR Technical Manual*, the addition of new as well as displacement of existing parking facilities will be addressed in the analysis of future parking conditions (see Figure 14 of the Final Scope).

Comment 83: The EIS should examine the request for residential accessory parking at this location in terms of the City Planning Commission's broader policy of limiting parking within the Special Lincoln Square District while providing it at peripheral locations. (Meisel)

Response 83: As noted in the Final Scope, the relationship between the provision of accessory parking in the Special Lincoln Square District and the underlying approach to parking expressed through the district's regulations will be addressed in the Land Use, Zoning, and Public Policy chapter of the EIS and in the findings made by the CPC as a condition for granting the Special Permits for accessory parking.

Comment 84: The EIS should disclose whether or not existing garages in the project area could satisfy Fordham's minimum parking requirements. It should also examine the feasibility of Fordham's contracting with the owners of these garages to rent spaces for its faculty and staff rather than constructing new spaces in the Special Lincoln Square District. (Meisel)

Response 84: As noted in the Scope, the EIS will quantify the availability of parking in the area with and without the proposed action. If available parking is identified in the future with the proposed project, the EIS will consider the possibility of Fordham University's entering into contractual arrangements with nearby parking garages in order to meet the accessory parking demand for its faculty, staff, and visitors.

Comment 85: The recently completed West 61st Street Rezoning EIS indicates a minimum of 2,300 available parking spaces in the area during the midday and overnight hours, with little decline in parking availability in the future. The EIS should disclose whether this amount of parking is sufficient to meet Fordham's stated needs. (Meisel)

Response 85: See response to Comment 84, above.

Comment 86: The EIS should carefully examine the safety hazards posed by traffic turning onto West 62nd Street to reach the proposed Garage A. It should also examine the traffic and traffic/pedestrian conflicts that could be caused by having two garage exits and a loading dock on the West 61st Street cul-de-sac. (Meisel)

Response 86: The EIS analysis will address traffic and pedestrian safety at study area intersections in accordance with guidance from the *CEQR Technical Manual*. If warranted by the analysis results, conditions at these locations will be evaluated in detail.

Comment 87: The inventory of available off-street parking should be measured using data from more than two parking garages. In addition, the EIS should include a more

comprehensive study of the availability of garage parking in the entire Lincoln Square area. (CB 7)

Response 87: As stated above, the inventory of available off-street parking will be conducted in accordance *CEQR Technical Manual* guidelines and encompass a ¼-mile parking study area.

OTHER

Comment 88: The claim that traffic will not be increased with the addition of the proposed parking spaces is implausible. (Goldfischer)

Response 88: The EAS and Scope do not claim that traffic will not be increased with the proposed Master Plan. The capacity of the parking proposed on the project site has been gauged to meet the demand of the proposed project. The traffic analysis will measure the increase in traffic from the proposed action, as well as the increase in traffic in the future without the proposed action.

Comment 89: The EIS should disclose the impacts of enhanced security and anti-terrorism measures—including barriers, guard stations, and street furniture—on traffic, parking, and pedestrians, and other technical areas of the EIS. (Meisel)

Response 89: According to the applicant, Fordham has no plans for additional security measures that would be different from what is currently implemented. The analysis of pedestrian conditions, traffic and parking will therefore assume the same level of security that is in place today.

TRANSIT AND PEDESTRIANS

GENERAL

Comment 90: The transit and pedestrian analyses described in the Draft Scope are pro forma and do not provide any useful information for estimating project impacts on transit or pedestrian safety. The Final Scope must be expanded to include transit and pedestrian analyses that are useful for public review. (Ketcham)

Response 90: The impact analyses will be conducted in accordance with CEQR guidelines and are subject to DCP and NYCDOT review and approval.

Comment 91: The traffic and pedestrian study should be conducted from 7:00 AM to 10:30 AM, 12:00 PM to 2:00 PM, 3:30 PM to 6:00 PM, and 7:00 PM to 8:00 PM. These are the peak travel times to the various institutional uses in the area. (The Alfred et. al.) The study must analyze peak commuting hours for students, which include hours in the middle of the day when classes are coming and going. (Levin)

Response 91: The time periods indicated in the comment are also peak travel times for the general background traffic network. As noted in the Scope, the peak analysis hours to be included in the EIS analysis reflect conditions of these time periods.

Comment 92: The study should integrate above-ground pedestrian traffic with mass transit traffic flows; these should not be examined separately. (Roos)

Response 92: Pedestrian traffic connecting to area parking and transit facilities, as well as single-mode walk-only trips, will be accounted for in the pedestrian operations analysis.

Comment 93: The following streets and intersections should be included in the transit and pedestrians study: Columbus Circle; Eighth Avenue and West 58th Street; Ninth Avenue and West 59th Street; West 61st Street and Broadway; West 62nd Street and Broadway; West 64th and West 65th Streets, Columbus Avenue, and Broadway; West 61st Street and Amsterdam Avenue; West 60th Street and Amsterdam Avenue; West 65th Street and Amsterdam Avenue; West 59th Street from Ninth Avenue to Tenth Avenue; West 60th Street from West End Avenue to Columbus Circle; West 61st Street from West End Avenue to the end of the cul-de-sac on the project site; Amsterdam Avenue from West 60th Street to West 66th Street; Columbus Avenue from West 59th Street to West 66th Street; West 62nd Street from Columbus Avenue to Broadway; and West 61st Street from Columbus Avenue to Broadway. (The Alfred et. al.)

Response 93: Analysis locations were selected based on criteria outlined in the *CEQR Technical Manual* and in consultation with DCP. The locations cited by the commenter do not meet minimum thresholds to warrant a detailed analysis of potential impacts associated with the proposed action.

TRANSIT

Comment 94: The EIS should examine potential impacts to the 66th Street subway station on the No. 1 line. (Graff) A study prepared for DCP and the Lincoln Square Community Council by the planning consultants Hart, Krivatsy, and Stube concluded that pedestrian traffic to and from the 66th Street subway station would be affected if the student population at Fordham's Lincoln Center campus reached or exceeded 9,000. Therefore, the EIS should include this location in its transit and pedestrian analysis. If impacts are found, the EIS should consider the extension of an existing underground passage, which currently ends at West 63rd Street, to West 62nd Street as a mitigation measure. (Meisel)

Response 94: As stated in the Final Scope, the EIS will examine control area and circulation elements at the 66th Street subway station. If potential significant adverse impacts are identified, feasible mitigation measures will be determined in accordance with *CEQR Technical Manual* guidelines.

Comment 95: The EIS should examine bus usage in the study area and include a quantitative survey of bus trips that could be generated by the proposed action, and study ways to increase bus service in the area, if necessary. (Siegal, CB 7)

Response 95: A qualitative discussion of available bus routes will be provided in the EIS. If trip generation results show that it is necessary, a quantified analysis of bus service will also be performed. If a quantitative study is required and impacts are found, the EIS will propose mitigation measures, which may include increased bus service in the area.

Comment 96: The EIS transit analysis should include line-haul impacts, as the A and C lines are already operating at capacity. (Ketcham)

Response 96: As noted in the Scope the technical studies for the EIS will examine whether a line-haul analysis of the A and C subway lines is warranted, based on transit trip generation associated with the project and conditions on the subway lines serving the project site.

Comment 97: Additional turnstiles would be needed at the Lincoln Center entrance of the 66th Street subway station in order to accommodate the crowds introduced by the proposed project. (Graff)

Response 97: As noted in the Scope the impact analysis will determine the existing and future operating conditions at this location and, if necessary, recommend mitigation for projected significant adverse impacts.

PEDESTRIANS

Comment 98: The number of locations that will be analyzed for pedestrian impacts must be greatly enlarged. The EIS pedestrian impacts analysis should also include Columbus Circle as a whole, Columbus Avenue/West 61st Street, Broadway/West 61st Street, Broadway/West 62nd Street, Amsterdam Avenue/West 60th Street, Amsterdam Avenue/West 61st Street, Amsterdam Avenue/West 62nd Street, Amsterdam Avenue/West 63rd Street, and the mid-block stairway/pedestrian crossing on West 62nd Street between Columbus and Amsterdam Avenues. (Gottfried, Siegal, Graff, CB 7)

Response 98: As with the traffic and transit analyses, the pedestrian analysis locations will be determined based on numbers and routes of new pedestrian trips associated with the proposed action.

Comment 99: The pedestrian analysis must be expanded to include Broadway and Columbus Avenue at Lincoln Center. This analysis should include a full pedestrian-vehicle conflict analysis at each intersection in proximity to the proposed project and to Lincoln Center. (Ketcham)

Response 99: Preliminary projections of trip increments resulting from the proposed action indicated that a detailed pedestrian analysis at this location is not warranted. If the full analysis in the EIS confirms this conclusion, a full pedestrian-vehicle conflict analysis will not be included in the EIS. Should the EIS analysis yield different results, detailed pedestrian analyses at this as well as other appropriate locations will be conducted in accordance with *CEQR Technical Manual* guidelines.

Comment 100: The pedestrian analysis [in the] EIS must address the safety of the many students in the area, particularly the Beacon High School students who use the West 61st Street cul-de-sac for recreation. The EIS should consider the combined impact to area crosswalks of the enlargement of Fordham's student population and the other student populations in the area. (Graff)

Response 100: The EIS pedestrian analysis will be conducted in accordance with *CEQR Technical Manual* guidelines and include the appropriate analysis locations.

Comment 101: It is already difficult to walk on West 60th and West 62nd Streets due to pedestrian crowding. The proposed residential development will exacerbate this situation by introducing more than 1,000 residents and 500 dogs to the area. (Paula)

Response 101: Comment noted.

Comment 102: The EIS should examine the impacts of the elimination of the pedestrian pathway from The Alfred to West 62nd Street. (Meisel, The Alfred et. al., Ueno)

Response 102: This pedestrian pathway is owned by Fordham University but is currently available under a revocable license for the benefit of residents of The Alfred. The elimination of this pathway could be undertaken with or without the proposed action, as demonstrated in the No Build condition, which does not contain the pathway. Its presence or absence is not dependent on the proposed action. Therefore, it need not be addressed in the EIS.

AIR QUALITY

Comment 103: The EIS must include an analysis of PM 2.5. The project must comply with federal standards on PM 2.5. (Stein, Ketcham)

Response 103: The air quality analyses for the proposed action, including that for PM 2.5 where appropriate, will be conducted for the EIS in accordance with the *CEQR Technical Manual* guidelines. Specific to PM 2.5, draft interim guidance criteria by DEP and NYSDEC will be used to evaluate the significance of predicted impacts of the proposed project on PM2.5 concentrations. Further, PM 2.5

impacts from both stationary and mobile sources will be addressed in relation to the construction activities associated with the proposed action.

Comment 104: The EIS should disclose the impacts of all directly emitted air pollutants, including PM 2.5 fine particulate matter. Any increase in the concentration of PM 2.5 particles is an exacerbation of an existing NAAQS violation and, if not fully mitigated, would require denial of the proposed special permits for parking. The EIS should confirm that mitigation measures will prevent any increase in PM 2.5 concentrations and explain how the implementation of such mitigation measures will be enforceable. (Meisel)

Response 104: See response to Comment 103.

Comment 105: The proposed residential towers exceed the height of the Con Edison 59th Street generating station's 500-foot smokestack (when the difference in ground elevation is included). Therefore, the EIS should examine the impact of the generating station's plume on the proposed residential buildings. (Meisel)

Response 105: As indicated in the *CEQR Technical Manual*, an analysis of impacts from large stationary sources would be required if the air emissions source were within 1,000 feet of the proposed buildings. However, the distance from the project site to the Con Edison's 59th Street generating plant is greater than 1,000 feet; therefore, an analysis of impacts associated with the Con Edison facility is not required.

Comment 106: The EIS methodology should include traffic speed and delay measurements for the mobile source air quality analysis. (Meisel)

Response 106: As indicated in the response to Comment 103, a mobile analysis for the build condition will not be required, unless the results of the traffic screening analysis are not confirmed in the full EIS analysis. However, traffic speeds and delays will be addressed in a mobile source analysis for the construction period.

Comment 107: The Draft Scope fails to include carbon dioxide as a pollutant to be analyzed. (Ketcham)

Response 107: Carbon dioxide is a greenhouse gas pollutant that contributes to global warming. The City has not yet established guidance for analyzing greenhouse gases, although the analysis has been included in draft scopes recently for EISs on certain very large development projects, generally in excess of 3 million square feet. When the City issues its guidance and if that guidance requires smaller projects to analyze these pollutants, then a greenhouse gas analysis will be performed for the Final EIS (FEIS) (depending on the timing of the City's decision). However, as noted in the Scope, Fordham University has accepted the Mayor's challenge to reduce its carbon emissions by 30 percent by 2017.

Comment 108: The Draft Scope does not reveal the locations of the proposed receptor sites for mobile source analysis. Mobile source air quality analysis must be undertaken along Broadway and Columbus Avenue in close proximity to the main entrance to Lincoln Center, where traffic conditions are heavily congested. (Ketcham)

Response 108: As indicated in the response to Comment 103, a mobile analysis for the build condition will not be required unless the results of the traffic screen analysis are not confirmed in the full EIS analysis. However, the intersections to be used for the mobile source analysis during the construction period will be selected on completion of the traffic analysis in accordance with standard procedures (i.e., selection of intersection will be based on project-generated traffic or increment; total traffic; and level of service obtained from the HCS report).

NOISE

Comment 109: The Draft Scope does not state that the noise analysis will follow CEQR procedures. (Ketcham)

Response 109: The Scope has been revised to state that the noise analysis in the EIS will follow the procedures set forth in the *CEQR Technical Manual*.

Comment 110: The EIS should use the Transportation Noise Model developed by the Federal Highway Administration (FHWA) instead of the simpler and cheaper CEQR approach. TNM is utilized by NYSDOT for all projects requiring environmental review. (Ketcham)

Response 110: Consistent with the guidelines presented in the *CEQR Technical Manual*, either a proportional modeling technique or the FHWA Traffic Noise Model (TNM) Version 2.5 will be used for the EIS noise analysis. If the proportional modeling technique indicates that project-generated traffic would have a potential to cause significant noise impacts at noise receptors, a refined analysis would be performed using the TNM to calculate noise levels. The task description in the Final Scope has been modified to include this information.

CONSTRUCTION

Comment 111: The EIS should include a detailed construction analysis, as described in the *CEQR Technical Manual*. (Meisel)

Response 111: As noted in the Scope, a detailed analysis of potential impacts from construction activities associated with the proposed action will be included in the EIS.

Comment 112: The EIS should analyze construction impacts of the project on local businesses in the area and the ways in which fire and emergency vehicles would be

impacted by the proposed construction activities, in light of the fact that the area is already seriously congested. (GrollIT, The Alfred et. al.)

Response 112: As indicated in the Scope, the EIS will analyze the potential effects of construction activities related to the proposed action on business operations and traffic conditions that could affect emergency responders in the project area.

Comment 113: The EIS should lower the thresholds at which construction impacts are found for The Alfred because of that building's proximity to the proposed construction activities. (Meisel)

Response 113: A detailed analysis of potential impacts from construction activities associated with the proposed action will be included in the EIS, and The Alfred will be treated as a sensitive receptor in accordance with procedures outlined in the *CEQR Technical Manual*.

Comment 114: The EIS should include an analysis of potential rodent infestation stemming from construction activities. (The Alfred et. al.)

Response 114: The construction-period rodent control program will be described in the EIS.

PUBLIC HEALTH

Comment 115: The high-density population in the project area is already above the "level of tolerance" for stress in humans. Surpassing the level of tolerance leads to a host of ills, including alcoholism and crime. The proposed project would worsen this condition. (Paula)

Response 115: The EIS will include analyses of the proposed action's compatibility with the area's land use and urban design, and will examine the potential cumulative effects on neighborhood character and public health. However, the specific analysis of potential psychological effects related to increased density in the project area would be speculative and is beyond the scope of CEQR.

MITIGATION

Comment 116: The enumeration of mitigations, which are often presented in EIS documents, but frequently not implemented, is not sufficient for this project. The EIS must include a comprehensive plan for infrastructure improvements that will accommodate existing residents and workers along with members of the Fordham community. (Nadler)

Response 116: In conformity with established CEQR practice and *CEQR Technical Manual* guidelines, the EIS will identify mitigation where practicable for identified significant adverse impacts. Procedures and agencies responsible for implementing the mitigation will also be identified. The EIS will identify and

evaluate practicable mitigation measures that may be within Fordham's control and/or within the jurisdiction of City and State agencies.

Comment 117: Mitigation of any significant adverse impacts that are disclosed by the EIS, including those generated by the private residential development, should be the responsibility of Fordham. The EIS should describe the legal measures by which Fordham will be held responsible for implementing any needed mitigation. (Meisel)

Response 117: As stated above, the EIS will follow *CEQR Technical Manual* guidelines in identifying practicable mitigation measures for significant adverse impacts. It will also identify the entities responsible for implementing any such measures.

Comment 118: The EIS should study the extent to which crowding on West 61st Street between Amsterdam Avenue and the cul-de-sac could be mitigated by retaining The Alfred's pedestrian passageway to West 62nd Street. (Graff)

Response 118: If the EIS finds significant adverse impacts on pedestrian conditions in the study area, practicable mitigations measures will be identified.

ALTERNATIVES

Comment 119: Because the Draft Scope does not adequately describe the goals and objectives of the proposed project, the public is handicapped in providing suggestions as to alternatives that should be considered. (Meisel)

Response 119: The purpose and need for the proposed action will be described in the DEIS. There will be a public comment period for the DEIS. Several alternatives were suggested during scoping (see below). Alternatives suggested during the DEIS public comment period will be discussed in the FEIS, either in the Responses to Comments chapter or as additions to the Alternatives chapter.

SMALLER-SCALE PROJECT

Comment 120: The EIS must consider alternatives to the massive construction and huge numbers of people that will be brought to the site by the proposed project. It must consider an alternative that would result in less crowding and reduce the mass of the proposed buildings. (Goldfischer)

Response 120: As noted in the Scope, if the EIS identifies the potential for significant adverse impacts in any technical area, it will consider whether a smaller alternative would avoid or reduce these impacts. Such alternatives will also be evaluated in terms of their ability to meet the proposed action's goals.

Comment 121: An alternative should be analyzed at a floor-area ratio (FAR) of approximately 7.3 over the entire lot; C4-7 districts provide 10.0 FAR along avenues, but less on midblocks. (Meisel)

Response 121: The entire Fordham superblock—not just the avenue frontage—is zoned C4-7. However, as stated in the Scope, if significant adverse impacts are identified, the EIS will consider an alternative that would reduce or eliminate these impacts.

Comment 122: The EIS should include an alternative scenario in which none of the site is given over to private residential development and Fordham addresses its needs by developing academic and dormitory space over the entire superblock. (Meisel, Nadler, Gottfried, The Alfred et. al.)

Response 122: Fordham University has stated that the conveyance of portions of the project site to private developers for the development of residential buildings would provide Fordham with necessary revenues to finance the academic and dormitory portion of the Master Plan. Without these revenues, Fordham states that it would likely find it difficult to finance construction of the proposed academic and dormitory space on the project site. Therefore, an alternative scenario with no private residential development would not accomplish the goals of the project, and it will not be examined in the EIS. However, if the EIS identifies significant adverse impacts, it will consider alternatives that would reduce or eliminate these impacts.

AS-OF-RIGHT ALTERNATIVE

Comment 123: The three as-of-right residential buildings should be examined as an As-of-Right Alternative, not as the No Build condition. (Meisel)

Response 123: The EIS will include an As-of-Right Alternative in which the three residential buildings plus Fordham’s full academic and dormitory program would be constructed without the proposed action. The three residential buildings will also be included in the No Action condition because these buildings are not dependent on DASNY financing and could be constructed under existing zoning regulations.

REMOVAL OF PODIUM

Comment 124: An alternative design in which the podium is removed should be considered. (Gottfried, Nadler, Levin, CB 7, The Alfred et. al.)

Response 124: Fordham has stated that an alternative in which the podium would be removed would be prohibitively expensive and would cause such disruption to the existing facilities, operations, and activities on Fordham’s Lincoln Center

campus that it would be inconsistent not only with the goals of Fordham's Master Plan, but also with the ability of the University to function.

Comment 125: The EIS should disclose a detailed analysis of the costs associated with the removal of the podium structure, which Fordham has previously characterized as prohibitive. (Nadler)

Response 125: An analysis of the costs associated with the removal of the podium structure is beyond the scope of CEQR. However, Fordham has stated publicly that its endowment is modest compared to other universities of its size and stature. It intends to finance the proposed project through the sale of two sites for residential development, aggressive fund raising and bond financing through the State. Fordham notes that the high costs of razing a large part of the existing campus to build anew would be well beyond its rather limited means.

DESIGN ALTERNATIVES

Comment 126: The EIS should examine an alternative wherein structures are built above the existing podium area, thus distributing some of the Master Plan's bulk internally, away from the perimeter of the site. (Meisel)

Response 126: As noted in the Scope the EIS will examine an alternative that is as-of-right under the Zoning Resolution in which the full residential, academic, and dormitory program is developed without the proposed action. Because this alternative would lack the requested height, setback, and minimum distance waivers, some of its bulk would necessarily be distributed internally, away from the perimeter of the site.

Comment 127: The EIS should examine an alternative wherein the floor area reserved for garage use can be used for more direct educational purposes, thereby reducing the size of the buildings being proposed. (CB 7)

Response 127: As stated above in response to Comment 123, the EIS will examine an As-of-Right Alternative that would develop the site without the proposed action, including the requested waivers for accessory parking garages. Because they would be below-grade, the proposed parking garages would not consume any zoning floor area, so use of that space for University administrative or teaching functions would not necessarily result in smaller buildings above grade.

Comment 128: The EIS should consider a design wherein the podium is accessed via a broad and pleasing gradual incline at the corner of West 60th Street and Columbus Avenue. Such a broad entryway might attract casual use and even increase use of the podium by the community. (CB 7)

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Response 128: In Fordham’s proposed Master Plan, the plaza would be reached by gradually inclined, wide, landscaped stairways on Columbus Avenue and West 62nd Street.

Comment 129: The EIS should examine an alternative wherein The Alfred retains use of the pedestrian passageway to West 62nd Street currently granted by Fordham, or an alternative with an access point for The Alfred from West 62nd Street similar to the plan that was adopted by the developer that built The Alfred and had an option to build on Site 4. (Graff, Montalbano, Schenkman)

Response 129: The existing pedestrian passageway between The Alfred and West 62nd Street is on Fordham’s property, and Fordham may choose to restrict or eliminate access to the passageway with or without the proposed action. Even in the No Action condition, access would be eliminated. Therefore, analysis of an alternative that retains the passageway for use by The Alfred is not required under CEQR, as The Alfred’s continued use of the passageway is not dependent on the proposed action.

Comment 130: If the traffic and pedestrian analyses indicate negative impacts, the EIS should consider an alternative with the Garage B access ramp and truck dock moved from West 61st Street to West 60th Street. (Montalbano)

Response 130: If the “traffic and parking” and “transit and pedestrians” analyses find that significant adverse impacts would result from the proposed action, the EIS will propose reasonable and appropriate mitigation measures and may consider alternative locations for these facilities, as appropriate.

UTILIZATION OF FORDHAM’S OTHER PROPERTIES

Comment 131: The EIS should examine an alternative wherein Fordham utilizes its 85-acre Bronx campus and/or its 24-acre Tarrytown campus to meet its needs for academic and dormitory expansion. This would reduce or eliminate the need for expansion space on the Lincoln Center campus. The cost of maintenance for the Marymount campus, which Fordham claims would be prohibitive, should be studied. (Meisel, Bryson, Goldfischer, The Alfred et. al.)

Response 131: The EIS will contain a detailed discussion of the purpose and need for the Master Plan. As part of that discussion, the question of using other properties belonging to Fordham will be addressed.

SUSTAINABLE ALTERNATIVE

Comment 132: A sustainable alternative consistent with PlaNYC and current best practices should be considered. (Levin)

Response 132: Fordham is planning to achieve a LEED Silver rating for all its buildings in the proposed Master Plan. A sustainable alternative is not necessary, as the proposed Master Plan would be consistent with PlaNYC and current best practices for sustainable design. In addition, Fordham has accepted the Mayor's challenge to reduce carbon emissions by 30 percent by 2017.

OTHER

Comment 133: The EIS should examine the potential for adverse psychological effects on neighborhood residents due to the increased density and overcrowding the proposed project would cause. (Paula)

Response 133: An analysis of the psychological effects of a proposed action is beyond the scope of CEQR. The development proposed is based on the floor area allowed by current zoning. No increase in allowable density is proposed.

Comment 134: The proposed action should be accompanied by a restrictive declaration covering the entire project site to ensure that each site is developed in the manner the Master Plan proposes. (Nadler)

Response 134: As stated in the Scope, the proposed Master Plan is expected to be subject to a restrictive declaration that will cover certain aspects of the Plan, including standards for the design of publicly-accessible areas such as the stairways leading to the plaza and the interim open space on Columbus Avenue. This restrictive declaration, however, would not be expected to cover the overall development of the Master Plan. Conditions and limitations on the overall development will be incorporated into the Master Plan itself, and adherence to these controls would be a condition of the requested special permit.

D. ORGANIZATIONS AND INDIVIDUALS COMMENTING ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

ELECTED OFFICIALS AND COMMUNITY BOARD

1. Richard Asche, Community Board 7 (oral testimony, March 4, 2009) (Asche)
2. Gale Brewer, Councilmember (oral testimony, March 4, 2009) (Brewer)
3. Michael Kaplan, speaking on behalf of U.S. Representative Jerrold Nadler, New York State Senator Tom Duane, New York State Assemblymember Richard N. Gottfried, and New York State Assemblymember Linda Rosenthal (oral testimony and written testimony dated March 4, 2009) (Kaplan)
4. Helen Rosenthal, Chair, Community Board 7 (oral testimony, March 4, 2009) (Rosenthal)
5. Ethel Sheffer, Community Board 7 (oral testimony, March 4, 2009) (Sheffer)
6. Scott Stringer, Manhattan Borough President (oral testimony, March 4, 2009) (Stringer)

OTHER ORGANIZATIONS AND INDIVIDUALS

7. Denise Albert and Jordan Fisch, neighborhood residents (written testimony, undated) (Albert/Fisch)
8. Gail Amsterdam (written testimony, undated) (Amsterdam)
9. Richard T. Anderson, President, New York Building Congress (written testimony, dated March 3, 2009) (Anderson)
10. Rocco Andriolo, (electronic communication via 311, dated March 3, 2009) (Andriolo)
11. Anonymous, (electronic communication via 311, dated March 3, 2009) (Anon 1)
12. Anonymous, (electronic communication via 311, dated March 3, 2009) (Anon 2)
13. Anonymous, (electronic communication via 311, dated March 3, 2009) (Anon 3)
14. Miguel and Therese Awad, neighborhood residents (email communication dated March 10, 2009) (Awad)
15. Bill Baccaglini, President of the New York Foundling Hospital, in support of Fordham University (oral testimony, March 4, 2009) (Baccaglini)
16. William Baker, President Emeritus of WNET Channel 13 Public Television and Professor at Fordham University (oral testimony, March 4, 2009) (Baker)
17. Bernard Barry (electronic communication via 311, dated March 3, 2009) (Barry)
18. Diane Batemarco (electronic communication via 311, dated March 3, 2009) (Batemarco)
19. Rae Becker, neighborhood resident (written testimony, dated March 12, 2009) (Becker)
20. Gisela Block, neighborhood resident (written testimony, dated March 3, 2009) (Block)
21. Ed Brill, neighborhood resident (written testimony, undated) (Brill)
22. Louis and Jacqueline Browning, neighborhood residents (email communication, dated March 15, 2009) (Browning)
23. Antonia Bryson, Esq., on behalf of the Committee for Environmentally Sound Development (oral and written testimony dated March 4, 2009 and March 16, 2009) (Bryson)
24. Catherine Buescher, Fordham University (electronic communication via 311, dated March 3, 2009) (Buescher)
25. Brian J. Byrne, Vice President, Lincoln Center Campus of Fordham University (oral and written testimony, dated March 4, 2009) (Byrne)
26. Haiman Cai, neighborhood resident (email communication, dated March 11, 2009) (Cai)
27. Yvette Campbell, Director, The Ailey Extension Alvin Ailey Dance (oral and written testimony, undated) (Campbell)
28. Patrick M. Campion, neighborhood resident (written testimony, dated March 12, 2009) (Campion)
29. Lisa Carbonara (email communication, dated March 16, 2009) (Carbonara)
30. Gerard A. Cariffe, Fordham University (electronic communication via 311, dated March 3, 2009) (Cariffée)

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31. Deirdre Carson, Esq, Greenberg Traurig, on behalf of Fordham University (oral testimony and written testimony) (Carson)
32. Danny Chahel (electronic communication via 311, dated March 3, 2009) (Chahel)
33. Germaine Chan, neighborhood resident (email communication, dated March 10, 2009) (Chan)
34. Sris Chaterjee, Professor at Fordham University, and neighborhood resident (oral testimony, March 4, 2009) (Chaterjee)
35. John Cheng (electronic communication via 311, dated March 3, 2009) (ChengJ)
36. Laura Cheng (oral testimony, March 4, 2009) (ChengL)
37. Angela and Jennifer Chun (email communication, dated March 11, 2009) (Chun)
38. Donald Clinton, Cooper Robertson + Partners, on behalf of Fordham University (oral testimony, March 4, 2009) (Clinton)
39. Heidi Coggeshall (email communication, dated March 13, 2009) (Coggeshall)
40. Commission on Independent Colleges and Universities (written testimony, submitted March 4, 2009) (Lackman)
41. Marilyn Conroy (written testimony, dated March 3, 2009) (Conroy)
42. Leslie Cooper (written testimony, undated) (Cooper)
43. Emilie Roy Corey, neighborhood resident (email communication, dated March 12, 2009) (Corey)
44. Frances Crane, neighborhood resident (email communication, dated March 15, 2009) (Crane)
45. Charla Genn Croitoroo (email communication dated March 19, 2009) (Croitoroo)
46. Margaret Cuskley, Fordham University (electronic communication via 311, dated March 4, 2009) (Cuskley)
47. Cleo Dana, neighborhood resident (oral testimony, March 4, 2009) (Dana)
48. Judith Darr (email communication, dated March 11, 2009) (Darr)
49. Elaine Davis, neighborhood resident (email communication dated March 11, 2009) (DavisE)
50. Suzanne Davis, neighborhood resident (written testimony received March 12, 2009) (DavisS)
51. Nancy De Sa (email communication, dated March 15, 2009) (Sa)
52. Jacqueline Deslauriers, neighborhood resident (written testimony, undated) (Deslauriers)
53. Nancy and Len Deutsch (email communication, dated march 11, 2009) (Deutsch)
54. Iris diBlasi, neighborhood resident (written testimony, dated March 12, 2009) (DiBlasi)
55. Brian Dlug, neighborhood resident (written testimony, undated) (Dlug)
56. Sharon Donaghey, neighborhood resident (email communication, dated March 16, 2009) (Dondghey)

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57. Patricia Donius, neighborhood resident (email communication, dated March 13, 2009) (Donius)
58. Nancy A. Downey, neighborhood resident (email communication, dated March 16, 2009) (Downey)
59. LeRoy A. Ehrenreich, neighborhood resident (written testimony, dated March 17, 2009) (Ehrenreich)
60. Charles Elwood, Fordham University (electronic communication via 311, dated March 5, 2009) (Elwood)
61. Nitza Milagros Escolera, Assistant Dean of Students Affairs, Fordham University Law School (oral and written testimony, undated) (Escolera)
62. John Eills, neighborhood resident (email communication, dated March 15, 2009) (EillsJ)
63. Nancy Eills, neighborhood resident (email communication, dated March 15, 2009) (EillsN)
64. David Epstein, neighborhood resident (oral and written testimony, submitted March 16, 2009) (Epstein)
65. Franco Ercole, neighborhood resident (written testimony, received March 12, 2009) (Ercole)
66. Daniel Feder, neighborhood resident (oral and written testimony, undated) (Feder)
67. John Feerick, Executive Director of the Feerick Center for Social Justice and Dispute Resolution, Fordham University Law School (oral and written testimony, undated) (Feerick)
68. Sheila Foster, Associate Dean, Academic Affairs at Fordham Law School and co-director of the Stein Center for Law & Ethics at Fordham University (oral and written testimony, undated) (Foster)
69. Olive Freud, Committee for Environmentally Sound Development (oral and written testimony, dated March 4, 2009) (Freud)
70. Valerie Fry, neighborhood resident (written testimony, undated) (Fry)
71. William K. Gates, neighborhood resident (written testimony, dated March 9, 2009) (Gates)
72. Jean Gerson-Greer (email communication, dated March 12, 2009) (Gerson-Greer)
73. John Tully Gordon (oral testimony, March 4, 2009) (Gordon)
74. Robert Grimes, neighborhood resident (oral testimony, March 4, 2009) (Grimes)
75. Nancy Aeschbach Gold (email communication, dated March 11, 2009) (Gold)
76. Sidney Goldfischer, president of the Board of The Alfred and member, Fordham Neighbors United (written testimony, undated) (Goldfischer)
77. Howard Goldman, Howard Goldman, LLC, Fordham Neighbors United (oral testimony and written testimony, dated March 10, 2009) (Goldman)
78. John Gordon, Fordham University student (email communication, dated March 14, 2009) (Gordon)
79. Christopher N. Gosier (electronic communication via 311, dated March 5, 2009) (Gosier)
80. Linda Gottesman (email communication, dated March 11, 2009) (Gottesman)

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81. Michael Graff, Graff Law Offices, and resident of The Alfred (oral and written testimony, dated March 5, 2009) (Graff)
82. Gail M. Graves, neighborhood resident (oral testimony and email communication dated March 12, 2009) (Graves)
83. George K. Greene, Esq., neighborhood resident, (oral testimony, email communication and written testimony, dated March 9, 2009) (Greene)
84. Greg (no other name provided) (oral testimony, March 4, 2009) (Greg)
85. Maureen Griffin, neighborhood resident (email communication, dated March 11, 2009) (Griffin)
86. Robert R. Grimes, Dean of Fordham College at Lincoln Center (oral and written testimony, dated March 4, 2009) (Grimes)
87. Michael Groll, president, Lincoln Plaza Towers Co-Op and member, Fordham Neighbors United (oral testimony and written testimony dated March 10, 2009 and March 16, 2009) (GrollM)
88. Terry Groll, member, Fordham Neighbors United (oral testimony, March 4, 2009) (GrollT)
89. Dolores Guadagno, neighborhood resident (written testimony, dated March 12, 2009) (Guadagno)
90. Carol Van Guilder, Real Estate Board of New York (oral testimony, March 4, 2009) (Guilder)
91. Dympna Haber (electronic communication via 311, dated March 3, 2009) (HaberD1)
92. Diana Curiel Haber (written testimony, dated March 14, 2009) (HaberD2)
93. Joan and Larry Hahn (written testimony, received March 19, 2009) (Hahn)
94. Michael and Loretta Hannan, neighborhood residents (email communication, dated March 12, 2009) (Hannan)
95. Daniel O. Hauser, neighborhood resident (email communication, dated March 14, 2009) (Hauser)
96. James Hennessy, Dean, Graduate School of Education (oral and written testimony, undated) (Hennessy)
97. Karen Horwitz, neighborhood resident (email communication, dated March 11, 2009) (Horwitz)
98. Bob Howe, Fordham University (electronic communication via 311, dated March 5, 2009) (Howe)
99. Robert L. Isabella (electronic communication via 311, dated March 3, 2009) (Isabella)
100. Dwayne Jenkins, Shop Steward, Teamster Local 805, supporting Fordham University (oral testimony, March 4, 2009) (Jenkins)
101. Raymond Joe, neighborhood resident (written testimony, dated March 15, 2009) (Joe)
102. Julia Johnson (email communication, dated March 16, 2009) (Johnson)

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103. Denis Johnston, Associate Director, Commercial & Security Division, Service Employees International Union, Local 32 BJ (oral and written testimony, dated March 4, 2009) (Johnston)
104. James Kainen, Brendan Moore Professor of Advocacy, Director of Trial Competitions, Fordham University School of Law (email communication, dated March 11, 2009) (electronic communication via 311, dated March 3, 2009) (Kainen)
105. Catherine Kane (electronic communication via 311, dated March 3, 2009) (Kane)
106. Judith M. Kass and Milton Kass (email communication, dated March 13, 2009) (Kass)
107. Jay Katz, neighborhood resident (email communication, dated March 10, 2009) (KatzJ)
108. Michael Katz, neighborhood resident (email communication, dated March 11, 2009) (KatzM)
109. Susan Koepfel, resident, The Alfred, (written testimony, received March 12, 2009) (Koepfel)
110. Geoffrey Kovall, Board of Directors, Colliseum Apartments (written testimony, dated March 4, 2009) (Kovall)
111. Kathryn Kueny (electronic communication via 311, dated March 3, 2009) (Kueny)
112. Abraham Lackman, President of the Commission on Independent Colleges and Universities, supporting Fordham University (oral testimony, March 4, 2009) (Lackman)
113. Doug Ladden, Managing Director, DLJ Investment Partners (email communication, dated March 16, 2009) (Ladden)
114. Susan Lahn, neighborhood resident (email communication, dated March 15, 2009) (Lahn)
115. Leona and Jack Landau, neighborhood residents (email communication, dated March 10, 2009) (Landau)
116. John J. Langsdorf, resident, The Harmony (written testimony, dated March 12, 2009) (Langsdorf)
117. Jennifer Latham, (electronic communication via 311, dated March 11, 2009) (LathamJ)
118. Michael E. Latham (electronic communication via 311, dated March 4, 2009) (LathamM)
119. Mortimor B. Leavitt, neighborhood resident (email communication, dated March 15, 2009) (Leavitt)
120. Susan J. Legnini (electronic communication via 311, dated March 9, 2009) (Legnini)
121. Dean Leistikow (electronic communication via 311, dated March 4, 2009) (Leistikow)
122. Jeffrey Levine, Douglaston Development (written testimony, dated March 12, 2009) (Levine)
123. Jack B. Levitt, neighborhood resident (email communication, dated March 9, 2009) (Levitt)
124. Batya Lewton, Coalition for a Livable West Side (oral testimony and written testimony, dated March 4, 2009) (Lewton)
125. Sal Longarino (electronic communication via 311, dated March 3, 2009) (Longarino)

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126. Joan Lurie, President, the Beaumont Condominium (written testimony, dated March 12, 2009) (Lurie)
127. Betty Lynd, neighborhood resident (email communication, dated March 13, 2009) (Lynd)
128. Bridget and Robert Lyons, neighborhood residents (email communication, dated March 14, 2009) (Lyons)
129. Frank Macchiarola, Chancellor, St. Francis College; Former Chancellor, New York City Board of Education, Member of New York City Charter Revision Commissions; supporting Fordham (oral testimony, March 4, 2009) (Macchiarola)
130. Matthew Maguire, Director, Theater Program, Fordham College at Lincoln Center (written testimony, dated March 3, 2009) (Maguire)
131. Joan Mannion (email communication, dated March 13, 2009) (Mannion)
132. Atara Margolies, Cooper Robertson+ Partners (oral testimony, March 4, 2009) (Margolies)
133. Michael W. Martin, Professor and Associate Dean, Fordham Law School, and community resident (electronic communication via 311, dated March 4, 2009) (Martin)
134. Teresa McCanlies, neighborhood resident (email communication, dated March 16, 2009) (McCanlies)
135. Dr. E. Doyle McCarthy, Fordham University (electronic communication via 311, dated March 3, 2009) (McCarthy)
136. David McGregor, Cooper Robertson Partners (oral testimony, March 4, 2009) (McGregor)
137. Brigid McMahon, Recruiting Leader, Strategy and Change, IBM Global Business Services (email communication, dated March 16, 2009) (McMahon)
138. Father Joseph McShane, President, Fordham University (oral testimony, March 4, 2009) (McShane)
139. Galit Sharon Marcus, neighborhood resident (written testimony, dated March 16, 2009) (Marcus)
140. Elliott Meisel, Brill & Meisel, Attorneys at Law, representing The Alfred (written testimony, dated March 12, 2009) (Meisel)
141. Phyllis Melhado, neighborhood resident (email communication and written testimony, dated March 10, 2009 and March 12, 2009, respectively) (Melhado)
142. Jolinda Menendez, neighborhood resident (written testimony, received March 12, 2009) (Menendez)
143. Abraham Mercado (oral testimony, March 4, 2009) (Mercado)
144. Alex Micic, neighborhood resident (email communication, dated March 15, 2009) (Micic)
145. Angela Milner, neighborhood resident (electronic communication via 311, dated March 4, 2009) (Milner)
146. Gabriella Mirabelli (email communication, dated March 16, 2009) (Mirabelli)
147. Kenneth Mirkin (email communication, dated March 11, 2009) (Mirkin)

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148. Dominic Montalbano, resident, The Alfred (oral testimony and email communications, dated March 11, 2009 and March 15, 2009) (Montalbano)
149. Anand More, neighborhood resident (email communication, dated March 11, 2009) (More)
150. S. Moresco, neighborhood resident (written testimony, dated March 12, 2009) (MorescoS)
151. Dorothea Moresco-Uls, neighborhood resident (written testimony, dated March 12, 2009) (Moresco-Uls)
152. David Morgan (written testimony, dated March 16, 2009) (Morgan)
153. Amy Moses, neighborhood resident (email communication, dated March 11, 2009) (Moses)
154. Kelley Mowatt, Fordham University (oral testimony, March 4, 2009) (Mowatt)
155. Kevin Muller (electronic communication via 311, dated March 10, 2009) (Muller)
156. Carol and Robert Nemo, neighborhood residents (written testimony, dated March 5, 2009) (Nemo)
157. Kenneth Nilson, neighborhood resident (written testimony, dated March 16, 2009) (Nilson)
158. Jacqueline O'Brien, neighborhood resident (email communication dated March 15, 2009) (O'Brien)
159. Anita Ytuarte Oelkers, Associate Director, Donor Relations and Advancement Communications, Sarah Lawrence College (electronic communication via 311, dated March 3, 2009) (Oelkers)
160. Rolf Ohlhausen (written testimony, dated March 6, 2009) (Ohlhausen)
161. Brooks Olbrys, neighborhood resident (written testimony, dated March 11, 2009) (Olbrys)
162. Jan Opalach (email communication dated March 11, 2009) (Opalach)
163. Joseph O'Reilly (electronic communication via 311, dated March 3, 2009) (O'Reilly)
164. Judith Oretsky, neighborhood resident (written testimony, dated March 17, 2009) (Oretsky)
165. Conor Parks (electronic communication via 311, dated March 3, 2009) (Parks)
166. Dr. Romil Y. Patel, neighborhood resident (written testimony, dated March 12, 2009) (Patel)
167. Dr. Sarah Penry (electronic communication via 311, dated March 3, 2009) (Penry)
168. Hyman Perkin, neighborhood resident (email communication, dated March 10, 2009) (Perkin)
169. Paul Phaneuf (email communication dated March 13, 2009) (Phaneuf)
170. Sandra Pino, neighborhood resident (written testimony, dated March 6, 2009) (Pino)
171. James J. Pohlman, neighborhood resident (email communication, dated March 16, 2009) (Pohlman)
172. Madeleine Polayes, President, Coalition for a Livable West Side (email communication dated March 15, 2009) (Polayes)
173. Sandy Pope, President, Teamsters Local 805 (oral testimony, March 4, 2009) (Pope)

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174. Helene Rabinovitz (email communication dated March 21, 2009) (Rabinovitz)
175. Paloma Rahner (electronic communication via 311, dated March 3, 2009) (Rahner)
176. Julie Ratner, neighborhood resident (email communication, dated March 11, 2009) (Ratner)
177. Real Estate Board of New York, Inc. (oral and written testimony, dated March 4, 2009) (REBNY)
178. Keyne Rice (electronic communication via 311, dated March 3, 2009) (Rice)
179. Daniel A. Richards (electronic communication via 311, dated March 3, 2009) (Richards)
180. Dee Rieber, President, West 75th Street Block Association (email communication, dated March 11, 2009) (Rieber)
181. Herbert Roberts, neighborhood residents (written testimony, dated March 17, 2009) (Roberts)
182. Mario Rodenstein, neighborhood resident (email communication, dated March 13, 2009) (Rodenstein)
183. Michael Roos, neighborhood resident and President of the Board of 61 West 62nd Street (oral testimony and written testimony, dated March 3, 2009) (Roos)
184. Kathleen Rosenberg, neighborhood resident (written testimony, undated) (Rosenberg)
185. Irene Rutchick, neighborhood resident (email communication, dated March 15, 2009) (Rutchick)
186. Patricia Ryan, President, Amsterdam Houses Addition Tenants Association, in support of Fordham (oral testimony, March 4, 2009) (Ryan)
187. Michele Sacconaghi, neighborhood resident (email communication, dated March 15, 2009) (SacconaghiM)
188. Toni M. Sacconaghi (email communication, dated March 15, 2009) (SacconaghiT)
189. Diana Santos (electronic communication via 311, dated March 3, 2009) (Santos)
190. Joy Sardinsky, neighborhood resident (email communication, dated March 10, 2009) (Sardinsky)
191. Dr. Charles A. Sarnoff, neighborhood resident (written testimony and email communication, dated March 12, 2009 and February 25, 2009, respectively) (Sarnoff)
192. Sybil Schacht (email communication dated March 11, 2009) (Schacht)
193. Dr. Joseph Schachter, neighborhood resident (email communication, dated March 11, 2009) (SchachterJ1)
194. Dr. Judith S. Schachter, neighborhood resident (email communication, dated March 11, 2009) (SchachterJ2)
195. Gail Shapiro, neighborhood resident (oral testimony, March 4, 2009) (Shapiro)
196. Brenda Scher, neighborhood resident (written testimony, undated) (Scher)
197. Nancy Schloss, neighborhood resident (written testimony, received March 12, 2009) (Schloss)

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198. Karen Schulman, neighborhood resident (email communication, dated March 13, 2009) (Schulman)
199. Fritz Schultz, neighborhood resident (email communication, dated March 16, 2009) (Schultz)
200. Henry Schwalbenberg, Fordham University (electronic communication via 311, dated March 3, 2009) (Schwalbenberg)
201. Elaine and Mike Schwebel, neighborhood residents (written testimony, dated March 3, 2009) (Schwebel)
202. I.J. and Joy Seligsohn, neighborhood residents (email communication, dated March 12, 2009) (Seligsohn)
203. James Sheldon, neighborhood resident (written testimony, undated) (Sheldon)
204. Yana Shend, neighborhood resident (email communication, dated March 16, 2009) (Shend)
205. Chester Smith (oral testimony, March 4, 2009) (Smith)
206. Dr. Christiana Sogno, Assistant Professor, Department of Classics, Fordham University (electronic communication via 311, dated March 3, 2009) (Sogno)
207. Lori Sonenblum (electronic communication via 311, dated March 3, 2009) (Sonenblum)
208. Joe Sticca, neighborhood resident (email communication, dated March 10, 2009) (Sticca)
209. Nancy Stout (electronic communication via 311, dated March 4, 2009) (Stout)
210. Baerbel Stubenrauch, neighborhood resident (written testimony, dated March 11, 2009) (Stubenrauch)
211. Susan E. Sullivan, President, 151-161 Owners Corp (email communication, dated March 15 2009) (Sullivan)
212. Matthew Surrusco (email communication, dated March 11, 2009) (Surrusco)
213. Janice Sweeting (oral testimony, March 4, 2009) (Sweeting)
214. Roger Szajngarten, neighborhood resident (oral and written testimony, dated March 5, 2009) (Szajngarten)
215. Dr. Nicholas Tampio (electronic communication via 311, dated March 3, 2009) (Tampio)
216. Jennelyn Tanchua, neighborhood resident (email communication, dated March 15, 2009) (Tanchua)
217. Richard Thomas (electronic communication via 311, dated March 16, 2009) (Thomas)
218. Eileen T. Tierney, neighborhood resident (written testimony, dated March 16, 2009) (Tierney)
219. Dori Tilles (email communication, dated March 13, 2009) (Tilles)
220. William Treanor, Dean, Fordham University Law School (oral and written testimony, undated) (Treanor)
221. Michael Trerotola, Fordham University (oral testimony, March 4, 2009) (Trerotola)

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222. Dr. Howard Tuckman, Dean, Fordham University Graduate School of Business (oral testimony, March 4, 2009) (Tuckman)
223. Takemi Ueno, neighborhood resident (written testimony, dated March 1, 2009) (Ueno)
224. United Student Government of Fordham University's Rose Hill and Lincoln Center Campuses with the support of the Residence Hall Association and the Commuting Students Association at Rose Hill (oral and written testimony, joint resolution authorized February 26, 2009) (USG)
225. Peter Vaughn, Dean and Professor, Fordham University Graduate School of Social Service (oral testimony, March 4, 2009) (Vaughn)
226. Ricardo Vilchez (electronic communication via 311, dated March 3, 2009) (Vilchez)
227. Dorothea Vouyiouklis, neighborhood resident (email communication dated March 20, 2009) (Vouyiouklis)
228. Dr. Patricia Walters, Assistant Professor in accounting, Fordham University Graduate School of Business (electronic communication via 311, dated March 3, 2009) (Walters)
229. Linda L. Watrous, Executive Director, Cornerstone Learning Center (written testimony, dated March 10, 2009) (Watrous)
230. Mina R. Weiner, neighborhood resident (email communication, dated March 11, 2009) (Weiner)
231. Lisa Weitzman, neighborhood resident (written testimony, undated) (Weitzman)
232. Dr. James A. Wilson (electronic communication via 311, dated March 9, 2009) (Wilson)
233. Mabel Wong, neighborhood resident (email communication, dated March 10, 2009) (Wong)
234. Kathryn S. Wylde, President & CEO, Partnership for New York City (written testimony, dated March 10, 2009) (Wylde)
235. Mary Wytko, neighborhood resident (email communication, dated March 16, 2009) (Wytko)
236. Joel Zimmer, neighborhood resident (email communication, dated March 11, 2009) (Zimmer)

E. COMMENTS AND RESPONSES ON THE DEIS

PROJECT DESCRIPTION

EMINENT DOMAIN AND SALE

- Comment 1:** Fordham proposes to sell parts of the campus to private developers. The City obtained land through eminent domain and sold it to Fordham at a low price to be used for educational purposes. This is not the proper use of eminent domain. (EillsN, Freud, Corey, Epstein, Dana)

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- Response 1:** In a letter issued by the Department of City Planning (DCP) on May 25, 2006 (see Attachment A to the Scope of Work), the City determined that Fordham had complied with its obligations under the LSURP and the 1957 Disposition Agreement and 1966 Amendment, and that the restrictions on use and development contained in these instruments no longer control the project site.
- Comment 2:** Robert Moses' original plan required the forced removal of 1,158 families from their homes in Lincoln Square to make it possible to erect "school buildings," not to be set aside for future profit by resale to private developers. (Goldfischer, Kovall, Epstein) Fordham should not be allowed to sell part of this land to a residential condominium developer. (Joe, KatzM)
- Response 2:** See response to Comment 1, above. As noted on page 1-4 of the DEIS and the FEIS, the 1989 Amendment of the LSURP had already contemplated Fordham's sale of Lot 35 to a private developer for a building in excess of 40 stories.
- Comment 3:** The public investment made in assembling and preparing this site was significant, which makes it all the more important that CPC and the City Council should endorse Fordham's plan to build out their plan and enable the city to capture all the public benefits that were intended for this location. (Wylde)
- Response 3:** Comment noted.

PURPOSE AND NEED

- Comment 4:** We as Fordham students would like to know how these developments will be helping our educational studies. (Surrusco) Fordham has failed to demonstrate a true and compelling need for the plan they have put forward. (Mirabelli)
- Response 4:** The need for the proposed expansion is described in both the DEIS and the FEIS on pages 1-4 through 1-6. Further, the numerous Fordham faculty and staff who spoke at the DEIS public hearing detailed the needs of their schools, departments and programs for additional space and facilities at Fordham's Lincoln Center campus. For example, William Treanor, the Dean of Fordham Law School, described how the space constraints are so severe that the absence of adequate facilities has become an issue with the school's accrediting authorities. Also see responses to Comments 12 through 18.
- Comment 5:** Fordham oversteps its mandate when it tries to turn the campus into a residence for its students. The campus has a wonderful location, with very good transportation; additional students might be housed on its original campus, and come into Manhattan for their education and outreach program. (Lahn)

Response 5: According to Fordham, it now draws students from across the country and around the globe. Fordham believes it is unreasonable to expect students, especially undergraduate students, to move to New York City to live on the Rose Hill campus in the Bronx and commute to classes at the Lincoln Center campus in Manhattan. Fordham further states that occupancy of the residence halls on the Bronx campus is at 100 percent and some students are turned away each year. Further, Fordham believes that the cost of living on the Upper West Side outside of its dormitories is overwhelmingly expensive for a student budget. Finally, Fordham believes that the experiences offered in a student residence hall complement the classroom academic program, and Fordham states that it operates its residence halls on the basis of that understanding.

Comment 6: Fordham should make better use of its Bronx and Westchester campuses. (Goldfisher, EillsJ, EillsN, Graves, Joe) If Fordham needs spaces, why have they closed their Marymount Campus in Tarrytown? Could not a simple reorganization of how they distributed their resources have allowed the city campus and the Tarrytown campus to remain vital? (Mirabelli)

Response 6: According to Fordham, the programs that it houses in its Manhattan campus—such as the Law School and the undergraduate program in performing arts—are uniquely tied to Manhattan. The Bronx campus is trying to meet its own needs. Further, according to Fordham, the Tarrytown [Westchester] campus has been sold at a net loss of approximately \$1.5 million. It was the campus of Marymount College, of which Fordham assumed management in 2000 and which proved to be both academically and fiscally impossible to sustain leading to its closing. Fordham University states that the proceeds from the sale of the Tarrytown campus were used to reimburse University programs that ran at a loss during the years of Fordham’s operation of the Marymount campus.

Comment 7: Fordham claims to need additional space to meet current academic standards and to provide for expansion. However, almost a third of the new space will be dormitories for undergraduates, and two-thirds of the new academic space will not be built until Phase II. There is no explanation in the DEIS as to why the undergraduate expansion at this campus is necessary. A scaled-down undergraduate expansion with a lesser amount of dormitory space would presumably lessen the need for the outsized private development on the Amsterdam Avenue sites, and might be able to be accommodated in buildings at heights and bulk more compatible with the area. The need for the project is not properly disclosed without a discussion of these factors. (Bryson)

Response 7: As stated above, Fordham’s needs were described in the DEIS and further detailed in testimony provided at the public hearing on March 4, 2009, and in the comment period on the DEIS. Fordham states that it locates programs in Manhattan which are related to Manhattan such as the undergraduate

performing arts program and the adult liberal arts education program. Fordham believes it is unreasonable to expect students, especially undergraduate students who have moved to New York City from across the country and around the world, to live on the Rose Hill campus in the Bronx and commute to classes at the Lincoln Center campus in Manhattan. Further, the cost of living on the Upper West Side outside of Fordham dormitories is overwhelmingly expensive for a student budget. Finally, the Master Plan has been proposed for development over the next approximately two decades to address both existing shortfalls in space and facilities and future needs in space and facilities.

Comment 8: Fordham’s argument that it needs to expand its Lincoln Center campus to attract the students that the city will need in future to provide the talent needed for our economy is completely without merit. Over the years, New York has demonstrated the ability to attract people to live and work here like nowhere else on the planet. The existence of Fordham has no bearing on this. (O’Brien)

Response 8: The Commission on Independent Colleges and Universities has commented in support of Fordham’s expansion proposal, demonstrating the importance of higher education to the City’s economy. As the economy in New York City transitions away from its historic reliance on manufacturing and more recent reliance on the finance, insurance, and real estate (FIRE) sectors, the intellectual, cultural, and educational (ICE) sectors become essential to create the economic diversity that stabilizes the City’s economy. Investment in these assets can help attract and retain a talented and knowledgeable workforce and positively affect the City’s economy. In addition, Fordham is a significant part of the educational, intellectual and cultural infrastructure which enables New York City to attract such talent.

Comment 9: If Fordham needs more room for teaching, why does their latest plan take 14 feet off the Lowenstein building on the 60th Street side and why are they proposing to sell the land that borders Amsterdam Avenue to private developers for the construction of 60-story towers? (Sarnoff)

Response 9: The only portion of Lowenstein that would be removed is a glass entrance pavilion. The sale of property for private development represents less than eight percent of the lot area available on the Fordham campus and Fordham has stated that the proceeds for such proposed sales are necessary to finance the expansion of academic facilities within the Master Plan.

Comment 10: The proposal includes unnecessary dorm space for graduate students. (Corey) The single largest component of Fordham’s expansion is not educational facilities but rather 435,629 square feet of new dormitories. Adding the additional 742,449 square feet allotted to the condominiums results in the huge total of 1,465,256 square feet of residential space, or 50 percent of the proposed

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new “campus.” (Goldfischer) Allegedly Fordham needs dorms for graduate students who probably would rather live off-campus. (HaberD2)

Response 10: The proposed housing is for both graduate and undergraduate students. According to Fordham, graduate students repeatedly request more housing on campus than Fordham can provide. Fordham believes that its educational program, especially for undergraduates includes the dormitories which are structured as part of the educational experience.

Comment 11: The plan is to place massive commercial developments along the perimeter along with very tall apartment buildings above, all in the name of developing the university. Fordham says it needs a law library which fast is becoming obsolete due to new technology, and even Fordham has said it will likely be converted to a study hall. (HaberD2, Corey, Croitoroo).

Response 11: There are no massive commercial developments. As described in the EIS, retail uses at the bases of the residential buildings on Sites 3 and 4 are provided to enliven the sidewalk as well as serve the residents of the area. The law library, according to Fordham, provides the technical resources and the space for students to study and learn and for the faculty to conduct research and teach.

Comment 12: Fordham desperately needs to grow—the campus was originally designed for 3,500 students. However, the severely overcrowded campus now has almost 8,000 students with a projection of 11,000 students by 2032. (Anderson, Andriola, Anon 3, Lackman, Elwood, HaberD1, Leistikow, McCarthy, Muller, Sogno, Tampio) It is obvious that Fordham Lincoln Center is serving a growing student population it wasn't designed to handle. (Campbell)

Fordham currently has 106 square feet (sf) per student, which is much less than the average of 360 sf per student at schools nationwide. (Anderson, Lackman, Gordon, Kueny, Leistikow)

Response 12: Comment noted.

Comment 13: The campus must grow to meet the needs of the students, and will benefit the surrounding community and all of New York City. (Batemarco, Elwood, Gordon, Grimes, Hennessey, Kane, Longarino, Oelkers, O’Reilly, Parks, Penry, Rahner, REBNY, Richards, Sogno, Stout, Tampio, Thomas, USG, Walters, Waltrous, Wilson, Wylde) I support the Fordham expansion plans. (Schwalbenberg, Santos, Sonenblum, Sticca) This plan will prove beneficial to the community, university, its students, faculty, and employees. (Barry, Cariffe, Chahel, Gordon, Howe, Isabella, LathamJ, LathamM, Legnini, Longarino, Vilchez)

Response 13: Comment noted.

Comment 14: Fordham Law School’s educational mission is undermined by space limitations. (Treanor) The law school needs a new facility as soon as possible. (Anon 2, Chahel)

Fordham's plans for expansion would fulfill the evident need for more space for the Ailey Extension’s joint Bachelor in Fine Arts program, and will ultimately ensure the program’s future and continued success. (Campbell)

Fordham’s Theater Program faces serious obstacles with space constraints, and will not be able to develop without additional space for rehearsing, production facilities, classrooms, and office space for faculty. (Maguire)

Response 14: Comment noted.

Comment 15: Fordham substantially contributes to the City’s economy and is an important part of the local community; it enriches communities across the City through a vast array of intellectual, cultural, legal and social service offerings. The expansion will enhance these public service efforts. (Andriola, Anderson, Anon 1, Foster, HaberD1, Hennessy, Kainen, Rahner, USG, Waltrous) Fordham has been a good neighbor to the West side community and the City. (Cuskley, Leistikow, Martin, Sogno) The plan will allow Fordham to offer more community services and more public performing arts and lectures. (Batemarco, Elwood)

Response 15: Comment noted.

Comment 16: The Law School desperately needs a new building to ensure it can effectively pursue its mission of providing students a learning environment that fosters the highest standards of legal education, and that encourages students to pursue their strong commitment to serving others. There are numerous student organizations, many of which contribute pro-bono work. None of these organizations have appropriate space for their operations. (Escalera, Feerick, Foster, Treanor)

The expansion will support Fordham’s important pro-bono work—Fordham’s Law School provides free legal clinics and students from the Schools of Social Service and Education provide 184,100 hours of professional services a year citywide. (Anderson, Buescher, Cuskley, Gosier, Kueny, Leistikow)

Response 16: Comment noted.

Comment 17: This expansion will enable Fordham to attract and cultivate even more talent from all over the country and the world, a boon to local and regional employers. (Anderson, Lackman, LathamJ, Leistikow)

The expansion is necessary for the continued intellectual, cultural, educational, and economic development of the City. (ChengJ, Stringer, Lackman, Gosier, Isabella, Lackman)

Response 17: Comment noted.

Comment 18: Fordham’s plan will generate more revenue for New York City at a time when the city has experienced a precipitous decline in its tax base due to the severe downturn in the financial services industry. The residential buildings will generate approximately 13 million per year in incremental tax revenue for the city. (Anderson, Andriola, Buescher, HaberD1, LathamM, McCarthy, Parks, Rice, Tampio)

Fordham's development plan will create much needed jobs—an estimated 4,500 to 5,000 construction jobs, and about 520 permanent jobs and 200 contract jobs. (Anderson, Andriola, Stringer, HaberD1, Johnston, Kueny, Legnini, Leistikow, Martin, Muller, O’Reilly, Parks, Penry, REBNY, Rice, Sogno, Tampio, Walters) It will create new opportunities for economically stimulating construction, job creation, business rejuvenation, and infrastructure development. (Gordon, USG)

Response 18: Comment noted.

RESIDENTIAL DEVELOPMENT

Comment 19: Zoning special permits should not be used to facilitate the sale of parts of the campus for private residential development. (Bryson, Koeppel, Dana, Greene)

Response 19: In order to fulfill its educational mission, Fordham has stated that it needs the revenue generated by the use of Sites 3 and 4 for private residential development. No additional floor area is sought for the residential buildings. The requested special permit would allow these buildings to have forms similar to other residential buildings nearby.

Comment 20: Fordham must prove to the public that selling its western property to a private developer is a necessity. It has studiously avoided this issue and the CPC did not so much as raise it at the public hearing. CPC should not take Fordham’s word that it needs to sell 700,000 square feet of floor area for market rate development to “let Fordham grow.” In fact, the Law School is proceeding in the absence of these funds. (Albert/Fisch, Amsterdam, Awad, Becker, Brill, Campion, Coggeshall, Conroy, Cooper, Crane, DavisE, DavisS, De Sa, Deslauriers, di Blasi, Dlug, Donaghey, Downey, Epstein, Ercole, Feder, Fry, Gates, Greene, Griffin, GuadagnoD, GuadagnoS, GuelaffG, GuelaffM, Hauser, Horwitz, KatzJ, Ladden, Levitt, Lurie, Marcus, McCanlies, Melhado, Micic, More, MorescoS, Moresco-Uls, Moses, Nilson, Olbrys, Oretsky, Patel, Perkin,

Pohlman, Ratner, Roberts, Rosenberg, Rutchick, SacconaghiM, SacconaghiT, Sardinsky, SchachterJ2, Schloss, Schulz, Sheldon, Shend, Stubenrauch, Tanchua, Tierney, Unknown, Weitzman, SchachterJ1, Seligsohn, Zimmer) Fordham has not shown the public the need for the development of large for-profit residential development or for the dormitory space for graduate students. (Browning)

Response 20: As Fordham has stated publicly, Fordham’s endowment is modest (approximately \$350 million) when compared to other major educational institutions in New York City (e.g., Columbia, with \$7.5 billion or New York University with \$2.5 billion); moreover, Fordham is a tuition-supported school that provides a very high percentage (approximately 90 percent) of its students with financial aid. In order to create the endowment reserves required to fund construction of buildings on the campus and repay the bonded debt that will be incurred for the construction, Fordham has stated that the sale of a portion of the property for private development is necessary. The amount of lot area that will be sold represents only approximately eight percent of the total lot area of the campus. Fordham’s strategy, in this regard, is not dissimilar to actions taken by other not-for-profits, including the Red Cross, which recently sold its site (acquired for the Lincoln Square Urban Renewal Plan) at West 66th Street and Amsterdam Avenue for private residential development.

Comment 21: Fordham’s application is not about expansion of academic facilities for its own academic needs, let alone good design. It is solely about generating a source of revenue to subsidize its needs. Other than the private luxury condominiums, most of Phase I consists of replacing the existing law school and student center and building new dormitories and garages. (Meisel)

Response 21: The Master Plan provides for the construction of approximately 1,101,222 square feet of new academic space which will, for the first time, enable each of the graduate schools at the Lincoln Center campus, as well as the undergraduate program, to have its own facility. The program will expand the floor area dedicated to academic use from its present 545,199 square feet to approximately 1.5 million square feet, materially expanding the academic facilities available for the education of students. In the first phase, the construction of the new Law School will not only meet that institution’s pressing needs, but also make it possible for one of the other graduate schools to move into the vacated existing Law School building, thereby improving that school’s facilities and relieving overcrowding in Lowenstein Center. Construction of the student center will also free up space in Lowenstein Center by providing adequate facilities for most student functions—clubs, organizations, support offices—that must now be housed there. All of this will result in material improvement of the quality and amount of space available in Lowenstein Center for discharge of the academic missions of the schools still housed within its walls. Fordham has stated that in order to fulfill its educational mission and help finance construction of the new

Law School building, the new student center, and new dormitories as well as allow another graduate school to move from Lowenstein Center to the existing Law School building, it needs the revenue generated by the use of Sites 3 and 4 for private residential development.

Comment 22: It is disingenuous for Fordham to say that they need more space for students and at the same time to propose to sell almost one-third of the new floor area. (Epstein)

Response 22: In order to build and operate the necessary academic and dormitory space, Fordham states that it needs the additional revenues that would be generated by the residential development.

Comment 23: Approximately one-third of the new floor area is proposed to be sold for residential use in 50- to 60-story towers on Amsterdam Avenue. Fordham has never fully explained the need for this much floor area. (Goldman)

Response 23: According to Fordham, proceeds from the floor area to be sold will be used to create a development fund to help finance the academic facilities in the Master Plan.

Comment 24: Fordham seeks bulk waivers to develop all of the residential floor area that remains over and above its long-term academic goals. Significant reductions in the residential bulk waivers can and should be made. This would have a number of positive impacts on the application from the community's perspective: 1) it would substantially reduce the overall density of the project without cutting back on Fordham's institutional program; 2) it would reduce the inappropriate heights of the residential building envelopes, and 3) it would increase the lot area available for institutional floor area, permitting a reduction in scale of the campus buildings facing Columbus Avenue and the side streets. (Goldman)

Response 24: As stated in response to Comment 20 above, Fordham believes it needs the revenue to be generated by the private residential development to advance its academic program goals. However, working with the Borough President, CB7, and DCP Fordham has developed modifications to the proposed project, described in Chapter 27 of the FEIS, which would reduce the height of the private residential buildings and would also result in a reduction in the scale of the campus buildings facing Columbus Avenue and the side streets. These modifications include: reductions in maximum building envelope heights on Sites 1, 2, and 6; controls on the width and massing of the buildings facing Columbus Avenue; mandated minimum and maximum base heights to articulate facades; prescribed relationships between building heights, stepping down from West 60th Street toward Lincoln Center; reductions on above-grade floor area; and others.

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Comment 25: CPC should not allow any residential development as part of the Fordham project. (Zimmer)

Response 25: The proposed plan does not require approvals from CPC for the uses envisioned for the campus. This includes development of residential buildings, which can occur as-of-right under the current zoning controls.

Comment 26: The amount of new residential development proposed should be reduced. (Rodenstein)

Response 26: Working with the Borough President, CB7, and DCP Fordham has developed modifications to the proposed action which reduce the envelopes of residential buildings on Sites 3 and 4 as well as other campus buildings (see FEIS Chapter 27, “Modifications to the Proposed Action”), although no floor area reduction would result. Fordham has stated that reductions in floor area could materially and negatively impact the University’s ability to fund its program.

Comment 27: Under this proposal Fordham will have to sell its valuable land—that was set aside for education—to private developers. They may wish in the future this space had been preserved for classrooms and perhaps an event space. (Lahn)

Response 27: According to Fordham, it has developed the Master Plan in consideration of its future needs and determined that its current and anticipated academic needs could be met while also allowing for private development on portions of the campus.

LINCOLN SQUARE URBAN RENEWAL PLAN (LSURP)

Comment 28: When Fordham first introduced its current plans, they said that the agreements and images and plans that led to the purchase of their Manhattan property were lost. These items required completion of the then-projected university. Any sale of the remaining property required completion of the project. I found articles, plans and pictures in contemporary issues of *The New York Times*, which delineated in detail that to which they had committed themselves as a means of justifying their purchase of the property. The plans were not lost. (Sarnoff) The City was unable to produce many missing pages and absolutely critical exhibits pursuant to our FOIL application. Without complete documentation of the LSURP Site Plan and Fordham’s historical legal obligations, DCP could not legally certify the Fordham Application as complete to begin ULURP, nor can one determine whether Fordham complied with its contractual obligation under LSURP, nor can one determine the “as of right” scenario for purposes of determining the projects adverse impacts. (Meisel)

Response 28: Illustrations in *The New York Times* are not detailed, architectural drawings, nor are they legally binding. As noted in response to Comment 29, below, the

restrictions on use and development contained in the LSURP no longer control the project site.

Comment 29: From the time of its disposition to Fordham in 1957 until the time of this application, development on the site was governed by the bulk and land use controls of the LSURP, and the terms of a disposition agreement with Fordham. The C4-7 zoning was enacted subsequent to the disposition to Fordham and did not affect the contemplated development of the site. The most recent pronouncement of public policy with regard to the Fordham site is CPC's 1989 report concerning the fifth amended LSURP (C 880802 HUM), which re-affirmed that the appropriate land use controls for the site were a maximum FAR of 7, a maximum building height of 20 stories, and a maximum lot coverage of 35 percent. DCP now takes the position that the LSURP and disposition agreement controls expired in January 2006. To default to the C4-7 zoning, with its FAR of 10 and no site restriction (and then to grant special permits allowing 50-story buildings) is a very significant change. CPC must formulate a reasoned approach that takes into account the background and context of the site, and not simply to assume that the C4-7 zoning, which was never intended to govern this site, is appropriate. (Bryson)

Response 29: The LSURP expired in 1997 and is no longer the guiding document for development in the project area. In a letter issued by DCP on May 25, 2006 (see Attachment A to the Final Scope), the City determined that Fordham had complied with its obligations under the LSURP and the 1957 Disposition Agreement and 1966 Amendment, and that the restrictions on use and development contained in these instruments no longer control the project site. In addition, the LSURP contemplated the enactment of new zoning for the Lincoln Square Urban Renewal Area which was to remain in place after the LSURP expired; that zoning is still in force. Also, the May 25, 2006 letter noted that the City's Department of Housing Preservation and Development issued a Certificate of Completion in June 1990 for development of the Fordham Project certifying that the Project had been completed in accordance with the 1957 Disposition Agreement and the 1966 Amendment.

Comment 30: Objections to the apparent subsidy of Fordham's acquisition of the site in 1957 through eminent domain were satisfied by the imposition of restrictive covenants running with the land, which strictly limited its future use to what the LSURP required. Further, Fordham was required to promptly begin and complete development for that purpose well within the term of the restrictions and was prohibited from selling it before completion or for a profit. Whether or not LSURP expired, the deeded restrictions imposed on Fordham and prohibition on its receiving a subsidy in the form of massively excessive floor area solely for sale to a private developer for a huge profit, with utter disregard for the good design articulated in LSURP and never supplanted by contrary

design standards, survives and mandates a rejection of the requested waivers. Fordham cannot evade its contractual obligations by having defaulted in its duty to complete the project within the term of the restrictions and then benefit from its default by alleging expiration of the restrictions. (Meisel)

It is possible to provide Fordham with all the expansion space it needs or thinks it might need without building the massive structures it proposes by following the letter and spirit of the plans and contracts that created Lincoln Center and the Fordham campus. The expansion must conform to the principles and conditions set forth in the LSURP and the contract approved by the Board of Estimate in 1957 regulating both the physical determinates governing bulk, height and open green space and conditions under which campus land could be sold. The requirements of the 1957 Agreement—that 65 percent of the campus remain open space and that no building be more than 20 stories—is appropriate for this neighborhood and will provide ample space for realistic expansion. (Goldfischer, Dana)

The concepts behind the Master Plan and its current execution are totally inconsistent with Robert Moses’s vision of a street level urban campus composed of low lying academic buildings set back from the sidewalks, surrounded by landscaping and open and accessible to the community. (Goldfischer, Lahn) This “Master Plan” is an insult to the original intention of the Lincoln Center development going back to the 1960’s. (Sullivan)

Response 30: See response to Comment 29, above. The New York Court of Appeals concluded in *64th Street Residences v. City of New York*, 4NY2d268(1958), that there was no such subsidy as the commenter contends because Fordham paid above the appraised reuse price and was required to expend its own funds to relocate all of the residents and users of the land it acquired. Also, the 1957 Disposition and the 1966 Amendment state Fordham’s and the City’s explicit agreement regarding use controls. At the time of the 1966 Amendment, Fordham had revised its plans for the campus build out, having begun the process of constructing Lowenstein Center to house its graduate schools and undergraduate program at Lincoln Center; thus, the 1966 Amendment was drafted in contemplation of this revised plan. Any failure to conform the provisions of the 1966 Amendment to the deed of the Fordham Collegiate Site from the City to Fordham by amendment of the latter does not diminish the force and effect of the covenants agreed to between the parties.

Comment 31: The original agreement from the 1950s mandated that the campus be a public space. However, the campus has been closed off from the community, and Fordham’s current plan will separate them from the neighborhood even more. (Lahn, Greene)

Response 31: See responses to Comments 29 and 30, above. The original agreement did not require the campus to be a public space. The Master Plan is designed, according

to Fordham, to improve public access and use in many ways: by providing a 16,000-square-foot publicly accessible open space on Columbus Avenue during the early years of the project; by improving the quality of the street access to the plaza from West 62nd Street during the early years of the plan; by construction of two new wide, highly visible entrance stairs into the campus open space; and by the placement of active uses, many open to the public, at the ground floor levels of the new buildings.

Comment 32: Fordham in Lincoln Square was conceived as a commuter college without massive dormitories which do not belong in Lincoln Center. (Goldfischer, Greene)

Response 32: According to Fordham, many students—even those from New York City or the metropolitan area—want to be housed on campus to have the full college experience, and, like most universities in New York City Fordham must provide additional student housing to remain competitive with other academic institutions. Fordham states that its first residence hall, which opened in 1993, has been oversubscribed from the beginning, and that the demand for student housing at Fordham has risen dramatically over the years.

Comment 33: When it acquired the land for its Lincoln Center campus, Fordham paid only one third of the land's estimated value because the land included a covenant restricting the use of the land to non-profit educational and community purposes with Lincoln Center as the core. Lincoln Center is an iconic New York City treasure but it will be suffocated by Fordham's plans. This is exactly what the original land covenant was meant to prevent. (Joe)

Fordham's current proposal has nothing to do with Lincoln Center and little to do with the surrounding community. In fact, even in its existing configuration, Fordham has never honored the original covenant to which it had agreed and under which it acquired the land. Please uphold the original covenant and enforce it against Fordham's private interests. (Joe)

Response 33: See responses to Comments 29 and 30, above.

Comment 34: Why were restrictions placed in the first place? Are the protections provided no longer necessary? If they are or were needed, why were they needed? (Sarnoff)

Response 34: See responses to Comments 29 and 30, above.

PROJECT DESCRIPTION

Comment 35: If Fordham can no longer work with the space it was given, then it should look elsewhere or outside of the city to develop. (O'Brien)

Response 35: Fordham is proposing to work within the floor area available on its Lincoln Center Campus. As noted in response to Comment 6, the programs and schools on this campus are uniquely related to this Manhattan location.

Comment 36: We are dismayed with the proposal by Fordham University to build a massive, fortress-like campus at its Lincoln Center location, including 700,000 square feet of market rate residential development. While we respect the role that Fordham plays in our city and in our community, it is unfathomable that CPC can even consider this plan in its current form. (Albert/Fisch, Amsterdam, Awad, Becker, Brill, Champion, Chan, Coggeshall, Conroy, Cooper, Crane, DavisE, DavisS, De Sa, Deslauriers, di Blasi, Dlug, Donaghey, Downey, Epstein, Ercole, Feder, Fry, Gates, Greene, Griffin, GuadagnoD, GuadagnoS, GuelaffG, GuelaffM, Hahn, Morgan, Hannan, Hauser, Horwitz, KatzJ, Ladden, Landau, Levitt, Lurie, Marcus, McCanlies, Melhado, Micic, More, MorescoS, Moresco-Uls, Moses, Nilson, Olbrys, Oretsky, Patel, Perkin, Pohlman, Ratner, Roberts, Rosenberg, Rutchick, SacconaghiM, SacconaghiT, Sardinsky, SchachterJ1, SchachterJ2, Schloss, Schulz, Sheldon, Shend, Stubenrauch, Tanchua, Tierney, Unknown, Weitzman, Lynd, Mannion, Milner, Mirabelli, Pino, Schussler, Weiner, Wong, Wytko, Zimmer)

Response 36: Fordham believes and testimony given at the hearing supports its contention that its proposal for a material expansion over the next several decades is essential to enable it to perform its educational mission. Fordham plans to construct facilities entirely on land it has owned for more than fifty years, for uses that are all permitted as of right and within the maximum permitted floor area ratio in the district. The form of the buildings proposed will mirror the forms of many of the buildings in its immediate neighborhood, in that they will have street walls at or near the street line, and a building form encouraged by the Special Lincoln Square District regulations. Fordham has responded to the community's concerns in making the modifications discussed in Comment 39 and enhancing public access as discussed in response to Comment 31.

Comment 37: The density of the project is consistent with the surrounding area. The decision to maintain the plaza is consistent with the campus feel and with having an open, yet protected, place the public can enjoy. (Kainen) Fordham has created a campus plan that will complement the surrounding area and provide public access to the open space. (REBNY, Wylde) Fordham's neighbors will benefit from the plan, through improved access to the campus, more accessible greenspace, and more street-level window area and public space. (Vilchez)

Response 37: Comment noted.

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Comment 38: All of the development is within the floor area ratio in which the property is zoned. The requested waivers, such as those related to setbacks and curb cuts, are intended to enhance the overall design. (REBNY)

Response 38: Comment noted.

Comment 39: The proposal has been modified in many ways in response to comments received from the community, CPC and elected officials, including: a reduction in bulk and height in buildings on Columbus and Amsterdam Avenues; design modifications to enhance public access; and modifications to create an enlivened street presence and street wall variation. (Byrne, McGregor)

Response 39: Comment noted.

Comment 40: The Fordham plans should include a larger setback on Columbus Avenue. That setback is currently in place and is being used for parking of cars. The current Fordham plan includes a temporary park-like public space. It would be great if the space might accommodate a speaker's platform. However, I understand that this park-like space will be eliminated in the final phase of construction, when it will be replaced by a massive tower, creating a walled off campus. (Lahn)

Response 40: Modifications to the proposed action have in fact expanded the proposed setback along Columbus Avenue. The campus will be accessible through entrance stairs on Columbus Avenue and West 62nd Street with seating, lighting, and planting features conforming to many of the design standards DCP establishes for other publicly accessible open spaces. The area to be landscaped as an interim open space is necessary to accommodate one of Fordham University's graduate schools, with a dormitory above. The height of this building is less than the height of the two high-rise towers across West 60th Street to the south.

Comment 41: The amount of development planned at this site is too much, even with the modifications to the original application agreed to by Fordham as a result of its negotiation with the Borough President. (Bryson)

Response 41: The development proposed is within the as-of-right floor area in this zoning district (without the addition of bonuses). The bulk is massed so that 60 percent of the floor area on the campus will be below 150 feet as required by the Special Lincoln Square District regulations.

Comment 42: With an FAR of 7, and assuming 279,000 sq. ft. of remaining area on campus, Fordham can build slightly less than two million square feet, enough to accommodate its academic needs. A restriction on height and lot coverage is still necessary to preserve the architectural integrity of the Fordham-Lincoln Center complex. (Bryson)

Response 42: Fordham's ability to satisfy its academic needs turns in part on its ability to finance construction of the buildings that will service those programs. Without the ability to use its assets to fund its educational mission, Fordham states it will not be able to satisfy its programmatic needs. The Master Plan and the approvals necessary to develop the campus do not require any changes to the underlying zoning and the project would comply with existing floor area regulations. In addition, maximum building heights and footprints are controlled as shown in the ULURP documentation for the project.

Comment 43: The buildings at the corners of Fordham's proposed campus are simply too tall and dense, creating a fortress that would forever shut Fordham out of the community. (GrollM) Fordham's expansion plan is too massive for this Lincoln Center neighborhood. (Lahn, Goldfisher) I am opposed to overdevelopment. (Epstein)

Response 43: See responses to Comments 40 and 41. As detailed in Chapter 27 of the EIS, Fordham has incorporated modifications into its plan to reduce height and add variety to the massing of the buildings. Unlike the existing buildings on the Fordham campus, the new buildings will address the street, which Fordham believes will enhance the physical and visual connection of the University with the community, rather than reduce it. The height and scale of the buildings proposed for the campus are consistent with other buildings in the area including 25- to 43-story buildings along Broadway, 42- and 49-story buildings south of the campus, and a 35-story building west of Amsterdam Avenue. Additionally, tall buildings are found north of Lincoln Center for the Performing Arts and around Columbus Circle. Further, the proposed modifications have reduced the floor area to below the 10 FAR amount allowed by the existing zoning designation.

Comment 44: The massive development would dwarf completely the low, small-scale buildings of the Lincoln Center for the Arts. The design lacks coherence, integrity, and harmony, and surely all this was not in the master plan for the area which was designed back in the 1950s. (HaberD2)

Response 44: The heights of the buildings to be constructed on West 62nd Street and Columbus Avenue step down to Lincoln Center. The new Law School, for example, has a setback above its ground floor that recognizes the low scale of Damrosch Park across the street. The Lincoln Square Urban Renewal Plan is no longer in effect and no longer binds Fordham or other property owners (see response to Comment 29). Other sites within the Urban Renewal Area, such as the Red Cross site at West 66th Street and Amsterdam, for example, have already been developed with new buildings not contemplated by the LSURP.

Comment 45: The scale of Fordham's expansion on this site is simply too large. (Joe)

Response 45: See response to Comment 41.

Comment 46: Fordham is not a friendly neighbor. Fordham's campus will not be open to the community in any meaningful way as long as the plan provides for a plaza on top of the podium (the structure that amounts to a first floor). The plaza is really nothing more than an exclusive park for Fordham University with meaningless forced gestures to appear to be open to the public. (Epstein)

Response 46: The existing open space atop the Fordham podium is open to the public during daylight hours and is regularly used by members of the general public. Although the proposed open space will not be publicly owned, Fordham has committed to creating an open space that is inviting to the community and that will remain publicly accessible. Fordham expects that with increased accessibility and visibility, usage by the community will increase.

Comment 47: The arguments for demolition of the podium are persuasive: (1) the podium has totally isolated the campus from the community; (2) its configuration and central location severely limit an architect's ability to design an open campus that does not resemble a fortress; (3) Fordham never applied for permission, as required in its 1957 contract with the city, to build the podium; and (4) the podium was not in the previously approved site plan. (Goldfischer)

Response 47: Fordham does not believe that the podium has totally isolated the campus from the community because it is regularly used by members of the community. Fordham intends to improve visibility and public access with the two new stair entrances proposed. Fordham had permission to build Lowenstein with accompanying podium. Further, the construction was accomplished with government bonds.

Comment 48: Fordham is requesting a waiver to build sheer slab sided towers without setbacks that cast shadows and block the light. This is predicated by their desire to maintain the "podium," so they may have what amounts to a private landscaped courtyard which is invisible to the neighborhood. If they want a podium, then so be it, but don't give them this private amenity and then allow a fortress type series of buildings around the perimeter of their property which violates the current setback requirements and reduces the neighborhood's light and air. (Kovall) Waiving the minimum feet required between windows and lot lines on Amsterdam would compound the adverse impacts on light and air. This requirement is a common feature of high-density commercial and residential districts. It is a crucial design component, and should not be overlooked. (Kaplan) Give us our light and make sure that height is reasonable. (Deutsch)

Response 48: Most of the buildings do have setbacks; however, the setbacks do not comply with the underlying zoning. Due to the distances between the new buildings and

structures in the surrounding area, it is not anticipated that any material adverse affect upon light and air will be caused by the Fordham buildings.

Comment 49: The proposed plaza should conform to the City’s guidelines for plazas. (Sheffer)

Response 49: As noted in response to Comment 46, the existing open space atop the Fordham podium is open to the public during daylight hours and Fordham has committed to creating an open space that is inviting to the community and that will remain publicly accessible. Furthermore, the Fordham campus including the podium space will be accessible through entrance stairs on Columbus Avenue and West 62nd Street that will substantially comply with the design standards DCP establishes for other publicly accessible open spaces.

Comment 50: The height and bulk of the buildings is unreasonable and unnecessary. I propose the following changes: 1) reduce dormitory space by fifty percent and reduce bulk of buildings on Columbus Avenue; 2) transfer classroom space from Columbus Avenue to the law library. By Fordham’s own admission, they intend to use the law library primarily as a study hall for its students; and 3) remove the residential component—it is unconscionable that Fordham will be allowed to so grossly profit from land that was basically gifted to them by the city to be an educational center. (GrollT)

Response 50: Fordham has stated that the proposals made in the above comment would preclude Fordham from advancing its program and achieving its mission.

FUTURE DESIGN REVIEW

Comment 51: How can CPC approve a “Master Plan” that is not a “Master Plan” but an empty shell of a plan completely lacking in specificity. Fordham must submit detailed plans—which also take into account the community’s concerns—to CPC and Community Board 7 (CB7) and the community must have a new opportunity to comment on the “real plan.” (Corey, Deutsch, Gold, Gottesman, Kass, Polayes-CLWS, Sullivan, EillsN, Gerson-Greer, Gottesman, Kovall, Sheffer, Ashe, Brewer, Rabinovitz, Rosenthal) Fordham does not have a plan and none of us has any idea what this “fortress” will look like in our neighborhood. (Graves, Brewer)

Response 51: See response to Comment 57 below. In addition, Fordham has stated that it has proposed a meaningful, interactive consultative process to involve members of the public appointed by the Borough President and the Councilperson for the area in which the Fordham campus is located in review of designs at an early phase of their development that will be enforceable by the City.

GOOD DESIGN

Comment 52: In finding that the proposed bulk modifications “are necessary to facilitate good design” under ZR 82-33, the effects on the Lincoln Square district as well as Fordham University must be balanced. (Goldman)

Response 52: Fordham believes that the layout of use and bulk in the plan addresses effects on the Lincoln Square district.

Comment 53: The proposal includes closing a street to obtain more building square footage without the light and air that a sidewalk provides—that is not “good design.” (Kovall)

Response 53: There is no street closing associated with the proposed action.

Comment 54: Good design in Lincoln Square mandates less density, less height, and more and more accessible open space. It also requires acknowledgment that an FAR of 10 is the maximum for a typical block on which ownership is fragmented, full development of all sites is unlikely, and the aggregate FAR for the block may be 7, certainly not a superblock in single ownership in the Lincoln Square Special District where a far smaller FAR was mandated for the site. (Meisel)

Response 54: The proposed action conforms to the Zoning Resolution’s provisions as to use and floor area ratio which have been continuously in effect since 1961. Also see response to Comment 57, below.

Comment 55: Fordham has requested waivers on the assumption that waivers will result in good design. Fordham actually needs waivers in order to sell a portion of the site to private developers. (Bryson, Cai, Koeppel, Lahn, Leavitt, Ohlhausen, Montalbano, Weiner, Wytko)

Response 55: Fordham could develop residential towers on the campus as-of-right.

Comment 56: The two proposed luxury residential buildings are outside of the as-of-right zoning envelope. Fordham never developed an as-of-right plan beyond a schematic diagram because such a plan does not serve its financial interest. We believe an as-of-right plan would result in lower densities and bulk and serve the interest of the surrounding community. (Bryson, Cai, Koeppel, Lahn, Leavitt, Ohlhausen, Pino)

Response 56: The as-of-right plan has the same FAR as the Master Plan but organizes the bulk differently. Notably, it would result in no public access or open space.

Comment 57: The special permit allowing extensive bulk waivers cannot be granted unless CPC finds that it will facilitate good design. It is hard to see how this finding can be made for this proposal. (Dana, Goldman)

Response 57: Fordham has stated in its application that the Master Plan achieves good urban design by: (1) locating the residential uses at one end of the block with the academic uses at the other end that is closest to public transportation; (2) placing the largest buildings on the avenues and the smaller buildings in the midblock; (3) creating visual access to the center of the campus through two new access stairs sited so as to be visible from Broadway down West 61st Street and across Lincoln Center and West 62nd Street; (4) organizing the university buildings around an open space to which the public has access but which will create a university “quadrangle”; and (5) placing active uses along the street frontages of the superblock containing new buildings. In addition, the modifications being considered by CPC and described in Chapter 27 of the EIS, will further facilitate good urban design by: providing glazing equal to 70 percent of the façade area to the height of the ceiling of the first floor of the buildings along the avenues and 50 percent glazing of the ground floor along West 62nd Street; and further articulating the buildings and providing spaces between them along all of the new street frontages.

Comment 58: The buildings on Amsterdam Avenue are too high. There should be design controls to ensure they are in harmony with surrounding buildings. They should be no taller than 400 to 450 feet. (Sheffer)

Response 58: Fordham has agreed to create a process for community review of building designs as the buildout of the campus progresses. According to Fordham, the reduction in height of the Amsterdam Avenue buildings to the degree that the commenter states would reduce the financial viability of the Master Plan by depriving Fordham of funds needed to finance the new academic construction.

AS-OF-RIGHT DEVELOPMENT

Comment 59: Under the LSURP, Fordham’s campus was required to consist of buildings no more than 20 stories in height (or 200 feet, whichever was less) covering no more than 35 percent of the land. Interestingly enough, on Fordham’s 300,000 square foot parcel, that would accommodate its stated academic needs of approximately 2,100,000 square feet of floor area. Virtually all of the additional square footage Fordham now claims “as of right” only obtainable by very substantial waivers of good planning and design regulations and solely to generate additional square footage to finance it. (Meisel)

Response 59: As noted in responses to Comments 29 and 30, the LSURP has expired and no longer guides the development of the campus. Fordham could develop all of the floor area permitted on its zoning lot as of right, but were it to do so, Fordham

has stated that none of the urban design objectives that the special permit achieves could or would be achieved.

Comment 60: Fordham can build as-of-right to an appropriate height and width that would generate more than enough revenue to finance its plans and accommodate its student housing needs. There is simply no reason to grant additional waivers to build 50- and 60-story buildings when as-of-right development would suffice and keep the buildings in the context of the neighborhood. (Grollm, Cai, Lindheim, Lynd, Lyons, Mannion, Milner, Montalbano, Roos, Graff)

Response 60: While Fordham could build the same amount of floor area as-of-right, Fordham has stated that the resulting buildings would not achieve the urban design objectives achieved by the Master Plan. The same heights as are achieved by the master plan could be achieved in an as-of-right development, but without the urban design benefits of the Master Plan.

ANALYSIS FRAMEWORK

Comment 61: Fordham claims that if the Plan is not approved, it will still dispose of portions of its site for private development, which it can do as-of-right. The DEIS thus includes 736,000 square feet of development on the campus in the future No Build scenario, producing 876 residential units. As a result, the DEIS analyzes only the impacts from the Fordham portion of the Plan, not the impacts of the private residential development. The full impact of the private residential buildings must be included in the EIS. Otherwise there will not be the required disclosure of the Plan's environmental impacts. According to the *CEQR Technical Manual*, developments that are “under construction, planned or proposed” should be included in the No Build scenario. The Fordham as of right developments are not planned or proposed if the Plan is going forward. The future build scenario should not assess alternative scenarios for the same site. (Bryson)

Response 61: The proposed residential buildings would be permitted under existing zoning (as three buildings with no parking garages) and would not require discretionary approvals for financing. Under CEQR methodology, it is proper to include in a no action scenario development that could reasonably occur without the proposed action.

Comment 62: According to the *CEQR Technical Manual*, in a phased project, the first phase of development is not counted in the future No Build scenario for the second phase. The No Action condition is always without the proposed project (see Ch.2, Section 400, p. 2.6). This makes sense, as otherwise there would not be a true representation of the project's total impacts on the existing condition. (Bryson)

Response 62: As seen in the DEIS the differences in the No Build scenarios from 2014 to 2032 are the result of projects (not associated with Fordham's Master Plan) achieving their respective build years after 2014 but before 2032.

PROCESS AND PUBLIC PARTICIPATION

Comment 63: If Fordham had been willing to listen to its neighbors and treat their concerns with respect the current conflict would not have occurred. (Goldfischer) Involve the community in the planning. (Deutsch) Fordham's neighbors have often reached out to discuss these issues and those offers have fallen on deaf ears. (KatzM) Fordham should work more cooperatively with the community. (Schacht, Vouyiouklis)

Response 63: Throughout public review of the Master Plan, Fordham has stated that it tried to respond to comments from the community. Between the Scoping Meeting in September 2007 and publication of the DEIS in November 2008, Fordham states that it refined various elements of the Master Plan: altering the landscaped interim public plaza on Columbus Avenue and West 60th Street, the two entrance stairways to the campus (one on Columbus Avenue and one on West 62nd Street), the heights and setbacks of buildings along both Columbus Avenue and West 62nd Street, and the opening of the streetwall between two sites on West 62nd Street. Further, the proposed locations of the envelopes for the Law School and the Library sites were modified to set back above the level of the ground floor from the side lot line that Fordham shares with The Alfred.

During the ULURP process, Fordham has agreed to additional modifications to the proposed action now under consideration by CPC. These changes would reduce bulk with smaller maximum building envelopes and lower building heights for most of the buildings expected to be built under the proposed Master Plan. There would be less floor area, fewer parking spaces by the removal of a garage, and certain other design changes. These modifications are described and analyzed in Chapter 27, "Modifications to the Proposed Action."

Comment 64: The Alfred tried to coordinate with Fordham but it was clear that Fordham was not accepting comments from The Alfred. There would not have been the delays in moving forward with the project if Fordham had accepted the input from The Alfred as to how the development would negatively affect the condominium residents. (Montalbano)

Response 64: See response to Comment 63, above.

Comment 65: Fordham has been responsive to the community throughout the process. (Byrne, Johnston, McGregor)

Response 65: Comment noted.

MISCELLANEOUS

Comment 66: This project represents a brazen attempt by an institution of higher learning to use its superior influence to ram through a project that would never be passed otherwise. (Menendez)

Response 66: Comment noted.

Comment 67: The list of flaws in the Fordham Master Plan is long. These include: 1) massive bulk and height of the buildings; 2) unacceptable residential density; 3) retention of the entire Podium that separates the campus from the community; 4) no provision or concern for the lack of elementary and middle school facilities; 5) three new garages and replacement of 35 parking spaces with over 200 new parking spaces resulting in aggravated traffic congestion; 6) overcrowded public transportation; 7) overcrowded sidewalks and dangerous crosswalks; 8) overburdened sewers and sanitary services; 9) destruction of Saint Peter's garden and two extraordinary stands of white birch trees on Columbus Avenue; 10) abuse of eminent domain by the sale of land specifically assigned to educational facilities to private developers of condominiums; 11) waivers to overrule elemental zoning regulations designed to enhance good design, protect public safety and the environment and access to air and light; 12) construction of buildings such as a new library for which there is no use and 40-story buildings on Columbus Avenue for which there are no defined educational programs; and 13) the inappropriate isolation of the campus from Lincoln Center for Performing Arts. (Goldfischer)

Response 67: (1) Fordham has reduced the bulk and height of its proposed building envelopes in consultation with the Borough President's office, CB 7, and DCP. These reductions are among the modifications being implemented by CPC; (2) The residential floor area of the proposed action is in keeping with the applicable zoning for the campus and does not use bonuses available for housing in the area; (3) Fordham has explained that demolition of the podium is not possible in terms both of cost and of on-going programs at the Lincoln Center campus that occupy the space in the podium; (4) Fordham offers important programs for schools in the area and will enhance its' efforts with respect to afterschool programs but there is not sufficient room on the campus to include a school; (5) The proposed Fordham garage on West 62nd Street will be eliminated; (6) The additional faculty, staff and students would not have significant adverse impacts on public transportation as set forth in Chapter 16 of the EIS; (7) The additional faculty, staff and students would not have any unmitigated significant adverse impacts on sidewalks and crosswalks as set forth in Chapters 16 and 21 of the EIS; (8) The additional facilities and population would not have significant adverse impacts on sewers and sanitary services; (9) St. Peter's Garden would be replaced in the short term by the interim open space on

Columbus Avenue. The birches, which are trees having a natural life of only 25 to 30 years, will have their roots boxed and they will be replanted in the interim open space. Over the long term, Fordham will provide new terraced and landscaped entrance stairs into the plaza above the podium, which Fordham believes will enhance visual and physical access to the campus quadrangle. Additionally, a minimum of four additional trees will be provided in the widened sidewalk area in front of the southern building on Columbus Avenue. The proposed action and its modifications would provide significant open space in the campus and on expanded stairways and sidewalks; (10) The LSURP and the provision of the 1957 Disposition Agreement and the 1966 Amendment to Fordham have expired and no longer govern the use of the site; (11) CPC has the authority to grant such waivers, with a finding that the requested modifications “facilitate good design” pursuant to Zoning Resolution Section 82-33; (12) Fordham has stated that the proposed new library is not only intended to store books but also to be a place for students and faculty to study and perform research. Fordham further stated that the buildings proposed each have defined programs for the Schools that will occupy them; and (13) The campus has been designed to visually and physically relate to Lincoln Center for the Performing Arts. For example, the stair along West 62nd Street that is a main access point to the campus has been oriented on an axis with the main north-south pathway through Lincoln Center.

Comment 68: Fordham’s plan is greedy, arrogant, and is in total disregard for the neighborhood it occupies. (Nemo, Weiner)

Response 68: Comment noted.

CHAPTER 2: LAND USE, ZONING, AND PUBLIC POLICY

Comment 69: The DEIS concludes that the Plan will have no significant impact on land use in the area because development resulting from the proposed action would be similar to existing development in the superblock. There is no discussion or consideration of the bulk and height of the proposed buildings, the number of buildings, and the total square footage proposed to be developed on the site—a tripling of the current condition. Similar use should be only one factor in considering whether the buildings will have an impact on land use. (Bryson)

Response 69: Chapters 1, 2, and 8 of the EIS describe all of the buildings proposed for the campus, including their height, use, and square footage. The EIS also describes in detail the discretionary zoning actions being sought. As described in the EIS, the amount of floor area to be developed is as-of-right under applicable zoning regulations. Fordham has agreed to reduce the height and bulk of its proposal, as shown in Chapter 27, “Modifications to the Proposed Actions.”

Comment 70: CPC expressed its views concerning excessive building heights in the Special Lincoln Square District when it amended portions of the Zoning Resolution relating to it in 1993. It adopted urban design controls for potential development sites that it emphasized would produce building heights ranging from the mid-20s to the low-30 stories. Yet this DEIS simply assumes that 30 to 60 story buildings are “compatible” with the site and the neighborhood, without any further discussion or any reference to the Special District's mission to preserve the architectural integrity of Lincoln Center and of Fordham itself. (Bryson)

Response 70: In its report accompanying the 1994 modifications of the Special Lincoln Square District, CPC specifically noted its belief that the floor areas in effect in the southern part of the district were appropriate. Instead of height limits, it instituted bulk packing requirements that are met by the Master Plan. Also, it rewrote the tower regulations for the district, but allowed the construction of towers of unlimited height, subject only to compliance with bulk packing requirements.

Comment 71: The DEIS does not mention that Fordham would not have been permitted to develop this much floor area under the controls of the LSURP. Although its controls may have expired, the LSURP is an expression of the public policy that governed the site at the time it was disposed of to Fordham, and no subsequent statement of policy exists. Clearly this was not the anticipated outcome at the time the site was virtually donated to Fordham for educational purposes and as a complement to the Lincoln Center campus. (Bryson)

Response 71: As noted in responses to Comments 29 and 30, the LSURP has expired and its controls are no longer relevant to planning for the Fordham campus.

Comment 72: The existing podium has totally separated the university from the community. Let Fordham build its law school as of right and make them go back to the drawing board to design a campus that is open to the community, cohesive with the design and openness of the Lincoln Center campus, and a vibrant part of the Upper West Side. (Goldman, GrollIT)

Response 72: As Fordham has stated, it is not feasible to remove the existing podium. As described in Chapter 27, “Modifications to the Proposed Action,” and elsewhere in the FEIS, the design of the campus Master Plan and the modifications to the proposal are intended to visually and physically open up the campus to its surroundings. This includes the widened sidewalks along Columbus Avenue and the design of the stairways on both Columbus Avenue and West 62nd Street. As noted above, Fordham has committed to creating an open space that is inviting to the community and that will remain publicly accessible.

Comment 73: While Fordham keeps talking about a “shovel-ready” master plan, the truth is that beyond the law school, many of these projects won't be shovel-ready for

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years. Given the economy's uncertain future, why not focus solely on the law school before rushing through a ULURP process for a master plan that may never come to fruition? (GrollM)

Response 73: Fordham has stated that this Master Plan is for the long-term development of the campus. Only the Law School is close to construction, with the building on Site 4 to begin construction soon thereafter.

Comment 74: Fordham's current design will overwhelm Lincoln Center and cast shadows throughout the day. Fordham should be required to redesign its Master Plan to provide a design that is cohesive with the Lincoln Center for the Performing Arts. Fordham's redesign should incorporate design features of the newly renovated Alice Tully Hall and provide for openness to the community, with additional public green space and wider entrances into the campus. (GrollT)

Response 74: Shadow impacts are disclosed in Chapter 6 of the EIS. Fordham has stated that the West 62nd Street stairway has been designed to line up with the main north-south walkway in the Lincoln Center campus. Building heights step down from West 60th to West 62nd Street and building setbacks reflect the general height of the buildings at Lincoln Center.

Comment 75: The plans for residential luxury apartments on the Lincoln Center campus will have a profound effect on the community. (Surrusco)

Response 75: Fordham has stated that luxury residential apartments are a predominant form of new construction on Manhattan's Upper West Side and that the proposed development is in keeping with trends in the area.

CHAPTER 3: SOCIOECONOMIC CONDITIONS

Comment 76: Market-rate development is unnecessary and should be reevaluated. (Corey)

Response 76: As stated in the EIS and noted in responses to Comments 4 through 8, Fordham maintains that the revenues generated by the residential development will help Fordham fund its development and operating costs.

CHAPTER 4: COMMUNITY FACILITIES

Comment 77: Fordham's campus is located at the southern end of Community School District 3, where there is an urgent need to address overcrowding. Although DCP does not mandate that EIS's address local school capacity, the impact of the proposed residential towers, as well as the proposed Riverside Center one avenue away, on nearby schools public schools should be considered as an essential measure of the strain of overdevelopment on infrastructure. While we sincerely appreciate Fordham's proposal to provide academically oriented support to local

public school programs, a significant residential development at this site should include a new public school. (Kaplan)

Response 77: The residential development proposed on the Fordham campus is as of right under zoning and is considered part of the No Build condition. As such, Fordham is not required to analyze the effect of the residential development on school conditions. Further, the requirements for a new school could not be accommodated on the Fordham site. See also response to Comment 78, below.

Comment 78: The plan needs to address the overcrowding of public schools in the area from all of this new housing. (Milner, Rieber, SchachterJ1, Wytko)

Response 78: The New York City School Construction Authority (SCA) and the New York City Department of Education (DOE) are responsible for developing schools in response to a growth of the school-age population.

Comment 79: The Amsterdam plots should be incorporated in a scheme that provides a new version of the school across the street that is dated, small, and has more wasted space, including a massive parking lot that should be a delightful play area. It could be the best thing for the kids of the Amsterdam houses and could be architecturally integrated with Fordham classrooms and housing on higher floors. Another high-rise could go in the old school's place. (Mannion)

Response 79: Comment noted.

CHAPTER 5: OPEN SPACE

Comment 80: One of the features of Fordham is the landscaping with the lovely birch trees on Columbus Avenue. More meaningful open space should be included in any plans and not just the huge buildings that are currently planned. (Corey, Fry, Joe, Lynd, Roos)

Response 80: The central plaza and the interim plaza are both meaningful open spaces and would be accessible to the community. Also see response to Comment 67.

Comment 81: We currently enjoy relatively clear skies and a small amount of open, green space. Removing this would be intolerable for many residents and would permanently degrade the area. (O'Brien, Sarnoff)

Response 81: See response to Comment 80 above and analysis of open space resources in Chapter 5 of the EIS. As noted in the EIS, this area is located near Central Park and relatively near Hudson River Park/Riverside Park South.

Comment 82: The open space proposed will be functionally useless. It will be built on a quadrangle at least 15 feet above grade on all sides. Accessible only by stair or

elevator, the reality is that anything created in this manner will not be used by the public. (Mirabelli) Assure that open space be made available to the neighborhood. (Deutsch)

Response 82: Fordham maintains that the proposed stairways to the plaza have been designed to be open and inviting, and are planned to be even more so with the modification that DCP is implementing. The permanent access stairs are subject to an iterative, design review process with DCP, to be included in a Restrictive Declaration entered into by Fordham in conjunction with its applications concerning the Master Plan.

Comment 83: Please increase open space on Columbus Avenue. By mimicking Lincoln Center's plans for open space on the avenue, Fordham would make the campus more welcoming and its quad more accessible. (Lindheim, Mirkin)

Response 83: Modifications of the Master Plan for the Columbus Avenue frontage call for a widened sidewalk and additional street trees for the area between West 60th and 61st Streets. In addition, changes for the stairway located at West 61st Street to widen the lower part of the stair and increase the amount of open space around it to the north will be implemented.

Comment 84: The plans for this massive development are contrary to the open-space terms of use for the land that was granted to Fordham. (Menendez)

Response 84: As noted in response to Comments 29 and 30, the LSURP is no longer in force, and does not control what can be built on the site.

Comment 85: One of the greatest aspects of our neighborhood is the amount of light available and the sense of space provided by the Fordham campus. We greatly appreciate the sculpture garden, grassy areas, and other spaces open to the public. My son calls this space his "backyard." It would be a shame to lose this public space and access to natural light for present and future residents. (Olbrys, O'Brien)

Response 85: As stated in the DEIS, the proposed central plaza will be open to the public, as will the interim plaza on Columbus Avenue and the new entrance stairs.

CHAPTER 6: SHADOWS

Comment 86: The proposed structures would cast looming shadows on the P.S. 191 playground. (Kaplan)

Response 86: As described in the DEIS, the proposed buildings on Amsterdam Avenue would cast new shadows on the P.S. 191 playground in the spring, summer and fall, ranging in duration between four and nearly five hours. These shadows would occur from morning to 12:45 PM. The extent of new shadows would vary, but at no time would they remove all sunlight from the playground. After 11:45 AM

they would be off the main area of paved courts, falling only on a portion of the play structure for younger children along Amsterdam. The playground would be mostly or completely in sun during the afternoon in the spring, summer and fall. No new shadows would occur in the winter months.

The playground is entirely paved and devoted to active recreation for the attending schoolchildren. There is no vegetation to be affected by the new shadow, and no passive seating areas. Additionally, the playground is not publicly-accessible during school hours, when incremental shadow would occur, and field visits have also indicated that it is closed after school hours. For these reasons, following CEQR guidelines, the new shadows would not cause a significant adverse impact to the space.

Comment 87: The proposed plan would dwarf Lincoln Center and render the entire neighborhood in permanent shadows beneath Fordham's proposed mammoth concrete fortress structure. (Joe, GrollT, Kaplan) The proposal calls for buildings that would limit the already scarce amount of sunlight we get in the area. (Carbonara) The proposed height of the planned buildings would forever darken the surrounding neighborhood and shut out a view of the sky for many. (Oppenheimer, Rothblum, Schussler, Weiner) The proposal would result in darkness at noon. (Roos)

Response 87: Shadows move west to east across the landscape over the course of the day. They are not permanent. Morning and late afternoon shadows can be of a more extended duration, particularly in the winter, while in the middle of the day they can be quite short, particularly in the late spring and summer. The open spaces in the neighborhood surrounding the project would continue to experience a good deal of direct sun, particularly during the mid-day hours of the late spring and summer months, as the shadow diagrams in the DEIS show. The portions of the neighborhood to the east and south of the campus would be virtually unaffected by shadows cast by the project.

Comment 88: The proposed structures would cast looming shadows on Lincoln Center. (Kaplan)

Response 88: As presented in the DEIS, the proposed project would cast very little shadow on the plazas of Lincoln Center. In the spring, summer and fall, new shadows would be limited to small areas late in the afternoon; in winter longer shadows would occur over the course of two hours in the early afternoon. The DEIS does identify a significant adverse shadow impact to the Grove, a planned seating area at the corner of Columbus Avenue and West 62nd Street on the Lincoln Center campus; it would experience about four hours of project-generated shadow in the afternoons of the spring, summer and fall. For Damrosch Park, see response to Comment 89 below.

Comment 89: The shadows caused by the proposed new development on Damrosch Park and the affordable housing must be addressed. (Milner) Damrosch Park would be in the shadow of the looming towers. (Weiner)

Response 89: Damrosch Park would continue to be mostly in direct sun throughout the day during the late spring and summer, and during the morning in early spring and fall. The DEIS concluded that with Phase II development shadows would cause a significant adverse impact to Damrosch Park in the fall, winter and early spring, though some sun would continue to reach the space during these seasons. Further, the modifications would reduce the extent of the shadows on Damrosch Park as discussed in Chapter 27. However, even with the reduction there would still be a significant adverse impact in Phase II.

The DEIS addressed project-generated shadows on all sun-sensitive resources in the area, including the Amsterdam Houses playground. The study concluded that on March 21 and September 21, new shadow would pass across the full length of the playground over the course of about an hour and fifteen minutes. On May 6 and August 6, when shadows are shorter, new shadow would pass across the eastern side of the playground over the course of an hour, while the western side would remain in sun. On June 21 project shadows would be too short to reach the playground, and on December 21 existing shadows already fall on the space when new shadow could otherwise occur. The limited duration and extent of new project-generated shadows would not result in a significant adverse impact.

CHAPTER 7: HISTORIC RESOURCES

Comment 90: The overly tall buildings running width-wise along Columbus Avenue will create an overwhelmingly dense wall, negatively impacting the neighborhood and detracting from the elegant and graceful beauty of the historic Church of Saint Paul the Apostle at the SW corner of 60th St and Columbus Avenue. (Phaneuf)

Response 90: As described in the DEIS, the Church of St. Paul the Apostle already exists in a context of tall buildings on its same block and on the block to the east where the Time Warner Center is located. No significant impacts on the church are anticipated.

CHAPTER 8: URBAN DESIGN AND VISUAL RESOURCES

Comment 91: Fordham intends to build a huge library 15 feet from their property line and therefore about 23 feet from my windows. This will mean darkness during the daytime and I therefore respectfully request that CPC demand that Fordham have a greater minimum distance from their property line. (Szajngarten)

Response 91: Views from private apartments are not considered visual resources in CEQR analyses. It should be noted that the building in question will not be constructed until the later years of Phase II of the project.

Comment 92: Please consider design integration with the community. Placing most of the buildings along the perimeter of the campus with no meaningful open space makes no design sense. The bulk should be distributed more sensitively between the interior and the perimeter of the campus. This would reduce the massing along the public streets. (Albert/Fisch, Amsterdam, Awad, Becker, Brill, Campion, Coggeshall, Conroy, Cooper, Crane, Croitoroo, Hahn, Morgan, DavisE, DavisS, De Sa, Deslauriers, di Blasi, Dlug, Donaghey, Downey, Epstein, Ercole, Feder, Gates, Greene, Griffin, GuadagnoD, GuadagnoS, GuelaffG, GuelaffM, Hauser, Horwitz, KatzJ, Ladden, Landau, Levitt, Lurie, Marcus, McCanlies, Melhado, Micic, More, MorescoS, Moresco-Uls, Moses, Nilson, Olbrys, Oretsky, Patel, Perkin, Pohlman, Ratner, Roberts, Rosenberg, Rutchick, SacconaghiM, SacconaghiT, Sardinsky, Scher, SchachterJ2, Schloss, Schulz, Sheldon, Shend, Stubenrauch, Tanchua, Tierney, Unknown, Weitzman, Grunstein, Zimmer)

Response 92: Fordham has stated that, throughout the public review process, it has reduced the heights of its perimeter buildings and increased the widths and the visibility of entrances to its open space. Fordham believes that a massing scheme that acknowledges the primacy of the street is more appropriate to this urban environment than would be a plan with front yards or deep tower plazas.

Comment 93: One of the general purposes of the Special Lincoln Square District: is “to encourage a desirable urban design relationship of each building to its neighbors and to Broadway as the principal street...” We believe that Fordham’s Master Plan is at odds with this principle. The proposed uninviting fortress-like distribution of bulk would integrate poorly with the surrounding neighborhood. (Deutsch, EillsN, Kaplan, Kovall, Lahn, Sullivan) Placing the proposed buildings along the perimeter of the campus, with no meaningful open space, makes no sense. (Fry) CPC should spread Fordham’s proposed academic bulk more evenly over the entire campus. (Joe, Johnson, Rodenstein, Tilles) The proposed massing of buildings along the perimeter will cut off the campus from the community. (Weiner)

Response 93: For the many reasons stated in response to Comment 57 and others, Fordham believes that the Master Plan is a good urban design.

Comment 94: The height and bulk of the buildings is unreasonable and unnecessary. The design of this campus should be more like the neighboring Lincoln Center, with significant open space providing a welcoming gesture to the citizens of New

York. There are three obvious ways to reduce the bulk to allow for a more harmonious spread of the academic buildings throughout its campus:

a. *Reduction or removal of the market rate residential component.* This amount of market-rate development is unnecessary and should be reevaluated.

b. *Reduction of the dormitory space.* Most of the people on the campus are graduate students and most universities do not even provide housing to graduate students.

c. *Removal of the library.* Law libraries are obsolete and when this is built in 20 years, it will be even more so. Even Fordham has said that it would likely convert the library to a study hall which, at 13 stories, sounds unnecessary.

(Albert/Fisch, Amsterdam, Awad, Becker, Brill, Campion, Coggeshall, Conroy, Cooper, Crane, Croitoroo, Hahn, Morgan, DavisE, DavisS, De Sa, Deslauriers, di Blasi, Dlug, Donaghey, Downey, Epstein, Ercole, Feder, Fry, Gates, Greene, Griffin, GuadagnoD, GuadagnoS, GuelaffG, GuelaffM, Hauser, Horwitz, KatzJ, Ladden, Landau, Levitt, Lurie, Marcus, McCanlies, Melhado, Micic, More, MorescoS, Moresco-Uls, Moses, Nilson, Olbrys, Oretsky, Patel, Perkin, Pohlman, Ratner, Roberts, Rosenberg, Rutchick, SacconaghiM, SacconaghiT, Sardinsky, Schloss, Schulz, Sheldon, Shend, Stubenrauch, Tanchua, Tierney, Unknown, Weitzman, Grunstein, Lindheim, Rodenstein, Rothblum, Tilles, Zimmer) The Fordham project is too large and out of synch in its dimensions for the neighborhood surrounding it. (Wytko)

Response 94: (a.) The heights of the two private apartment buildings would be reduced with the contemplated modifications. (b.) The dormitory space has been reduced on Sites 1 and 2. Furthermore, according to Fordham, graduate students repeatedly request more housing on campus than Fordham can provide. (c.) Even with their traditional function of storing books reduced, modern libraries remain important places for study, research, and writing.

Comment 95: While locking in the envelopes and design guidelines is essential, no plans have been presented that describe how the buildings will actually look. CPC must require that Fordham provide these specifics before approving the plan or provide for a subsequent design review process. (Albert/Fisch, Amsterdam, Awad, Becker, Brill, Campion, Coggeshall, Conroy, Cooper, Crane, DavisE, DavisS, De Sa, Deslauriers, di Blasi, Dlug, Donaghey, Downey, Epstein, Ercole, Feder, Gates, Greene, Griffin, GuadagnoD, GuadagnoS, GuelaffG, GuelaffM, Hauser, Horwitz, KatzJ, Ladden, Levitt, Lurie, Marcus, McCanlies, Melhado, Micic, More, MorescoS, Moresco-Uls, Moses, Nilson, Olbrys, Oretsky, Patel, Perkin, Pohlman, Ratner, Roberts, Rosenberg, Rutchick, SacconaghiM, SacconaghiT, Sardinsky, Schloss, Schulz, Sheldon, Shend, Stubenrauch, Tanchua, Tierney, Unknown, Weitzman, Grunstein, Lindheim, Lynd, Mirabelli,

Opalach, Rieber, Schacht, Schulman, Surrusco, Wytko) The design must be improved to make it less overwhelming for our neighborhood. (Rodenstein)

Response 95: Actual designs have been presented for the law school and the first residential building to be constructed on Site 4. Because Fordham is proposing a master plan that will be developed over several decades, not all of the buildings have been designed and the City Planning Commission will be considering building envelopes for approval (pursuant to Zoning Regulation Section 82-33). Fordham has proposed a community design review procedure to be incorporated in the restrictive declaration to be executed and recorded by Fordham in connection with the approval of the project that allow for community input on building designs as the Master Plan is implemented.

Comment 96: We are disappointed in the City and Fordham for having created this design. Our only hope is that in the final stages of the ULURP review, CPC and the City Council can improve the design of the plan to make it more palatable and less overwhelming to our neighborhood. Specifically, CPC should reduce the amount of new residential development and spread Fordham's academic bulk more evenly over the campus. If this requires a new ULURP, there is plenty of time given the state of the economy. There is no need to rush this project when the educational facilities being proposed will not be built for 15 years. (Albert/Fisch, Amsterdam, Awad, Becker, Brill, Cai, Campion, Chan, Coggeshall, Conroy, Cooper, Crane, Croitoroo, Hahn, Morgan, DavisE, DavisS, De Sa, Deslauriers, di Blasi, Dlug, Donaghey, Downey, Epstein, Ercole, Feder, Fry, Gates, Greene, Griffin, GuadagnoD, GuadagnoS, GuelaffG, GuelaffM, Hannan, Hauser, Horwitz, KatzJ, Ladden, Landau, Levitt, Lurie, Marcus, McCanlies, Melhado, Micic, More, MorescoS, Moresco-Uls, Moses, Nilson, Olbrys, Oretsky, Patel, Perkin, Pohlman, Ratner, Roberts, Rosenberg, Rutchick, SacconaghiM, SacconaghiT, Sardinsky, SchachterJ2, Schloss, Schulz, Sheldon, Shend, Stubenrauch, Tanchua, Tierney, Unknown, Weitzman, Menendez, Mirkin, Nemo, Rodenstein, Roos, Tilles, Weiner, Wong, Zimmer)

Response 96: Fordham believes there are material benefits to the community in having a Master Plan that discloses Fordham's intentions for the use and development of its property over the foreseeable future. Such planning achieves predictability and allows for the integration of all elements of the large-scale plan over time, with a uniform process for consideration of these elements. Fordham believes the introduction of the modifications detailed in Chapter 27, "Modifications to the Proposed Action," results in material improvements in the Master Plan. The contemplated modifications, as described in Chapter 27, are intended to address these comments.

Comment 97: Fordham plans to sell off all corner blocks of the land and put up enormous light blocking and intimidating buildings around the perimeter with a mess of smaller buildings at odd angles crowded in the interior. (HaberD2, KatzM)

Response 97: Fordham plans to sell only two of the three west corner lots. The heights of the proposed building envelopes would be considerably reduced with the contemplated modifications.

Comment 98: CPC may only grant special permits to waive regulations of the Special Lincoln Square District to “facilitate good design.” It has been asserted that this criterion should be interpreted to mandate good urban design rather than good building design. While we do not agree with that interpretation, we also argue that the proposal does not satisfy good urban design. At CB7’s Full Board meeting in January, an adopted resolution stated that the Master Plan is “antithetical to good design.’ The resolution states that the proposed design “radiates hostility towards its neighbors and isolates itself within the community.” (Kaplan) In no way can Fordham’s design, even the revised design, be seen as “good design and planning.” This design was meant to keep people out. (Epstein)

Response 98: Fordham has worked with the Borough President, CB7, and DCP on extensive modifications to the proposed actions. The CPC must decide whether the requested waivers meet the finding of being necessary to facilitate good design.

Comment 99: We are opposed to Fordham’s current plans, we would support a smaller development that would be harmonious and in scale with Lincoln Center for the Performing Arts. Fordham’s current plans, which are essentially unchanged by the Borough President’s compromise, call for a mega-structure too big, too bloated, and completely out of step with neighbors. (Roos) The wall of skyscrapers and high rises that Fordham hopes to build on West 62 Street will break forever the link between the Collegiate Center and the Center for Performing Arts, a symbiotic relationship that was envisioned by Moses and the City’s planners. (Goldfischer)

Response 99: The height and bulk of the proposed buildings have been reduced in consultation with the Borough President and CB7. In on-going consultation with DCP, Fordham states that it has made further reductions in the size of building envelopes and increased the distance between the towers to be built on Sites 1 (Graduate School of Education) and Site 6 (Graduate School of Social Sciences). The School of Law has been designed to set back above its ground floor to mimic the podium on which Damrosch Park sits, and the dormitory tower above the school of law curves away from the street to open up the street wall.

Comment 100: The building on the perimeter would overshadow and crowd a nice little church on West 60th Street and loom over the Lincoln Center complex. (HaberD2)

Response 100: As noted in the DEIS, the area around St. Paul the Apostle Church and Lincoln Center comprises a number of buildings similar in height and scale to the proposed buildings. Further, the contemplated modifications would reduce the heights of these buildings (see Chapter 27, “Modification to the Proposed Action”).

Comment 101: These proposed buildings would make our neighborhood more congested than it already is. The buildings are much too high and an eye sore. (Block)

Response 101: As stated in the DEIS, the proposed buildings would contain only the as-of-right floor area and uses, and thus would not be considered to increase density beyond what is anticipated by existing zoning for the site. Contemplated modifications, as described in the FEIS, would reduce building heights, and the opportunity for further design review is also anticipated.

Comment 102: The proposal calls for buildings that would be far too tall for this neighborhood which would obstruct the view of people who still have a view (Carbonara).

Response 102: The modifications would reduce the heights of the proposed buildings. However, views from private apartments are not considered in CEQR analyses.

Comment 103: My concerns include the lack of open space and the bulk of the buildings along the public streets. The height and bulk of the buildings will change the complexion of the neighborhood as well as the campus of Fordham. Reduction of the size of these buildings is important, I request that the need be evaluated, especially the residential space, the dormitory space and the library. (Donius)
The height of the proposed buildings is way above the rest of the Lincoln Center area, and will reduce the open space. (Browning)

Response 103: The height and bulk of the proposed action would be reduced with the contemplated modifications. The EIS concludes that there would be no significant adverse impacts on open space.

Comment 104: The tall buildings proposed in this plan would sink the Lincoln Center opera house and associated structures into a hole surrounded by skyscrapers. (EillsJ)

Response 104: See responses to Comments 99 and 103.

Comment 105: It is critical to keep in mind for design that nearly all Fordham students arrive from the trains on 60th Street, so that entry should be huge and friendly and attractive. (Mannion)

Response 105: In the modifications to the Master Plan that the CPC is contemplating the southern building on Columbus Avenue will be set back from the street line 10 feet and an open area 40 feet deep will be created along the southern stair access

to the plaza. Fordham believes these modifications will communicate the University's openness to all those who visit.

Comment 106: The Damrosch Park area could be brilliantly used by Fordham students and neighbors if the new buildings on 62nd Street were built at street-level with many openings. It is such a waste now. But a flow of life out toward Damrosch Park would be so good for Lincoln Center. The street could be narrowed to allow for keeping the building lines and widening the sidewalk so it becomes a great way to access the Met and library and theatres and for students to sit in an area that actually had sun. (Mannion)

Response 106: The proposed stairway on West 62nd Street is directly opposite the north-south walkway in the center of the Lincoln Center superblock. West of this is a retaining wall around the edge of Damrosch Park, blocking access to the open space from the sidewalk.

Comment 107: The reduced quad should be mostly developed with very wide attractive, planted walkways that students and neighbors can use simply to get from here to there and let some light and air surround the new buildings. (Mannion)

Response 107: Comment noted.

Comment 108: All the pathways from Fordham buildings and city streets should be open. If security is the issue, Fordham is loaded with security personnel; they could handle any potential trouble makers. (Mannion)

Response 108: Comment noted.

Comment 109: The height and width of the proposed Fordham building at the northwest corner of 60th Street and Columbus Avenue is so out of character with the neighborhood as well as an entrance to a university. A university should welcome its students as well as, in this case, its neighbors. Good architecture like good ideas unfold before us and allow us to see the beauty both within the structure and beyond its confines. Fordham's 60th Street architecture is wall of isolation, blocking the neighborhood from its community, of which Fordham is a part, and isolating Fordham from its neighborhood. (Phaneuf)

Response 109: The height of this building would be reduced with the contemplated modifications. Further, the entrance stairway on Columbus Avenue would be widened, landscaped, and terraced in conformity with many of the Zoning Resolution's provisions for Privately Owned Public Space (POPS).

CHAPTER 9: NEIGHBORHOOD CHARACTER

Comment 110: The brooding, over-tall towers looming overhead will greatly detract from the outdoor events at Lincoln Center. (Crane) It will be a disaster for Lincoln Center which has bit of an open air feeling in a city that so badly needs it. Lincoln Center is our cultural center and oasis in the city! (Chun A/J)

Response 110: As noted in both the DEIS and the FEIS, Damrosch Park is tented during a large portion of the year for the Big Apple Circus and for Lincoln Center events, and including from 2010 on, Fashion Week. The Alfred already casts shadows over Damrosch Park and other portions of Lincoln Center. The Law School building, which faces Damrosch Park, has been designed to relate to this open space.

Comment 111: The special permit will enable the erection of 50 and 60-story buildings across from Lincoln Center, the Amsterdam Houses and several public schools. The Fordham project will overwhelm the neighborhood, including Lincoln Center, in terms of light, air, traffic, pollution, and the aesthetics of the area. (Bryson, Graves, Grunstein, Levitt, Lynd, McMahon, Menendez, Mirabelli, Schussler, Schwebel, Vouyiouklis, Block) The Fordham plan will destroy our neighborhood. (Darr, Schwebel)

Response 111: Fordham maintains that only the two buildings proposed for Sites 3 and 4 are to reach this height range, and the contemplated modifications would reduce their heights. Both are intended to be slender towers which will allow their shadows to pass over Lincoln Center more quickly.

Comment 112: The proposed project would have canyon-like effect on the neighborhood that would create a midtown commercial atmosphere in a largely cultural and residential neighborhood. (Mirabelli, Nemo, O'Brien, Rieber) If we continue to constantly allow all this building, what makes our neighborhood special will be gone. (Wytko) I object to the Fordham development plans which would completely change the neighborhood. (Joe, Johnson) There is virtually nothing in Fordham's plans that will enhance the area and the lives of the many residents, who live in their increasing shadows. (Langsdorf) Fordham should scale down their project to meet the needs of the neighborhood. (Leavitt) Fordham should improve the design to make the project less overwhelming and destructive to the neighborhood. (Browning)

Response 112: As stated in the FEIS, the contemplated modifications would reduce the height and bulk of the buildings. The contemplated modifications would reduce the height and bulk of the buildings. Further, Fordham has proposed an interactive consultative process to involve members of the public appointed by the Borough President and the Councilperson for the area where the Fordham Lincoln Center is located in review of designs at an early phase of their development, which would be enforceable by the City.

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Comment 113: All of the new residential construction that has occurred in the very small surrounding area makes it so congested that the massive intended Fordham project will further aggravate this situation. It will have a negative impact on everyday living. (Montalbano, Scher)

Response 113: The DEIS and FEIS considered existing buildings and proposed projects in defining the baselines for analysis.

Comment 114: The Master Plan in effect puts enormous walls around their superblock, as if to present their backside to the community. (EillsJ)

Response 114: The two entrance stairways to the campus on Columbus Avenue and West 62nd Street, according to Fordham, are wide, inviting, and attractively designed. Further, the setbacks in the streetwalls have been designed to reduce the apparent bulk of the buildings. All of the street walls will have glazing and entrances from the street.

Comment 115: The proposed expansion will bring a large number of substantial improvements that will immediately enhance the quality of life for the surrounding neighborhood, including additional areas for public green space, continued resources for community service initiatives, and new venues for publicly accessible high quality events. (USG)

Response 115: Comment noted.

CHAPTER 12: INFRASTRUCTURE

Comment 116: The DEIS does not address the following critical issues regarding wastewater:

- What is the total hydraulic capacity in gallons per day?
- What is the total organic and solids loading capacity in pounds per day?
- What is the current reserve capacity for the plant (the difference between what it is designed to handle and what it is currently actually recording as flow and loading)?
- Is any part of the existing reserve capacity already allocated to other projects?
- What are the variations in average daily flow (ADF) and peak hourly flows (PHF)?
- What is the design capacity of the existing west Manhattan interceptor sewer?
- Does the city have recent inspection records for the sewer showing its current condition?
- What does the historic monitoring of existing Combined Sewer Overflows (CSOs) indicate in terms of frequency and duration of discharges into the Hudson River?

- Are there any current restrictions on the existing CSOs that may be impacted by the change in use for the property (i.e., changing parking facilities into mixed use residential/commercial building use)?
- Are there any water quality issues or limitations in the Hudson River Basin that will be impacted by the proposed project?
- Is the North River WPCP under any regulatory enforcement orders from the New York City Department of Environmental Protection?
- Will the proposed project affect the ability of the WTP to treat and dispose of biosolids?
- What hydraulic and organic/solids loading will the proposed project add to the current interceptor sewer?
- What is the loading from domestic/residential uses?
- What is the loading from projected commercial uses?
- What is the loading from projected institutional uses?
- What is the combined ADF and PHF from the proposed project?

Based on the answers to the preceding questions, what is the overall impact of the proposed project loadings and special wastes on the existing reserve capacity and current operating limitations for the North River WPCP? What is the potential for further impacts to water quality in the Hudson River Basin caused by implementing the project? (Lewton)

Response 116: The proposed action is assumed to generate wastewater at a rate commensurate with domestic water consumption, or about 173,442 gallons per day. This amount of wastewater, representing about 0.10 percent of the North River WPCP's permitted capacity, is not expected to exceed the WPCP's capacity or affect its treatment efficiency. Likewise, the proposed action is not expected to overburden the local conveyance system. As described below in response to Comment 117, the proposed development would not meet any of the thresholds provided in the *CEQR Technical Manual* that would require a detailed analysis of water supply systems or sanitary sewage and wastewater disposal, and would not have any significant adverse impacts in those areas.

The proposed action has the potential to increase the amount of land with impervious surfaces and decrease the amount with pervious surfaces. This would increase the volume of runoff because less stormwater would be able to percolate into the ground and become groundwater. However, before any new building can be connected to the sewer system, DEP must issue a sewer connection permit. As part of DEP's program to decrease the number and intensity of CSO events to protect water quality in the rivers and water bodies surrounding New York City, Fordham would be required to take measures to prevent any increase in stormwater flows and CSO events. These measures could include water conservation measures, green roofs, stormwater detention, stormwater retention for reuse, and improvements to the sewer collection

system. As a result, the proposed action would not lead to an increase in the number and intensity of CSO events.

Comment 117: Who is building the infrastructure to accommodate the increased demand from this project? (Rieber)

Response 117: As described in Chapter 12, “Infrastructure” of the DEIS, the proposed development would not meet any of the thresholds provided in the *CEQR Technical Manual* that would require a detailed analysis of water supply systems or sanitary sewage and wastewater disposal. As stated in the *CEQR Technical Manual*, only projects with an exceptionally large demand for water (e.g., those that use more than 1 million gallons per day), or those located at the extremities of the water distribution system require a detailed assessment. Similarly, only unusual actions with very large sanitary and wastewater flows could have the potential for significant impacts on sewage treatment. The proposed action would not meet these thresholds, and would not have any significant adverse impacts in those areas.

CHAPTER 13: SOLID WASTE AND SANITATION SERVICES

Comment 118: The EIS says that the *CEQR Technical Manual* states that “projects with a generation rate of less than 10,000 pounds per week are not considered large and do not require detailed analysis.” Table 13-1 of the EIS predicts an estimated solid waste generation of 14,115 pounds of solid waste produced per week for the build year 2014 and 2032 predictions of 29,414 pounds. This is the equivalent of 2 to 8 additional sanitation vehicles depending on recycling; which is not considered as part of the traffic analysis. This project is 50 percent and 200 percent over that threshold, but there is no analysis on how this will impact the overall per day sanitation system. (Lewton)

Response 118: A waste generation rate of 10,000 pounds per week is not a threshold, but instead is provided as an example of waste handling and disposal demands that would not be considered substantial. According to the *CEQR Technical Manual*, “An assessment of potential solid waste impacts for actions that would generate solid waste consists of describing the waste management features of the project and quantifying the incremental quantities of waste that an action would generate.” The analysis included in the EIS satisfies the recommendation that “the CEQR documentation disclose solid waste and service demand (if relevant) generated by an action.”

CHAPTER 15: TRAFFIC AND PARKING

Comment 119: There should be no special permits expanding parking availability. A parking space is a magnet for more cars which means more congestion, pollution, and CO₂. (Freud, SchachterJ1)

Response 119: The university parking is accessory, reserved for faculty and staff members, and is necessary for Fordham to better accommodate the needs of faculty and staff as well as to attract and retain qualified staff. Nonetheless, Fordham University has agreed to reduce its faculty/staff parking by 75 percent from 265 to a maximum of 69 spaces (as part of the modified project). With regard to the residential accessory parking, the parking demand and related trip-making would already be present in the area. The on-site parking would simply provide more convenient parking for the buildings' residents. The DEIS analyses showed that projected increments associated with the proposed action would yield several traffic impacts. However, all of these impacts would be fully mitigated with readily implementable operational measures. With the modified project, these impacts would be further reduced and could be similarly mitigated (see FEIS Chapter 27, "Modifications to the Proposed Actions"). Also, as demonstrated in the air quality analyses, there would not be any significant adverse impacts associated with CO₂.

Comment 120: The data shows that there is now a failure to meet acceptable standards. Level of Service (LOS) is graded A through E. Gradings of E or F are very bad and indicate traffic is barely moving. Even now there are enough Es and Fs to indicate that there are too many cars on the streets. (Freud) These plans make a very harmful addition to an already overcrowded traffic area. The traffic burden will be enormous. (Browning, Carbonara)

Response 120: Although the DEIS analyses concluded congested levels for some study area intersections during peak periods, the projected incremental increase in traffic would be a small percentage of background traffic levels that exist currently or will exist without the proposed action. As shown in the DEIS, while there would be traffic impacts, all can be mitigated to levels that would be found without the proposed action condition.

Comment 121: As noted in the "Traffic and Safety" section, 97 crashes occurred in the study area between pedestrians, bicyclists and motorists from 2004 to 2007. According to the *CEQR Technical Manual*, a high pedestrian/bicycle accident location is where there were five or more pedestrian and bicycle-related accidents in any year of the most recent three-year period. In the study area, there were seven intersections that exceed this standard. However, only Columbus Avenue and West 60th Street is proposed to get an additional three seconds for pedestrians to cross the street because there were nine pedestrian-

related accidents. What about Tenth Avenue at West 57th Street where there were 23 crashes? The EIS states, “most of the pedestrian activity generated by the proposed actions would not traverse the intersection at West 57th Street.” (Lewton)

Response 121: The signal timing change cited was intended to be a traffic and pedestrian operations mitigation measure, not a safety measure. At this location, two seconds of green time was shifted from the east/west phase to the southbound phase to mitigate traffic impacts on the eastbound approach. The remaining second was to reduce pedestrian congestion on the north crosswalk. Section H of the Traffic Chapter does, however, contain recommendations to enhance pedestrian safety at all of the study area’s high pedestrian/bicycle accident locations. These intersection-specific recommendations consist of providing high-visibility crosswalks and installing signs warning turning vehicles to yield to pedestrians.

Comment 122: The traffic analysis is incomplete. Cars do not just appear two blocks from Fordham, Additional traffic on 57th, 58th and 59th Streets, and 9th Avenue will extend traffic congestion all the way over to 3rd Avenue and the Queensboro Bridge. (Freud)

Response 122: The traffic study area in the DEIS was approved by the New York City Department of City Planning in accordance with *CEQR Technical Manual* guidelines and covers all locations where incremental Fordham traffic is expected to concentrate and may have the potential to result in significant adverse impacts.

Comment 123: What parking survey methodology was used? (Lewton)

Response 123: The DEIS concluded that area parking demand would reduce with the proposed action. Nonetheless, for disclosure and traffic assignment purposes, parking surveys of nearby public parking facilities were conducted to determine existing parking utilization during specific hours of the day (see Chapter 15 Section C, pages 15-19 and 15-20 of DEIS). On-street surveys were also conducted to document curbside regulations and determine general utilization levels.

Comment 124: Because the majority of the residential uses will be for students, who would walk to class, there seems to be a disconnect between providing accessory parking for a growing student population: “Additional dormitory space would be constructed to provide more beds for enrolled students and thereby reduce the overall need for traveling to the campus from afar.”(Lewton)

Response 124: The proposed university accessory parking spaces are for Fordham faculty and staff, not students.

Comment 125: According to travel patterns presented in the EIS, the percentage of faculty members driving to work jumps as a direct result of adding additional parking. (Lewton)

Response 125: The proposed provision of subsidized on-campus faculty/staff parking was intended to better accommodate the needs of faculty and staff as well as attract and retain qualified staff. Based on the stated preference responses from the travel survey administered for university faculty/staff, the potential increase in travel via auto with convenient subsidized parking was applied for a conservative impact analysis. With the reduction of university accessory parking proposed under the modified project (see response to Comment 19), this increase in travel via auto is not expected to occur.

Comment 126: The impacts from additional traffic generated by the Plan will occur beyond the study area, which is too narrowly defined, and the intersections chosen for analysis within the study area are insufficient. The DEIS considers impacts on 57th Street only at its intersection with Ninth and Tenth Avenues. Traffic congestion on 57th Street spills over to Eighth Avenue, and can reach as far as the East Side. There is also no analysis of the intersections at Broadway and 66th or 72nd Streets. (Bryson)

Response 126: Project-generated traffic tends to disburse the farther it gets from the site, and the incremental volumes of Fordham traffic entering and leaving the study area are too small to warrant the need for analysis at remote locations. With one exception, project generated volumes entering or leaving the study area on major traffic arteries are less than 30 vehicles per hour. The one exception (as noted in Figure 15-26) is on Amsterdam Avenue northbound where 45 northbound vehicles leave the study area along Amsterdam Avenue during the PM peak hour. Such low volumes would not have an appreciable impact on traffic operations on a multilane artery with progressive signal timing.

Comment 127: The DEIS shows that in 2014, levels of service at several of the intersections chosen for analysis will be unacceptable. Although CEQR practice permits traffic from a new development to add some seconds of delay to the intersection without finding a significant impact, CPC should take into account the severity of the projected future no build condition in assessing whether and under what conditions to approve this project. (Bryson)

Response 127: Comment noted.

Comment 128: CPC should not grant the special permits authorizing new parking garages and associated curb cuts. The DEIS shows plainly that there is sufficient available nearby parking capacity and absolutely no need to add any parking supply. There are 37 public garages and lots in the area with a combined capacity of 11,217 spaces. Currently, these facilities are 39, 74, 50 and 32 percent utilized,

with 6,798, 2,930, 5,660 and 7,667 available spaces during the morning, mid-day, pre-theater and overnight time periods, respectively (DEIS, page 15-19). Thus any showing by Fordham that “such parking spaces are needed for ... the occupants, visitors, customers or employees of the use to which they are accessory,” and that “within the vicinity of the site, there are insufficient parking spaces available,” as required by ZR 13-561 in order to grant the special permits, is fallacious and presumably based on an erroneous interpretation of the data. (Bryson, Lewton) The sidewalks will become unsafe if two new curb cuts (one for another garage; another for a loading dock) are permitted. (Ueno, Graves) The EIS describes the need to build new parking for current faculty and to attract better candidates for faculty positions, while stating there is an abundance of under-utilized parking. (Lewton)

Response 128: As noted, the proposed university and residential accessory parking is not to address a shortage, but to better accommodate existing and future faculty/staff. The curb cuts for the project will be designed according to specifications of all regulatory agencies and are not expected to create unsafe conditions for pedestrians. Furthermore, it should be noted that the off-street parking utilization analysis has been revised in the FEIS to limit the study area to ¼ mile from the Fordham campus, as specified in *CEQR Technical Manual* as the maximum distance from primary off-site parking facilities to the project site. As a result, there are fewer currently available spaces in the study area. The number of available spaces further declines in the No Build condition due to additional parking demand and the projected closure of a large parking facility. It should also be noted that the “vicinity of the site” per ZR 13-561 is not geographically equivalent to the ¼-mile off-street parking utilization study area.

Comment 129: The stated parking preference surveys of existing Fordham University personnel to determine the likelihood of Fordham University personnel changing their current travel patterns given various parking incentive levels does not account for “candidates who would otherwise be less likely to take positions at the University” (i.e., candidates considering relocating to New York and likely unfamiliar with transit options). The result is that the auto mode share is too low for this category, as long as disincentives to drive (requiring drivers to pay the full cost for parking) are reduced by the University. (Lewton)

Response 129: The survey was conducted among faculty/staff at Fordham who were likely to travel to the Lincoln Center campus, not among job candidates. Hence, Fordham maintains that it provides the most accurate representation of likely travel behavior of existing and future Fordham personnel.

Comment 130: *The CEQR Technical Manual* establishes a minimum threshold of 50 vehicle trips before a potential impact can be determined. Impacts are considered significant and require examination of mitigation if they result in an increase of

a certain amount of time based on a sliding scale. Page 15-22 of the DEIS states: “While the numerical analysis results for the AM and pre-theater peak hours would meet the CEQR criteria for significant impacts, the impacts identified are not considered significant since, as stated above, the peak hour trip generation estimates for these time periods are below the CEQR minimum threshold of 50 vehicle trips. In addition, midday impacts at one lane group are not considered significant because the project generated peak hour traffic volumes at the affected lane group are fewer than five vehicles.” Although these impacts are declared “not significant” because they do not meet minimum trip generation thresholds, impacts should be considered based on the additional delay. (Lewton)

Response 130: The analysis was performed and evaluated according to CEQR guidelines and approved by the New York City Department of City Planning. The thresholds cited above were defined, such that imperceptible traffic volumes (for example, “five vehicles an hour in a lane group,” which translates to one vehicle every eight 90-second signal cycles), would not have the potential for significant adverse traffic impacts.

Comment 131: Adding parking supply to this heavily congested area just north of the Midtown core runs counter to the principles adopted in PlaNYC2030 and the City’s desire to reduce traffic congestion. (Bryson)

Response 131: As noted by Fordham, the provision of faculty/staff accessory parking would better accommodate the needs of faculty and staff as well as attract and retain qualified staff and does not add to the neighborhood’s public parking supply, nor would the provision of residential accessory parking. Nonetheless, Fordham has agreed under the modified project to reduce its proposed university accessory parking by 75 percent (see response to Comment 119).

Comment 132: West 61st Street is a narrow, two-way street with parking on both sides. It is the only way for emergency vehicles, moving vans, delivery trucks, taxis and other vehicles to access the Alfred and the Fordham dormitory. There is currently a 28-foot curb cut for the existing public parking garage on the north side of the street. When cars exit the street on Amsterdam Avenue, the cars trying to enter the street often must queue up on Amsterdam Avenue, as the street is already too narrow. The Fordham proposal includes an even larger parking garage plus a loading dock on the south side of 61st Street, directly opposite the existing one. The additional traffic and obstruction of cars and trucks that will use those two additional curb cuts will exacerbate these conditions. The requested discretionary waivers and permits for this can hardly contribute to good urban design and should not be approved. (Graff)

Response 132: The proposed project is expected, as seen in DEIS Chapter 15, “Traffic and Parking,” to generate only minimal amounts of traffic entering and leaving the

West 61st Street cul-de-sac, which does not provide through traffic access and is one of the lowest volume roadways in the area. Even with the addition of activities entering and exiting the proposed garage and loading dock on the south side of the West 61st Street cul-de-sac, traffic volumes on this street would still be minimal and its intersection with Amsterdam Avenue would continue to operate at favorable levels of service. It is also important to note that the proposed loading dock on West 61st Street will not be the sole delivery access to the campus.

Comment 133: The public and community will only suffer from the car parking structures that Fordham wishes to include for its own, private convenience. (Joe)

Response 133: As noted in the DEIS, all significant adverse traffic impacts from the proposed action can be fully mitigated. Furthermore, Fordham has agreed under the modified project to reduce its proposed university accessory parking by 75 percent (see response to Comment 119).

Comment 134: If traffic in the area gets worse, how will ambulances reach Roosevelt Hospital in a timely manner? (Crane)

Response 134: Emergency vehicles in New York City are staged and dispatched to accommodate proper response to the needs of various communities and are generally not affected by traffic conditions. Furthermore, as detailed in the DEIS, all significant traffic impacts associated with the proposed actions would be fully mitigated with readily implementable traffic mitigation measures. Therefore, the proposed action would not adversely affect the operations of emergency vehicles.

Comment 135: CPC should take a very serious look at the over taxing of resources and the traffic problems in the Lincoln Center-Fordham neighborhood. (Epstein)

Response 135: Comment noted.

TRANSIT AND PEDESTRIANS

Comment 136: The significant projected influx in on-campus population, including new permanent residents, would aggravate overcrowding on local bus routes, particularly in light of proposals by the MTA to reduce or eliminate bus service on the M10 and M104 bus lines. The projected increases in pedestrian circulation and transit ridership must also be considered in combination with other proposed and in-progress developments in the vicinity. (Kaplan)

Response 136: The transit and pedestrians analyses presented in the DEIS adequately accounted for other planned developments in the area and were conducted in accordance with *CEQR Technical Manual* guidelines. As concluded by the

analysis results, the proposed action would not result in any significant adverse transit impacts and would yield significant adverse pedestrian impacts at only one crosswalk, which could be fully mitigated. The MTA has recently approved a plan to reduce its projected budget deficit which may result in fare increases and service reductions or eliminations that could impact subway and bus routes within the transit study area. These service cuts, however, would affect primarily off-peak service and routes that are considered redundant or low performing. The effects of these service changes have been examined for the FEIS and are not expected to change the conclusions presented in the DEIS. Potential actions by the state legislature could affect the actual implementation of these announced fare increases and service cuts.

Comment 137: Does the EIS reflect the fact that the Upper West Side has a larger aging population? What should they do about getting across the street if only one of these intersections is improved by three seconds? Keep in mind, the average senior citizen walks at a rate of two feet per second; so this safety improvement would allow a senior citizen to get one and a half feet closer to the next curb. Also keep in mind that West 60th Street is over 50 feet wide and Columbus Avenue is 60 and 67 feet wide. Therefore the mitigation measure will have little if no influence on the ability to get across this street more easily. (Lewton)

Response 137: The existing signal timing is determined by the New York City Department of Transportation (DOT) and there is currently adequate time for pedestrians to cross both Columbus and Amsterdam Avenues. The additional three seconds mitigation proposed at West 60th Street and Columbus Avenue was to mitigate pedestrian congestion in the crosswalk, not to increase crossing time to accommodate slower pedestrians. Furthermore, DOT has defined “slower” senior walking speed as 3 feet per second, as compared to 4 feet per second for average pedestrians, and has identified certain areas in New York City for signal adjustments to allow additional crossing time. At intersections identified by DOT, a 3 feet-per-second walking speed was used in the DEIS Transit and Pedestrian analysis.

Comment 138: The no-build and build scenarios deteriorate the environment for pedestrians, cyclists and motorists, especially at intersections that already exceed the level of standard that indicates a high crash area. What about the rate at which children will be potentially hit by cars? (Lewton)

Response 138: As stated in the DEIS, the proposed project, with recommended mitigation measures implemented, would not result in significant adverse impacts for motorists or pedestrians at any locations. In addition, the safety improvements recommended at high pedestrian/bicycle accident intersections would improve pedestrian safety at these locations.

Chapter 26: Comments Received on the Scope of Work and DEIS

Comment 139: Subways and buses can't handle the traffic now. (Darr) The project will make the nearby subway station impossible to deal with (Deutsch)

Response 139: As noted in Chapter 16 of the DEIS, the proposed action would not result in significant adverse impacts on any bus or subway lines or subway station elements.

Comment 140: Implementing demand responsive parking policies will also reduce the number of auto trips in the area, while increasing the number of pedestrian trips. These assumptions are not accommodated in the analysis of potential impacts to the pedestrian network. These adjustments are anticipated to result in impacts greater than the CEQR threshold of 1 SFP at key locations, with mitigation required to protect the pedestrian environment. (Lewton)

Response 140: The policies cited in the comment are not considered as part of the proposed action. Thus, their possible effects do not fall within the scope of this EIS.

Comment 141: The sidewalks are already too crowded after events at Lincoln Center. (Greene)

Response 141: Comment noted.

CHAPTER 17: AIR QUALITY

Comment 142: In the stationary source analysis, the EIS should examine the impact of Con Edison's power plant plume on the new residential buildings, and vice versa (*CEQR Technical Manual*, pp. 3Q-12, 15-17, 43-44). The proposed residential towers are very close to Con Edison's 59th Street generating station and their proposed heights exceed by 150 to 200 feet the height of Con Edison's 500-foot smokestack (taking into account the difference in ground elevation), making this analysis necessary. (Bryson)

Response 142: The *CEQR Technical Manual* states that a large source such as a power plant should be analyzed if the action would result in sensitive uses within 1,000 feet of the source. However, the distance between the Con Edison source and the project site is greater than 1,000 feet. Therefore, an analysis of impacts associated with the Con Edison facility is not warranted.

CHAPTER 18: NOISE

Comment 143: Fordham's massive plans will inevitably multiply the loud honking from trucks backing up on Broadway, Columbus, and 62nd Street, etc. (Crane)

Response 143: There is no reason to believe Fordham's Master Plan will induce trucks to honk in the area. Fordham is providing five new loading berths under the Master Plan, which will permit the unloading of deliveries inside of the University's buildings, rather than across the sidewalk.

CHAPTER 19: CONSTRUCTION IMPACTS

Comment 144: There will be years of construction noise and delays. (Feder)

Response 144: Potential impacts due to construction are analyzed in Chapter 19, “Construction Impacts,” in the DEIS and the FEIS. Since the potential for significant adverse impacts was identified, mitigation measures will be included in a Restrictive Declaration enforceable by the City. These mitigation measures are identified in Chapter 21, “Mitigation.”

Comment 145: Fordham has pledged to take extensive precautions to minimize the impact of construction on its neighbors, including the use of noise-reduction technology and high-grade exhaust filters on heavy equipment. (Anderson)

Response 145: See response to Comment 144, above.

CHAPTER 20: PUBLIC HEALTH

Comment 146: I urge CPC not to waive long-standing regulations that were meant to protect public health, such as the requirement for a 50-foot separation between neighboring windowed walls, so that city dwellers receive adequate air and light. (Ueno)

Response 146: See response to Comment 48.

CHAPTER 21: MITIGATION

Comment 147: The mitigation section of the EIS is directed at solving problems created by the project. Why develop a project that negatively impacts a neighborhood under every scenario and offers no benefit? In turn, what percentage of mitigation measures described in EISs ever come to fruition? (Lewton)

Response 147: Fordham University is a vital educational institution, and as such offers numerous benefits to the entire community economically, educationally, and culturally. Fordham intends to offer mitigations for most of the adverse impacts identified in the EIS and believes that the long-term benefits to the community from the implementation of the Master Plan offset the detriments to the environment that will not be mitigated.

Comment 148: Standard traffic mitigation measures such as offered in the EIS (changes in signal timing and daylighting of parking spaces) will not be enough to cure the impacts of the Plan, especially as the analysis does not fully disclose impacts that would be generated by the as of right condominiums which should be assessed as part of the Build condition. The City has never done any post-development monitoring to determine whether these standard mitigation

measures actually deliver as promised, relying solely on modeling. Without such validation, and/or a cumulative analysis of all projected development in the area, the traffic it will generate, and the area's capacity for handling such traffic, this project should not be approved. (Bryson)

Response 148: The as-of-right residential development can be built without New York City Department of City Planning discretionary approval and are not a part of the proposed actions. The approvals would only allow them to be developed into different forms (i.e., two instead of three towers and some on-site accessory parking spaces). Therefore, trips associated with new residents in these towers would already be in the area under the No Build condition and were appropriately analyzed as such in the DEIS in accordance with guidelines of the CEQR Technical Manual. As shown in the DEIS, all projected significant adverse traffic impacts can be fully mitigated with the implementation of recommended mitigation measures. New York City Department of Transportation regularly monitors traffic conditions and implement specific or groups of measures to accommodate changes in traffic conditions.

Comment 149: Page 21-6 of the DEIS that the proposed mitigation of traffic impacts at Ninth Avenue and West 57th Street involves daylighting the west curb lane for 50 feet to create an exclusive right turn lane. This measure is not factored into parking patterns or pedestrian crossing. (Lewton)

Response 149: All daylighting measures in the DEIS have been increased to 100 feet in the FEIS. The daylighting at Ninth Avenue and West 57th Street during the midday period in 2014 and the midday and pre-theater period in 2032 has been addressed with respect to parking in the FEIS. Pedestrian analysis was not performed at this intersection due to the low volumes of pedestrian trips expected as a result of the proposed actions, and the proposed traffic mitigation measures have no effects on pedestrian crossing conditions at this location.

Comment 150: As noted in the EIS, many crashes occurred in the study area between pedestrians, bicyclists and motorists. Why is there not more mitigation proposed to address pedestrian and bicycle accidents? (Lewton)

Response 150: Section H of Chapter 15 in the DEIS, contains recommendations to improve pedestrian safety at all high pedestrian/bicycle accident locations in the study area.

Comment 151: The Community Board feels good about the Borough President's proposed modifications, but is still concerned about the height of the proposed building on Amsterdam Avenue, and shadows on the P.S. 191 playground and Amsterdam Houses. There should be mitigation to address the shadow impact. (Rosenthal)

Fordham University Lincoln Center Master Plan EIS

Response 151: As described in Chapter 6, “Shadows,” the proposed project would not result in significant adverse shadow impacts on either P.S. 191 or the Amsterdam Houses; therefore, mitigation is not warranted.

MISCELLANEOUS COMMENTS

Comment 152: EISs should now include a section on the effect of the development on Global Warming. (Freud)

Response 152: The EIS has been prepared to satisfy all requirements at the time of its publication, using the *CEQR Technical Manual*. At this time, there is no requirement for an analysis of the project’s effects on global warming.

Comment 153: Why not go further uptown past 90th and regenerate that neighborhood which could stand a face-lift and create a new community there rather than stuff more people into an already existing already overly crowded one. (Carbonara)

Response 153: According to Fordham, such a relocation would not be feasible for a number of reasons. Fordham has been operating at its Lincoln Center campus for nearly 50 years and it has no intention of relocating its programs or facilities to other parts of Manhattan or elsewhere. Many of the University’s programs rely on proximity and relationships developed with the surrounding community, such as Lincoln Center for the Performing Arts and other institutions. It would also not be feasible logistically and financially, since Fordham would have to locate, purchase, and assemble real estate in order to create new facilities elsewhere.

Comment 154: I strongly oppose Fordham’s Expansion Plans. (Conroy)

Response 154: Comment noted.

MODIFIED PLAN

Comment 155: I do not think that the changes made by Fordham have gone far enough to deal with the serious concerns about bad design, over crowding/density, and the misuse of the powers of eminent domain. (Epstein) The revised plans for Fordham University’s expansion plans represent a small modification to a fundamentally flawed plan. (Kovall) The “cosmetic” changes Fordham has offered leave me cold. (Langsdorf, Roos) Although some of the concessions extracted from Fordham by the Borough President’s Office have improved upon an otherwise stunningly bad design, they do little to compensate for or mitigate the worst design components of the project that the waivers would permit. (Meisel)

Response 155: The modifications being considered by CPC are not merely “cosmetic,” as they would significantly reduce the height and bulk of buildings under the proposed

Master Plan. The total amount of floor area to be developed would be reduced and the amount of development proposed would remain consistent with that permitted under zoning. These modifications, described and analyzed in Chapter 27 of this FEIS, were developed by Fordham in consultation with the Borough President and CB 7, and additional reductions were developed in consultation with DCP.

The issue of eminent domain is addressed above in responses to Comments 1 and 2.

Comment 156: We support a number of recommendations made by the Borough President, including: 1) relieving the mass of buildings on Columbus Avenue; 2) providing grade level open space on Columbus Avenue; providing a passageway from the Alfred to West 62nd Street; and 4) providing for future design review. (Goldman)

Response 156: Comment noted.

Comment 157: We urge the Commission to impose further modifications in the following areas: 1) the proposed reduction of 200,000 square feet is not enough; 2) we do not accept the notion of a reduction in “equivalent” floor area by lowering building heights (i.e., a 50 story building has the same amount of floor area with 9’ floor to floor heights as it does with 10’ floor to floor heights); 3) the height and setback waivers for Buildings 1 and 2 on Columbus Avenue should not be approved; if the Columbus Avenue waivers are approved, 4) additional public open space should be developed at grade on Columbus Avenue, so as to mitigate the density and relate to the open space at Lincoln Center; 5) the height of the residential building adjacent to the Alfred is less important than how it relates to the Alfred at grade—the current design boxes in the Alfred with building walls, and there is no apparent reason for the waiver of a minimum distance between legally required windows and the lot line other than to allow windows on all four sides of the building; and 6) the Amsterdam Avenue towers are grossly out of scale and should be in the 30- to 40-story range. (Goldman)

Response 157: Fordham believes that the modifications being contemplated by the CPC (see Chapter 27 of the FEIS) represent the maximum reduction in dormitory and academic floor area that Fordham can sustain without adversely affecting its academic program and the performance of its educational mission.

The concept of a reduction in “equivalent” floor area by lowering building heights was a response to the Community Board’s request that the University reduce the apparent bulk of the project by compressing floor-to-floor heights.

Fordham would provide more than an acre of publicly accessible open space on the campus, of which a portion consisting of the landscaped access stair would be located on Columbus Avenue (see also the response to Comment 159 below).

The proposed residential building on Site 4 is situated so that none of its walls front the walls of the Alfred. The waiver of the minimum distance allows for a condition that is in lieu of a continuous street wall along 62nd Street.

Comment 158: The accessway from the Alfred Condominium to West 62nd Street is now part of the compromise arising from the discussions before the Borough President. It is also a small measure to allow some openness in the otherwise fortress streetline that would be created. However, it would be an illusory benefit if Fordham is permitted not to keep it open 24/7, as they do presently with the “public access” to their plaza. It would also be illusory if Fordham was permitted to exact a fee for its use. (Graff)

Response 158: Fordham states that the accessway would be the subject of a license agreement between the Alfred and Fordham that would authorize use by the Alfred residents and that this agreement would be recorded and enforceable.

Comment 159: As a result of concessions achieved by the Borough President, Fordham recently agreed to build 10 feet of open space on the West Side of Columbus Avenue from 60th street to 62nd street. While a positive development, this is little more than an expansion of the sidewalk and will do nothing to open up the campus. Fordham should mimic Lincoln Center's plans for open space on Columbus Avenue, which extends 68 feet west of the avenue. (GrollM)

Response 159: Fordham maintains that a 68-foot-wide open space along Columbus Avenue is not feasible. From a design standpoint, the sidewalk width increase and building footprint reduction incorporated in the Modifications would result in opening up the base of the Columbus Avenue stairway to the plaza level. As described in Chapter 27, the proposed modifications would open up views of and access to the main entry stair for people approaching from both the south and north.

Comment 160: Fordham has already shown good faith by addressing some concerns raised by the community and Manhattan Borough President Scott Stringer and committing, among other things, to reduce the size of the overall projects, improve public access to the campus, widen sidewalks and increase street-level activity, and reduce vehicular traffic by cutting planned parking spaces by 56 percent. (Anderson)

Response 160: Comment noted.

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