

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

LAND USE SUBCOMMITTEE ON ZONING AND FRANCHISES

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May 12, 2009
Start: 10:05 am
Recess: 1:20 pm

HELD AT: Council Chambers
City Hall

B E F O R E:
TONY AVELLA
Chairperson

COUNCIL MEMBERS:
Charles Barron
Gale A. Brewer
Simcha Felder
Alan J. Gerson
Eric N. Gioia
Robert Jackson
Melinda R. Katz
Diana Reyna
Joel Rivera
Larry B. Seabrook
Helen Sears

A P P E A R A N C E S [CONTINUED]

Tony Avella
Chairperson
Subcommittee on Zoning and Franchises

Michael Kelly
Representing Attorney at Law
BM Café, Inc. d/b/a Hummus Café

Michael Kelly
Representing Attorney at Law
Smorgas Chef West Village LLC

Michael Kelly
Representing Attorney at Law
NYCMF, Inc.

Michael Kelly
Representing Attorney at Law
Il Palazzo

Alan J. Gerson
Council Member
Speaking on matter of Il Palazzo

Arthur Goldstein
Davidoff, Malito and Hutcher
Representing Attorney at Law
Shoreham Hotel

Jeff Harvey
Vice President
Shoreham Hotel

Frank Angelino
Representing Attorney at Law
Maz Makal Restaurant

Jacqueline Ludorf
Chairman
Community Board 8

A P P E A R A N C E S [CONTINUED]

Lewis Ramos
New York City Housing Authority

Emily Simons
Representing Attorney at Law
Hudson Eldert, LLC

Charles Barron
Council Member
Speaking on matter of Hudson Eldert, LLC

Committee Counsel

Gale A. Brewer
Council Member
Speaking on matter of Fordham University

Edward C. Wallace
Representing Attorney at Law
Fordham University

Deidre Carson
Greenberg, Traurig
Representing Land Use Attorney at Law
Fordham University

Father Joseph McShane
President
Fordham University

Brian Byrne
Vice President for Administration
Lincoln Center Project
Fordham University

Don Clinton
Cooper Robertson Architects
Fordham University

Tom Dunne
Vice President of Government Relations
Fordham University

A P P E A R A N C E S [CONTINUED]

Leslie Massiah
Assistant Vice President of Government Relations
Fordham University

Joe Miriana
Assistant Vice President of Government Relations
Fordham University

Ethyl Shefford
Community Board 7

East Hills School
Roslyn Heights

Michael Grohl
President
Lincoln Plaza Tower
Member
Fordham Neighbors United

Terri Grohl
Fordham Neighbors United

Howard Goldman
Representing Land Use Attorney at Law
Fordham Neighbors United

Gary LaBarbera
President
Building and Construction Trades Council of Greater
New York

Kevin Doyle
Executive Vice President
Local 32BJ SEIU

Brian Cool
Senior Room Planner
Policy Advisor for
Manhattan Borough President Scott M. Stringer

A P P E A R A N C E S [CONTINUED]

Alexandra Pope
President
Teamsters Local 805

Sidney Goldfischer
President of the Board
The Alfred Condominium
Professor Emeritus
Dean Emeritus
Associate Dean Emeritus
Albert Einstein College of Medicine

Madeleine Polayes
President
Coalition for a Livable West Side

Battya Lewton
Concerned Citizen

Michael Graff
Concerned Citizen

John Tugnino
Chairman of the Board of Trustees
Fordham University

Monica Blum
President
Lincoln Square Business Improvement District

Denise M. Richardson
Managing Director
General Contractors Association

Michael Slattery
Real Estate Board of New York

Daniel Fader
Fordham Neighbors United

A P P E A R A N C E S [CONTINUED]

Don Paul
Vice President
West Core Communication

Olive Freud
Committee for Environmentally Sound Development
The West Side Group

Elliott Mizell
The Alfred Condominium

John Feerick
Professor
Fordham Law School
Fordham University

Bill Baker
Former President, Channel 13
Professor
Fordham University

Abe Lackman
President
Commission on Independent Colleges and Universities

Jim Hennessey
Dean
Graduate School of Education
Fordham University

William Treanor
Dean
Law School
Fordham University

Howard Tuckman
Dean
Graduate School of Business
Fordham University

A P P E A R A N C E S [CONTINUED]

Father Robert Grimes
Dean
Fordham College at Lincoln Center
Fordham University

Peter Vaughn
Dean
Graduate School of Social Service
Fordham University

Matthew Maguire
Theater Department
Fordham University

Ryan Murphy
President
United Student Government at Lincoln Center
Fordham University

John Tully Gordon
Executive President
United Student Government at Rose Hill
Fordham University

Michael Recca
Student
Fordham University

Sydney Henny
Student
Fordham University

Sara Cougal
Student
Fordham University

Marcella Sedona
Student
Fordham University

A P P E A R A N C E S [CONTINUED]

Katherine Minogue
Student
Fordham University

Patricia Ryan
Concerned Citizen

1
2 CHAIRPERSON AVELLA: Good morning
3 everyone. I'd like to call this meeting of the
4 Subcommittee on Zoning and Franchises to order.
5 We have an awful lot on the agenda, as is
6 obviously indicated by the number of people in
7 this room. I think the item that most of
8 everybody is here for is the Fordham University
9 expansion plans.

10 What I intend to do is go through
11 the other items of the agenda which are non-
12 controversial, get through them as quickly as
13 possible and then we will get into the Fordham
14 University proposal.

15 Joining me this morning are members
16 of the Committee, Council Member Larry Seabrook,
17 Melinda Katz, Joel Rivera, Simcha Felder and we
18 are also joined by Council Members Gale Brewer and
19 Alan Gerson. I mentioned it. Thank you.

20 So the first item we'll take up
21 will be Hummus Kitchen, an application to
22 establish, maintain and operate an unenclosed
23 sidewalk café at 768 9th Avenue. Call the
24 applicant up. Yes.

25 MR. MICHAEL KELLY: Good morning

1
2 Chair Avella and members of the Council. I
3 represent B. M. Café, Inc, doing business at
4 Hummus Kitchen. We have come to a compromise with
5 Speaker Quinn's Office and I would like to read it
6 into the record.

7 This letter should serve as our
8 agreement with your District Office and Community
9 Board 4 that we will commit to the following: we
10 have reduced our tables to four and our seats to
11 eight; we will install a bike rack at least eight
12 feet away from our sidewalk café; and we will
13 remove the window box.

14 CHAIRPERSON AVELLA: And that is
15 the letter to Speaker Quinn dated 4/17.

16 MR. KELLY: Correct.

17 CHAIRPERSON AVELLA: Okay. Any
18 questions from Committee members with the letter
19 of agreement Speaker Quinn is in favor of the
20 application. Seeing none. Thank you. Seeing no
21 one signed up to speak on this public hearing, is
22 that correct? Seeing none, I'll close the public
23 hearing on this item and we'll move to the next
24 time. Which is the next one you're representing?

25 MR. KELLY: Smorgas Chef, NYCMF.

151 Mulberry Street--

CHAIRPERSON AVELLA: [Interposing]
Smorgas Chef, which is--we might as well do you
since you're representing four clients
[chuckling].

MR. KELLY: Okay. Lucky me.

CHAIRPERSON AVELLA: Smorgas Chef
which is 200858608TCM, an application to continue
to maintain and operate an unenclosed sidewalk
café located at 283 West 12th Street.

MR. KELLY: My name is Michael
Kelly. I represent Smorgas Chef, West Village,
LLC. And I'd like to read into the record the
agreement we have with Speaker Quinn's Office.

This letter should serve as our
agreement with your District Office and Community
Board 2 that we will commit to the following: all
tables and fixtures will be struck down and stored
at the end of the sidewalk café hours; tables on
the West 12th Street side have more separation from
the abutting windows on the building on the west
side of the café; the café will operate from 8:00
A.M. to 11:00 P.M. Monday through Thursday, 8:00
A.M. to Midnight, Friday, Saturday, and Noon to

2 11:00 P.M. on Sunday, except that closing will be
3 one hour earlier on the West 12th Street side every
4 night.

5 This just means that the last
6 serving is approximately 45 minutes before close.
7 There will be no additional furniture including a
8 podium placed at the corner of the West 12th and
9 West Ford Street outside the planned café area as
10 a station for the maitre d' or a menu display.
11 The owners will cooperate and maintain a positive
12 working relationship with the neighbors.

13 CHAIRPERSON AVELLA: And that's the
14 letter dated 4/22 to the Speaker.

15 MR. KELLY: Correct.

16 CHAIRPERSON AVELLA: Correct. Any-
17 -with this letter of agreement the Speaker is in
18 favor of the application. Any questions from my
19 colleagues? Seeing none, I see no one signed up
20 to speak on the public hearing on this item is
21 that correct? Seeing none, I'll close the public
22 hearing. What's the next one you've got?

23 MR. KELLY: Okay, next one is
24 NYCMF, INC. at 10 Downing--

25 CHAIRPERSON AVELLA: [Interposing]

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Wait, wait, wait.

MR. KELLY: It's also an agreement with Speaker Quinn's Office. And--

CHAIRPERSON AVELLA: [Interposing] Oh okay. The application for NYCMF, Inc., 20095337TCM, application to establish, maintain and operate an unenclosed sidewalk café located at 10 Downing Street.

MR. KELLY: Yes. This letter should serve as our agreement with your District Office and Community Board 2 that we will commit to the following: a one hour reduction in sidewalk café hours, Sunday through Saturday; the installation of a retractable awning, also in accordance with the other two sidewalk cafes in this building; and we will have wait staff serving the sidewalk café at all times.

CHAIRPERSON AVELLA: Interestingly enough there's no date on this--

MR. KELLY: [Interposing] There's no date. I believe this is also 4/22/09.

CHAIRPERSON AVELLA: Okay. [Chuckling] Yeah I would appreciate if you sent in another letter--

2 MR. KELLY: [Interposing] Yes I
3 will.

4 CHAIRPERSON AVELLA: --with the
5 date on it. Any questions from Committee members?
6 Seeing none and I do not see anyone signed up to
7 speak on this public item, is that correct?
8 Seeing none, we'll close the public hearing on
9 this item and go to what's your last application?

10 MR. KELLY: 151 Mulberry Street
11 Corp.

12 [Off mic]

13 CHAIRPERSON AVELLA: Okay that's
14 yours. Right. This is an application to operate
15 an unenclosed sidewalk café at 151 Mulberry
16 Street, 20085511TCM; it lies within Council Member
17 Alan Gerson's District.

18 MR. KELLY: I believe it's going to
19 be held over, or I did speak to your Chief of
20 Staff yesterday and she wanted us to agree to five
21 tables and ten seats and a new landlord consent.
22 If, I don't know if you want--

23 CHAIRPERSON AVELLA: [Interposing]
24 Well. Yeah sure, Council Member Gerson.

25 COUNCIL MEMBER GERSON: This--thank

1
2 you very much Mr. Chair. The hearing on this
3 matter pursuant to the procedures of the Council
4 and the ruling of our Chair will proceed and take
5 place today--

6 SERGEANT AT ARMS: [Interposing]
7 Quiet please.

8 COUNCIL MEMBER GERSON: --however
9 upon my request and consent of Chair Avella and
10 Chair Katz, the vote on this item--and Mr. Chair
11 correct me if I say anything wrong, will be held
12 over until some point prior to the next Stated
13 Council Meeting. I hope we can use this interim
14 time, and I believe we can, to work out an
15 agreement which will serve both the establishment
16 and the community, along the lines of what you
17 mentioned with some additional detail.

18 MR. KELLY: Yes. Thank you. Okay
19 I'll read into the record what we propose. Dear
20 Council Member Gerson and--

21 CHAIRPERSON AVELLA: [Interposing]
22 Could you speak a little more into the mic, it's
23 getting a little hard to hear.

24 [Gavel banging]

25 CHAIRPERSON AVELLA: And if I can--

one second. If I can--

SERGEANT AT ARMS: [Interposing]

Quiet please.

CHAIRPERSON AVELLA: Cut down the traffic that's going on in the back and the personal conversations, if you're going to have a conversation, please take it outside. It makes it very difficult to hear the testimony. Go ahead.

MR. KELLY: Okay. Dear Chairperson Avella and Council Member Gerson: Please accept this letter as confirmation that we agree to lower the seating on our sidewalk café application to five tables and ten chairs. We will not place any tables and chairs in front of the Italian Museum at any time in the future. And we will forward to Council Member Gerson's office a new landlord consent form for your records.

[Off mic]

CHAIRPERSON AVELLA: Well, you know, we appreciate your testimony as Council Member Gerson said. This matter is still under review. The matter--we will have the public hearing obviously but the vote will be laid over until immediately, the morning of the next Stated

1 Meeting, probably my Committee at 9:45, and
2 probably Land Use immediately thereafter. Council
3 Member Gerson do you have anything else you wanted
4 to say on this item?
5

6 COUNCIL MEMBER GERSON: Believe it
7 or not, I think I said it all.

8 CHAIRPERSON AVELLA: Wow [laughing]

9 COUNCIL MEMBER GERSON: For the
10 moment. Thank you Mr. Chair.

11 CHAIRPERSON AVELLA: Can we have
12 that in the record? That's [laughing] Thank you--

13 [Laughing]

14 CHAIRPERSON AVELLA: Thank you.

15 MR. KELLY: Thank you for your
16 time.

17 CHAIRPERSON AVELLA: Any other
18 questions from Council Members? Seeing none, I do
19 not see anybody that's signed up on this public
20 hearing item, is that correct? Seeing none, I
21 will close the public hearing. Thank you.

22 MR. KELLY: Thank you.

23 CHAIRPERSON AVELLA: I try, that's
24 what I aspire to.

25 [Pause]

2 CHAIRPERSON AVELLA: Okay the next
3 item on the agenda is the Shoreham Hotel,
4 20095085TCM, an application to establish, maintain
5 and operate an unenclosed sidewalk café at 39 West
6 55th Street. I'll ask the applicant to come up.

7 [Pause]

8 MR. ARTHUR GOLDSTEIN: Good
9 morning. Good morning Mr. Chairman, members of
10 the Council. My name's Arthur Goldstein with the
11 firm of Davidoff, Malito and Hutcher. And I'm
12 here with the applicant, Jeff Harvey, Vice
13 President of the Shoreham Hotel. We are asking
14 for support for a sidewalk café for eight seats
15 and four tables. We submitted a modified plan
16 that shows all--that all the requirements have
17 been met.

18 [Pause]

19 CHAIRPERSON AVELLA: This
20 application lies with Council Member Jessica
21 Lappin's District, based upon new plans that are
22 being submitted, and the letter, she is in favor
23 of the application. You seem to have a question.

24 [Off mic]

25 [Pause]

2 CHAIRPERSON AVELLA: We understand
3 this application actually likes with Council
4 Member Garodnick's District and he is okay. A
5 member of his staff just indicated that.

6 [Pause]

7 CHAIRPERSON AVELLA: Any questions
8 from Committee members? Seeing none, thank you.
9 I do not see anybody signed up to speak on this
10 item, is that correct? Seeing none, I'll close
11 the public hearing on this particular matter. And
12 we will move...

13 [Pause]

14 CHAIRPERSON AVELLA: The next item
15 we'll take up is the 86th Street sidewalk café,
16 Text, N090165ZRM.

17 [Off mic]

18 CHAIRPERSON AVELLA: First...

19 [Pause]

20 MR. FRANK ANGELINO: Good morning
21 Council Members. My name is Frank Angelino. And
22 I'm here representing Maz Makal [phonetic] which
23 is a restaurant on East 86th Street that has
24 applied for a zoning text change to redress or
25 close the circle on an initiative that was started

1
2 about five years ago. At that time the City
3 Planning Commission recommended changes to the
4 smalls--or implemented changes dealing with small
5 sidewalk cafes. And at that point they were ready
6 to recommend that the text that allowed small
7 sidewalk cafes be applied to East 86th Street in
8 Manhattan and a certain portion from 3rd Avenue to
9 the East River.

10 The Community Board at that time
11 asked that the legislation be held in abeyance so
12 that they could complete their streetscape
13 initiatives which have now been completed. With
14 that, we applied for a portion of East 86th Street,
15 125 feet east of 2nd Avenue, to provide for transit
16 easements in connection with the 2nd Avenue Subway,
17 all the way to 1st Avenue, which would cover my
18 client's restaurant which is in the middle of the
19 block at 316 East 86th Street.

20 This text change, if approved,
21 would allow the beneficial aspects of a small
22 sidewalk café which must meet mandated standards,
23 be not greater than 4.5 feet from the building
24 wall and other provisions. And it would apply to
25 this section of East 86th Street.

1
2 If approved it would change the
3 zoning text of the zoning resolution to allow
4 these small sidewalk cafes to take place in this
5 specific area where it was felt it was most
6 appropriate both from a streetscape and an urban
7 capacity. The sidewalks here are all 20 feet wide
8 and the south side of East 86th Street where this
9 would occur has many projections, stoops and other
10 projections that are legal that come out from the
11 street, which means that, in this case, in the
12 case of Maz Makal, a small sidewalk café can be
13 accommodated and still leave 16 feet of sidewalk
14 for pedestrians. And not only that, the
15 pedestrians would not walk in the innermost 10
16 feet because of the way the stoops are staggered
17 as you go down the block.

18 So we think this is a good thing,
19 both for the community and for the neighborhood
20 and it closes the circle on that zoning initiative
21 that was begun in 2004. And we ask your Committee
22 to approve this action.

23 CHAIRPERSON AVELLA: Thank you.
24 This application lies within Council Member
25 Jessica Lappin's District. She is in favor of the

1
2 application. I know you have two people signed up
3 from the restaurant. Unless you feel that it's
4 necessary for them to speak?

5 MR. ANGELINO: Not necessary for
6 the restaurant but I think the Community Board--

7 CHAIRPERSON AVELLA: [Interposing]
8 Yes--

9 MR. ANGELINO: --just wants to--

10 CHAIRPERSON AVELLA: --they're
11 signed up. They would be next after you.

12 MR. ANGELINO: Okay. Thank you.

13 CHAIRPERSON AVELLA: Any questions
14 from Committee members first? Seeing none, thank
15 you--

16 MR. ANGELINO: [Interposing] Thank
17 you.

18 CHAIRPERSON AVELLA: --and I'd like
19 to call on the Chair of Community Board 8.

20 MS. JACKIE LUDORF: Thank you Mr.
21 Chairman and Committee--[Audio stopped]

22 CHAIRPERSON AVELLA: Push the
23 button.

24 MS. LUDORF: I'm Jackie Ludorf
25 [phonetic] Chair of Community Board 8. Community

1 Board 8 strongly supports this application. We
2 supposed it with only one vote--person voting
3 against the application. This is not only a great
4 restaurant in our District but it's also--they're
5 good neighbors as they live in the community. And
6 we would be very hard pressed if they did not
7 remain and get all the advantages possible to
8 them. Thank you.

9
10 CHAIRPERSON AVELLA: Thank you.

11 And it's interesting; it's very rare that we get
12 people who have called the Committee to say what a
13 great restaurant it is and what good community
14 neighbors you are. So. That speaks very highly
15 of you. Any questions from Committee members?
16 Seeing none, I don't believe there's anybody else
17 signed up to speak on this item, that correct?
18 Seeing none, close the public hearing on this
19 item. Thank you.

20 Next item is Hobbs Court,
21 C090125ZMM. Application to change from an R7A
22 District to an R8A District, property bounded by
23 East 103rd Street and other streets.

24 [Pause]

25 MR. LEWIS RAMOS: Good morning

1
2 Chairman Avella and Committee Members. My name is
3 Lewis Ramos; I'm with the New York City Housing
4 Authority. We are here this morning seeking
5 approval of a Zoning Map Amendment on part of Tax
6 Block 1674, from the current R7A Zoning District
7 to an R8A District to facilitate the development
8 of Hobbs Court, a mixed use, 9-story building with
9 approximately 259 residential units located at
10 East 102nd, 103rd Streets, between 1st and 2nd
11 Avenues.

12 Presently the site is comprised of
13 9 vacant 6-story walkup tenement buildings and 3
14 vacant lots located in mid-block on East 102nd and
15 103rd Street and formerly known as the Metro North
16 Rehabs. The New York City Housing Authority in
17 collaboration with the Department of Housing,
18 Preservation and Development, issued a Request for
19 Proposals on December 14th, 2006, soliciting
20 proposals from qualified developers and builders
21 to develop affordable housing at the former Metro
22 North Rehabs. The RFP contemplated demolition of
23 the existing buildings and the new construction of
24 a residential building.

25 Former residents of the Metro North

1
2 Rehabs were given the opportunity to transfer to a
3 NYCHA development of their choice or were given
4 portable Section 8 vouchers if they chose to move
5 to a privately owned building whose landlords
6 participate in the Section 8 program. Former
7 residents in good standing who were located from
8 the Metro North Rehab buildings, have the right to
9 return to the new project regardless of income.
10 Section 8 vouchers will be made available to
11 income eligible residents. Other tenants will be
12 selected from the NYCHA Section 8 waiting list
13 according to NYCHA's Section 8 guidelines.

14 On September 2007, NYCHA and HPD
15 announced the designation of Phipps Houses and
16 Urban Builders Collaborative to develop
17 approximately 340 units of affordable housing, of
18 which 259 units will be built at Hobbs Court with
19 underground accessory parking and community
20 facility space. The rehabilitation portion of the
21 project located on East 100th Street, named The
22 Ciena, will have 81 units. Via, The Ciena is not
23 part of the ULURP action.

24 Phipps Houses is one of the
25 nation's largest not-for-profit developers, owners

1
2 and managers of affordable housing. It is a
3 multifaceted real estate organization with a
4 mission to create and sustain communities through
5 housing development, attentive property management
6 and resident community based human services.

7 This project is one of many ongoing
8 and future collaborations between HPD and NYCHA in
9 which vacant or underutilized NYCHA property is
10 used to expand land opportunities for the
11 construction of affordable housing for City
12 residents. This collaboration is a key component
13 in Mayor Bloomberg's \$7.5 billion new housing
14 marketplace. Hobbs Court, together with The Ciena
15 project will provide safe, quality housing and
16 amenities that will be affordable for most East
17 Harlem residents.

18 CHAIRPERSON AVELLA: This
19 application lies within Council Member Melissa
20 Mark-Viverito's District. She is in favor of the
21 application. Any questions from Committee
22 members? Seeing none, thank you. I don't believe
23 there's anybody signed up to speak on this public
24 hearing item, is that correct? Seeing none, I
25 will close the public hearing on this item.

2 We will now move to the last item
3 before we actually get to Fordham, Hudson Eldert
4 Housing application, M090312ZMK, application to
5 eliminate the restriction that the property be
6 limited to hospital and hospital related uses,
7 including nursing home facilities and the
8 restriction that the parking be subject to
9 requirements in an R4 District on property located
10 at 783 Elder Lane, in an R6 District.

11 [Pause]

12 MS. EMILY SIMONS: Good morning
13 Chair Avella and members of the Zoning and
14 Franchise Committee. My name is Emily Simons.
15 Our office represents Hudson Eldert, LLC in
16 connection with an application submitted by
17 contiguous property owners, Hudson Eldert, LLC,
18 and Skyview Reality Associates, for a modification
19 of a restrictive declaration executed in 1971--

20 [Gavel banging]

21 SERGEANT AT ARMS: Quiet please.
22 Sit down.

23 MS. SIMONS: In 1971, in connection
24 with a Zoning Map Amendment approved by City
25 Planning Commission on January 5th, 1972 and the

1
2 Board of Estimate on January 13, 1972. As a
3 condition of the 1972 rezoning from R4 to an R6
4 Zoning District to facilitate the expansion of an
5 existing hospital, formerly known as Interborough
6 Hospital and then as the Baptist Medical Center,
7 the owners executed a Declaration that limited the
8 use of the property to hospital and hospital
9 related uses and required that all future
10 development meet the parking requirements for R4
11 Districts.

12 The declaration provided that it
13 could not be cancelled, amended or modified
14 without the consent of the City Planning
15 Commission and the Board of Estimate or the
16 municipal agencies succeeding to their
17 jurisdiction. The rezoned property subject to the
18 restrictive declaration is an approximately
19 137,000 square foot parcel bounded by Dumont
20 Avenue, Drew Street, Linden Boulevard and Elder
21 Lane in the East New York section of Brooklyn's
22 Community District 5 on Block 4469, Lots 1, 6, 10,
23 16 and 54.

24 The hospital subsequently closed
25 over 20 years ago and over time the buildings

1
2 deteriorated. The extent of disrepair became so
3 great that approximately two years ago all of the
4 buildings had to be demolished and the land on
5 which the former hospital facilities were located
6 is now completely vacant. On February 6, 2009,
7 Hudson Elder LLC and Skyview Realty Associates
8 submitted an application to the Department of City
9 Planning for a modification of this 1971
10 Declaration in order to build affordable housing
11 on the northeast quadrant of the property; to
12 relocate an antiquated and inefficient nursing
13 home from the northwest quadrant to a larger area
14 in the southeast portion of the property; and to
15 build low income senior assisted living or other
16 senior housing on the former nursing home site.

17 My client, Hudson Eldert LLC, a low
18 income housing developer plans to develop
19 approximately 176 rental units of low income
20 housing in an 8-story apartment building. Hudson
21 intends to break ground for the building on July
22 9th, 2009, with the completion date in the spring
23 of 2011. This project is enthusiastically
24 supported by Brooklyn Community Board 5.

25 Hudson is working with the New York

1
2 City Housing Development Corporation and the New
3 York City Department of Housing Preservation to
4 obtain funding to construct this affordable
5 development. It is anticipated that Hudson will
6 participate in HDC's LAMP program in order to
7 develop these units for families earning between
8 30% to 60% of the New York City area median
9 income.

10 However, timing has become a
11 critical element of this application. Hudson is
12 required to obtain City Planning Commission and
13 City Council approval of the modification to the
14 Declaration in late May or it will lose several
15 million dollars of its New York City funding.
16 Such loss of funds will make it virtually
17 impossible for Hudson to construct any affordable
18 housing whatsoever on this site.

19 The application for modification of
20 the Declaration was unanimously approved by the
21 City Planning Commission on April 22nd, 2009. All
22 development on the property will be undertaken
23 pursuant to a First Modification of Declaration, a
24 copy of which is attached to the City Planning
25 Report that has been distributed to the Committee

1
2 this morning.

3 We are now before your Committee to
4 request that the City Council approve this
5 application and thereby bring this greatly needed
6 affordable housing and expanded healthcare
7 facilities to the East New York community.

8 CHAIRPERSON AVELLA: Thank you.
9 This application lies within Council Member
10 Charles Barron's District. And he's here and
11 would like to comment on the application.

12 COUNCIL MEMBER BARRON: Yes. I
13 want you to reject them immediately and put them
14 out of these chambers--no. Let me just say that
15 this is a great day for East New York. This
16 project is like 100% affordable. We met with
17 them. And when you're talking about numbers of
18 those who are making \$16,000 and they would be
19 paying a rental of \$324 a month, we're talking
20 about serious affordability 'cause oftentimes when
21 we say affordability, it's like an oxymoron. The
22 two words shouldn't even go together. But in this
23 instance this is real affordability and the
24 developers made commitments to work with our
25 community. So I just wanted to encourage my

1
2 colleagues to support this 100% irrespective to
3 what I did to your project.

4 [Laughing]

5 COUNCIL MEMBER BARRON: We should
6 not get persona here. This is about the people of
7 East New York. Don't take revenge out on me. Mr.
8 Chair, don't let them be revengeful. I had
9 reason. They have no reason. So I just wanted to
10 support it 100%. You've done a great job and we
11 have great expectations with this project.

12 MS. SIMONS: Thank you Council
13 Member Barron.

14 CHAIRPERSON AVELLA: Thank you
15 Council Member and I'll certainly have your back
16 if you protect my back 'cause I need it too. Any
17 questions from Committee members? Seeing none,
18 thank you. I don't believe there's anybody signed
19 up to speak on this public hearing item, is that
20 correct?

21 MS. SIMONS: No. No actually I
22 have with me my client from Hudson Elder, the
23 affordable housing developer, and also the
24 attorney for the Skyview Associates who will be
25 building the healthcare facilities.

2 CHAIRPERSON AVELLA: If you want to
3 speak go ahead and speak.

4 COUNCIL MEMBER BARRON: I'll just
5 say one other thing than I'm very impressed with.
6 They're also talking about looking at solar energy
7 and putting solar panels, you know, on the
8 rooftops and so this is a good entrée into the
9 green era and solar energy. It's just a fantastic
10 project all around.

11 CHAIRPERSON AVELLA: Thank you.
12 Seeing no one signed up to speak on the public
13 hearing I will close the public hearing. And I
14 would ask staff to get--see who's next door.
15 We'll call for a vote on these items. And then
16 we'll move onto the Fordham University
17 application.

18 [Pause]

19 CHAIRPERSON AVELLA: And while
20 we're waiting, one of the other items on the
21 agenda today was the Sunnyside Gardens, next for
22 the Sunnyside Gardens Historic District. That is
23 being laid over to June 2nd. And it probably is a
24 good thing because there'd probably be another 100
25 people in the room, if we were hearing that today.

2 [Pause]

3 CHAIRPERSON AVELLA: Okay I will
4 ask counsel to call the vote. Chair recommends
5 approval on all the items we've heard this morning
6 with the exception of, if I can find it, Il
7 Palazzo Restaurant which is being laid over.

8 COMMITTEE COUNSEL: Chair Avella.

9 CHAIRPERSON AVELLA: Aye.

10 COMMITTEE COUNSEL: Council Member
11 Rivera.

12 COUNCIL MEMBER RIVERA: I vote aye.

13 COMMITTEE COUNSEL: Council Member
14 Felder. Council Member Gioia.

15 COUNCIL MEMBER GIOIA: I vote yes
16 and Mr. Chair, excuse me because there's a hearing
17 going on next door. I'm going to be running back
18 and forth between the two hearings. Thank you.

19 COMMITTEE COUNSEL: Council Member
20 Jackson.

21 COUNCIL MEMBER JACKSON: I vote aye
22 on all and I'd like to be excused. I have to go
23 over to Finance right across.

24 COMMITTEE COUNSEL: Council Member
25 Katz.

2 COUNCIL MEMBER KATZ: Aye on all.

3 COMMITTEE COUNSEL: Council Member
4 Seabrook.

5 COUNCIL MEMBER SEABROOK: I vote
6 aye on all with an understanding from Mr. Barron
7 that he believes in reciprocity here.

8 [Laughing]

9 COMMITTEE COUNSEL: Council Member
10 Sears.

11 COUNCIL MEMBER SEARS: Aye on all
12 and I also have to go back to Finance, thank you.

13 COMMITTEE COUNSEL: By a vote of
14 eight in the affirmative, none in the negative, no
15 abstentions, LU1068, 1069, 1070, 1076, 1087 1088
16 and 1103 are approved and referred to the full
17 Land Use Committee.

18 CHAIRPERSON AVELLA: Now onto the
19 item of the day, the Fordham University
20 application, Land Use Numbers 1077 through 1081:
21 C05260CSM, C050269ZSM, C050271ZSM and N090170ZRM.
22 And I'd like to call up the applicant, the
23 representatives of Fordham University to give the
24 presentation.

25 [Pause]

2 CHAIRPERSON AVELLA: While they're
3 being seated, this application lies within Council
4 Member Gale Brewer's District and she'd like to
5 make an opening statement.

6 COUNCIL MEMBER BREWER: Thank you
7 Mr. Chair. I want to thank you for holding this
8 hearing, it's part of a process. I just want to
9 thank those who've been involved so far.
10 Certainly Community Board 7, the Manhattan Borough
11 President's Office, City Planning Commission. I
12 know there are members here from the union because
13 Fordham is--and it's a good thing, contracting
14 with SEIU, they used to be with a different union.
15 The students, the staff and perhaps from my
16 perspective the most, the community which has put
17 in a great deal of time surrounding buildings and
18 people who care.

19 I think I want to be clear that no-
20 -there will be something built here and I think
21 partly that is due to the immense respect that
22 graduates and community members and all New
23 Yorkers and perhaps everybody in the United States
24 have for Fordham University and the great
25 education that it offers on all levels. I think

1
2 the issues that we're going to be looking at in
3 terms of listening today are the density, the
4 openness of the campus, streetscape, certainly
5 issues regarding how the plan fits into the
6 neighborhood as a whole.

7 We are very fortunate, and I think
8 we saw from yesterday's opening of Lincoln Center
9 after 50 years, that that campus is opening up and
10 has gotten great, rave reviews. And we look
11 forward to working with Fordham to be sure that
12 the campus expands so that the incredibly good
13 education that Fordham offers can even be
14 enhanced. And at the same time open up the campus
15 for the community because at the Lincoln Center
16 campus in particular, Fordham is part of a really
17 active, vibrant West Side community.

18 And so I want to, again, thank
19 everybody Mr. Chair, and I appreciate the moment
20 to say a few words. Thank you very much.

21 [Applause]

22 SERGEANT AT ARMS: Sit down please,
23 sit down.

24 CHAIRPERSON AVELLA: Let me make
25 something perfectly clear. There will be no

1
2 applause. There will be no booing. If you want
3 to have something to say, you say it at the dais
4 and you give testimony. If I allow applause then
5 I have to allow booing. And there'll be none of
6 that. Period. If you have something to say, you
7 say it as part of your testimony. I won't repeat
8 this again. I know you all, you know, you have
9 your opinions. But people should not be
10 intimidated one way or the other in this building.
11 People should have the right to their opinion
12 without somebody booing or somebody applauding.
13 So if you have something to say, you'll have your
14 time when you give testimony.

15 FATHER JOSEPH MCSHANE: Thank you.
16 Good morning Chairman Avella.

17 [Off mic]

18 MR. EDWARD C. WALLACE: Yeah good
19 morning. I'm just going to introduce the panel.
20 Chairman Avella, Chairwoman Katz, my name's Ed
21 Wallace. I represent Fordham University together
22 with my colleague from Greenberg Traurig, Deirdre
23 Carson, who is the zoning lawyer for this
24 application. I am here with Father Joseph
25 McShane, President of Fordham; Brian Byrne, Vice

1
2 President for Administration of the Lincoln Center
3 project and who's overseen this plan for ten
4 years; and Don Clinton of Cooper Robertson which
5 has developed the Master Plan. They will describe
6 the plan and answer your questions.

7 Also available to answer any
8 questions are Tom Dunne, who is Vice President of
9 Government Relations; many of you know Tom in his
10 former life. With him is Leslie Massiah, who is
11 Assistant Vice President for Government Relations
12 who can describe Fordham's longstanding
13 relationship involvement to the community; and
14 also Joe Miriana [phonetic] who is part of the
15 Government Relations team and I think is a Vice
16 President or Assistant Vice President as well.

17 I am honored to be here, as a former
18 member of this body, and I'm also a Fordham alumni
19 in the Law School. I just want to give one
20 program note. This is a 25-year Master Plan.
21 You'll see design of some buildings, the Law
22 School and you'll see envelopes, you'll hear that
23 word today on others.

24 This is intended to be good
25 planning. So to those who say do it building by

1
2 building, the criticism would be that's not
3 planning. If you did it, the planning that we've
4 done throughout 25 years, there's sometimes a
5 concern about the specific buildings. I think
6 that's what the discussion will be about.

7 Finally let me just acknowledge that
8 we are very honored to have with us Teamsters
9 Local 805, Local 279 of the Laborers and Local
10 32BJ of the Service Employees. And with that I
11 introduce Father McShane. And I apologize for
12 interrupting you.

13 FATHER MCSHANE: It's all right Ed.
14 I'm used to it. Good morning Chairman Avella,
15 members of the Council and especially Council
16 Member Brewer. I'm Joe McShane, I'm the president
17 of Fordham University and I'm here to give
18 testimony on behalf of the proposal that the
19 university has placed before you.

20 I wonder, however, if I could begin
21 my testimony to you this morning with a story, a
22 Fordham story, my father's story. The son of
23 Irish immigrants, my father was born in Hell's
24 Kitchen and raised in Vinegar Hill in Harlem and
25 Marble Hill at the northern end of Manhattan.

1
2 He graduated from Xavier High School
3 in Manhattan in January of 1929, and two weeks
4 later at the age of 16 he entered Fordham College
5 as a freshman. The first member of his family to
6 go to college, he worked his way through Fordham
7 by working as an attendant in the City's parks.

8 When he graduated, he gave himself
9 to a life of service, first as a high school
10 teacher and coach, and later as a civil servant.
11 He served with the United States Department of
12 State. When my brothers and I were growing up, my
13 father stressed over and over again to us that
14 Fordham changed not only his life, but the life of
15 his entire family.

16 My friends: my father was a Fordham
17 Everyman. His life story has been repeated
18 countless times in the 168 year history of the
19 University. Fordham has always been an
20 institution with a deep devotion to the City and
21 its people. It has always had a special love for
22 and mission to the children of immigrants.

23 And I am happy to tell you that
24 Fordham continues to be the same kind of
25 institution that it was when it welcomed my father

1
2 to its student body in January of 1929. That is
3 to say, Fordham remains devoted to the City; it
4 continues to have a special fondness for first-
5 generation college students and especially the
6 children and grandchildren of immigrants; and it
7 continues to help first generation college
8 students realize the American Dream both for
9 themselves and for the members of their families.

10 In addition, as a Jesuit institution
11 it continues to educate men and women for others;
12 men and women who use their considerable talents
13 to help others and to strengthen the City.

14 Now a few observations and/or
15 statistics will serve to make my point. At the
16 present time more than 90% of our undergraduate
17 students receive financial aid from the
18 University; 30% of our undergraduate students come
19 from minority backgrounds; and in the Jesuit
20 tradition of education, all of our students are
21 taught to become men and women for others and to
22 serve others as a part of their lives, no matter
23 what it is they do for a livelihood.

24 Now allowing Fordham to develop the
25 Lincoln Center campus according to the plan you

1
2 have before you will let us continue to serve the
3 students, community and the City more effectively
4 in the coming decades. Other Fordham supporters
5 here today will testify and they will tell you why
6 the campus should be developed, not only for the
7 good of the University, but also for the economic
8 and educational vitality of our City.

9 I will just share a few particulars
10 with you. The facilities constructed at the
11 Lincoln Center campus over the past few decades
12 were designed to accommodate approximately 3,500
13 students. The student population at Lincoln
14 Center, however, stands at over 8,000 students.
15 These students are not well-served by our current
16 facilities, which provide about 106 square feet
17 per student while comparable schools nationwide
18 offer more than 380 square feet per student to
19 their students.

20 Therefore, the Lincoln Center campus
21 is inadequate to our current needs, much less
22 those we that project over the next two decades.
23 You will be hearing today from the Deans of the
24 various schools at Lincoln Center, who will
25 explain in greater detail how the physical

1
2 limitations of the campus's existing buildings
3 sorely challenge us in the delivery of quality
4 educational programs to our students.

5 Now unlike some of its sister
6 institutions in the City, Fordham is almost an
7 entirely tuition-supported school. Since its
8 endowment is modest, the University will need to
9 capitalize on its real estate assets; continue its
10 aggressive fundraising campaign; and acquire
11 Dormitory financing if the plan that we place
12 before you is to be realized.

13 Finally, in developing this plan, we
14 have consulted with our neighbors and the
15 Community Board. We have heard their concerns and
16 listened to their requests. We have been
17 responsive to their requests for changes on many
18 fronts because quite frankly it is the right thing
19 to do, and we take seriously our responsibility to
20 be a good neighbor, to be a vital part of the
21 Upper West Side community.

22 While we have adopted many of our
23 neighbors' proposals, it has not been possible to
24 accommodate every single request. That said, we
25 think that the changes we've made have resulted in

2 an improved plan that better serves the community
3 and the University. I will leave it to Dr. Brian
4 Byrne, the Vice President for Lincoln Center, to
5 tell you more specifically how we have addressed
6 these concerns, most recently with the able
7 assistance of Scott Stringer the Borough President
8 of Manhattan and his land use staff and
9 Commissioner Amanda Burton and her staff at City
10 Planning.

11 Thank you, in advance, for your
12 thoughtful consideration of Fordham's plan to
13 develop its Lincoln Center campus. We at Fordham
14 believe its approval is critical not only to
15 Fordham's mission, but also to the intellectual,
16 cultural and economic life of the City. Thank you
17 very much.

18 [Deciding who goes next]

19 MR. BRIAN BYRNE: Mr. Chairman, I
20 have a copy of my testimony.

21 FATHER MCSHANE: Oh he'll get it;
22 the Sergeant will get it to him.

23 MR. BYRNE: Good morning Chairman
24 Avella and honorable Council Members.

25 [Rearranging the seating]

2 MR. BYRNE: Is that better? Thank
3 you. My name is Brian Byrne and I am the Vice
4 President for the Lincoln Center Campus of Fordham
5 University. This morning I'd like to highlight
6 certain elements of the plan's evolution with
7 particular emphasis on our efforts to make our
8 campus more open and more accessible. We believe
9 that these changes have resulted in a much
10 improved plan that meets pressing needs of the
11 University to expand the campus while addressing
12 community concerns.

13 First, we were mindful of our
14 immediate neighbors' immediate request that the
15 bulk and height of the two graduate schools to be
16 constructed on the Columbus School's academic--
17 sorry Columbus Avenue be reduced. We reduced the
18 overall heights of these envelopes for those
19 buildings even before our application was
20 certified into ULURP.

21 Second, we were challenged by the
22 community and the Department of City Planning to
23 promote public use of the plaza quadrangle around
24 which the University will be developed by
25 enhancing public access. In a related request, we

1
2 were asked to make the street presence of the
3 University more permeable and engaging to the
4 public. The University responded by widening
5 stair openings to the central plaza area,
6 providing landscaping that carries the
7 quadrangle's greenery to the street, gentling the
8 rise to run, and providing terraced stair
9 conditions that allow for seating at intermediate
10 levels on the path from the street to the top of
11 the plaza.

12 We also agreed not only to enhance
13 the glazing of the buildings at the street level
14 along the avenues beyond what is required by the
15 Special District Regulations, but also to
16 introduce new glazing through structural walls on
17 West 60th Street and to extend the District's
18 glazing standard along West 62nd Street
19 voluntarily.

20 Third we were asked to vary the
21 rhythm of the street walls along both Columbus
22 Avenue and West 62nd Street by breaking up the
23 massing of those buildings and creating visual
24 interest, and to find ways to maximize light and
25 air to the existing Alfred Condominium.

1
2 Fordham responded not only with
3 changes in the plan, but also with a design for
4 the first building it proposes to build, the new
5 Law School and dormitory. Fordham agreed to limit
6 the width of the street walls of the buildings
7 proposed along Columbus Avenue and proposed a
8 variety of distances between buildings on West 62nd
9 Street, coupled with variations in height and
10 placement of street walls.

11 This variety is particularly
12 exemplified by the Law School design of Pei Cobb
13 Fried. For the benefit of the Alfred Condominium,
14 Fordham restricted the height of the Law School's
15 academic component, angled the dormitory portion
16 to preserve as much as possible views from the
17 Alfred and pulled the entire Law School building
18 12 feet away from the side lot line that Fordham
19 shares with the Alfred thereby creating a 20 foot
20 gap between the two buildings.

21 Our recent agreement with the
22 Manhattan Borough President embodied in the plans
23 approved by the City Planning Commission, build
24 upon and enhance these design modifications. The
25 agreement requires the University to surrender a

1
2 portion of its as-of-right floor area of the
3 Lincoln Center campus, a total of 144,074 square
4 feet of actual floor area. To accomplish the
5 University agreed to give up 265 underground
6 parking spaces; over half of those originally
7 proposed.

8 Most of the floor area reduction
9 will occur along the Columbus Avenue, directly
10 benefiting many of the project's critics. A
11 mandatory 10 foot sidewalk widening along Columbus
12 Avenue, will provide a sort of funnel up into the
13 campus through Columbus Avenue stair for people
14 traveling to the campus from the nearby 59th Street
15 subway station.

16 Design guidelines for the Columbus
17 Avenue buildings will eliminate the perception
18 that the street walls are unrelieved and excessive
19 in width. A mixture of program reduction and
20 reduction in floor to floor heights will also
21 occur in the proposed residential buildings on
22 Amsterdam Avenue bringing the heights of those
23 buildings down by over 40 feet in one case and 20
24 feet in the other. Setbacks also will be required

1
2 for the lower University buildings along
3 Amsterdam.

4 Finally, Fordham will provide an
5 access passageway at grade through the area
6 between two of the sites for the Alfred
7 Condominium, to enable residents of that building
8 to have direct access to West 62nd Street from
9 their building, an amenity they have long
10 requested from Fordham.

11 These and the other design elements
12 of the modified plan will be described in detail
13 by Don Clinton of Cooper Robertson shortly, with
14 visual assistance.

15 We do wish to thank all of those who
16 participated in the conversations, as Father
17 mentioned, which took place over the past three
18 years to improve the plan, especially the members
19 of Community Board 7's Land Use Committee and the
20 staff and Director of the Department of City
21 Planning and Borough President Scott Stringer and
22 his staff. Thank you very much.

23 CHAIRPERSON AVELLA: If I can sort
24 of ask that, I don't know if you're going to do
25 this, but the testimony that you just read into

1
2 the record about some of the changes that were
3 made, could the Committee see that outlined on
4 some of the diagrams and could you go through
5 that? I think it's much more helpful than just
6 reading the list.

7 MS. DEIDRE CARSON: I agree and Mr.
8 Clinton, this is Deidre Carson from Greenberg
9 Traurig for the record; Don Clinton is going to
10 show you those things. We have some boards that
11 specifically address those issues. It falls to me
12 as land use counsel to briefly describe the land
13 use context and a brief decryption of the actions
14 that you're considering. This is the dull, dry
15 portion of the testimony.

16 Preliminarily, we note that the
17 Fordham Master Plan will be carried out on land
18 that Fordham has owned for more than 50 years,
19 without any expansion into the community.
20 Fordham's applications do not require any change
21 in the Zoning Map for the District in which
22 Fordham is located; nor do they call for any
23 waivers of the uses permitted in the District or
24 the amount of floor area permitted on the Fordham
25 campus as of right. The only text amendment that

1
2 is in front of you is one that clarifies existing
3 text as to curb cuts, to facilitate construction
4 of an otherwise permitted loading dock on West 62nd
5 Street.

6 The Fordham campus is situated on a
7 super-block, surrounded on four sides by wide
8 streets. The four streets are Columbus Avenue,
9 West 60th Street, Amsterdam Avenue and West 62nd
10 Street, of course, immediately south of Lincoln
11 Center. Since enactment of the 1961 Zoning
12 Resolution, the area in which the campus is
13 located, like much of the Lincoln Square area that
14 surrounds it, has been mapped as a C4-7 Zoning
15 District. Within this District, development of
16 residential, community facility and commercial
17 buildings is as of right to a base floor area
18 ratio of 10.

19 The City Planning Commission has
20 examined this zoning for the area twice, once in
21 1969, when it created the Special Lincoln Square,
22 and again, in 1994, when they substantially
23 rewrote the District Regulations and both times,
24 left in place the C4-7 Zoning.

1
2 The Special District Regulations as
3 substantially revised in 1994 contemplate the
4 construction of a wide variety of building types,
5 including towers. No absolute building heights
6 are established; however, the regulations include
7 a bulk-packing requirement, which mandates that
8 60% of a zoning lot's floor area be located below
9 150 feet. The regulations require active uses
10 along the Avenue frontages and establish minimum
11 glazing requirements and ground floor use
12 restrictions.

13 In its ULURP applications, Fordham
14 is not seeking any modifications of District
15 Regulations as to use, floor area ratio, bulk-
16 packing, or glazing and use along the Avenues.
17 That means that Fordham has 60% or in fact more
18 than 60% of the total floor area to be developed
19 below the height of 150 feet. The building
20 envelope Fordham is proposing in the Master Plan
21 do however require modifications of height and
22 setback regulations as well as certain technical
23 regulations concerning minimum distances between
24 buildings on its zoning lot, distances between

1
2 legally required windows and lot lines and inner
3 and outer court regulations.

4 Section 82-33 of the Zoning
5 Resolution authorizes the City Planning Commission
6 to modify these bulk parameters in order to
7 facilitate good design, which the City Planning
8 Commission interprets to mean good urban design,
9 rather than individual building design. This
10 special permit is like the kinds of special
11 permits authorized elsewhere in the Zoning
12 Resolution for large-scale developments, when the
13 buildings in a large-scale project have not yet
14 all necessarily been designed. Don Clinton of
15 Cooper Robertson will explain to you why the
16 proposed bulk modifications will facilitate good
17 design.

18 Fordham is also asking for special
19 permits to permit the construction of accessory
20 parking garages in each of the two residential
21 towers proposed for construction on Amsterdam
22 Avenue. As you may know, no accessory parking is
23 permitted as of right within the Lincoln Square
24 Special District. If approved, the garages would
25 contain a maximum of 68 parking spaces in one case

1
2 and 137 parking spaces in another, but in any
3 event not more than 35% of the total number of
4 dwelling units in each building. This ratio of
5 spaces to dwelling units is the same as would be
6 permitted as of right in residential buildings in
7 Community Board 7 outside of the Special Lincoln
8 Square District. It should be noted that
9 Fordham's parking request is consistent with the
10 recommendations adopted by the Transportation and
11 Land Use Committees of Community Board 7.

12 Finally, Fordham has obtained an
13 authorization for a curb cut from City Planning
14 for the new loading dock on West 62nd Street. In a
15 technical action, Fordham is requesting a
16 clarifying text amendment of Section 82-50 of the
17 Zoning Resolution to extend the applicability of
18 the authorization procedure for curb cuts to as of
19 right loading docks.

20 The applications that are before you
21 were approved by the City Planning Commission by a
22 vote of 12 in favor, 1 recused, on April 22, 2009.
23 Thank you for this opportunity to speak.

2 MR. DONALD CLINTON: Good morning
3 Chairman Avella and Council Member Katz. I will
4 try to show as quickly as I can the visuals--

5 COUNCIL MEMBER KATZ: [Interposing]
6 Can you just state your name for the record--

7 MR. CLINTON: [Interposing] My name
8 is Donald Clinton--

9 COUNCIL MEMBER KATZ: --and your
10 position.

11 MR. CLINTON: --partner with Cooper
12 Robertson and Partners, representing Fordham. I
13 will show as quickly as I can some of the visuals
14 that go to the issues that Dr. Byrne raised and
15 also some of the questions that were raised by
16 Council Member Brewer about open space, scale of
17 buildings and streetscape.

18 This is the campus today. It's a 7-
19 acre campus. Fordham has 3 buildings on the
20 campus, the existing Law School, Lowenstein Hall
21 which has all of the academic programs that are on
22 the campus today, and McMann [phonetic] Dormitory.
23 Also on this block, but not within the Fordham
24 property is the Alfred Condominium, a 400-foot

1
2 high apartment building at the western end of the
3 property.

4 This is the Special--this is the
5 Upper West Side Zoning Map and the Special
6 District is in this color, Fordham sits at the
7 southern end of the Special District that Deirdre
8 referred to.

9 [Off mic]

10 This is the heart of our
11 application. These are the graduate schools and
12 undergraduate college, the library space and the
13 shared academic space, the dormitory space and the
14 residential buildings that are proposed by
15 Fordham. All of the graduate schools that are on
16 this campus have been in Manhattan since their
17 founding. They're all in Lowenstein today and
18 over the 24-year build out of this plan, each
19 would have a building of their own and a street
20 address for the first time.

21 The Site Plan shows where these
22 schools are located. The School of Business at
23 60th Street; the Schools of Social Service and
24 Education on the corner of 62nd and Columbus; the
25 new School of Law which would be located

1 immediately west of the existing law school on 62nd
2 Street. And then the two residential buildings
3 are here at this site at the south end of the
4 parcel on Amsterdam, has two different
5 configurations which the application asks for.
6 That site mixes Fordham uses, both dormitory and
7 academic uses with residential uses. And then the
8 other thing on this plan, very important to note
9 are the open space, both in the center and the
10 open space openings that have been created to the
11 neighborhood, to the Lincoln Center to the north,
12 to Columbus Avenue to the east.

14 This board shows the first of a
15 handful of the key urban design principles which
16 we had used to develop the plan, responding to
17 many of the issues that Council Member Brewer has
18 raised. One of the key guidelines in our thinking
19 about where to put the 10 FAR, now it's slightly
20 less than 10 FAR, that's as of right on this
21 parcel, is the pattern of development on the Upper
22 West Side that by and large puts the taller
23 buildings on the avenues, the wide streets, and
24 puts lower buildings, mid-rise buildings in the
25 middle of the block.

1
2 That is the pattern that Fordham
3 proposes to follow, although you will see to the
4 south some very tall residential buildings that
5 have been built in the mid-block to the south.
6 The feeling that Fordham had is that sitting next
7 to Lincoln Center that the appropriate response
8 was to step down and in fact you'll see as we
9 discuss the Law School, particularly to create a
10 very kind of informal frontage along 62nd Street.
11 You can see the scale of the buildings on
12 Columbus, very similar to the scale of the
13 buildings across the street on Columbus and then
14 the scale of the buildings on Amsterdam relating
15 to buildings that have begun to develop on
16 Amsterdam both north and west of the site.

17 The question Council Member Brewer
18 raised about streetscape, the underlying principle
19 here is that in Manhattan and on the Upper West
20 Side the appropriate response to the surrounding
21 streets is to put active uses. The Special
22 District mandates transparency on the avenues.
23 Fordham has gone beyond that as Dr. Byrne talked
24 about and provided transparency and active uses
25 which are not specifically called for in the

1 zoning, both on 62nd and in the case of 60th where
2 there is a blank concrete wall, opened up that
3 wall, made--punched openings in it and then
4 created an entrance to Lowenstein for the first
5 time and a new entrance to Pope Auditorium. Very
6 active uses along what is presently a very barren
7 stretch of street.
8

9 You will also see the uses that
10 Fordham has looked at in addition to retail on
11 some of the Amsterdam Avenue end, are many of the
12 uses that Fordham would like to have at street
13 level: their radio station, the gallery, the book
14 store, the kinds of uses that a university does,
15 can offer to the community that are open and
16 accessible to the community.

17 The other point that was raised by
18 Council Member Brewer about open space is
19 obviously at the heart of our plan and has been
20 the focus of much of our discussion with the
21 community. This is the open space that is at
22 Fordham today. It's accessible and used by the
23 community today. Its access could be improved.
24 And one of the things that this plan seeks to do

1
2 is develop a way to get into this quadrangle and
3 to make it much more accessible to the community.

4 You can see here the big open areas
5 that open up into that quadrangle, just want to
6 draw your attention to where they are in the plan.
7 The one on 62nd Street is in that line that goes
8 into the heart of Lincoln Center. Immediately to
9 its east is the back of the New York State
10 Theater, so by positioning this open space right
11 at a point where you can get deep into Lincoln
12 Center, threading between the parking garage ramp
13 and the New York State Theater, gives the best
14 access to the north.

15 And then on Columbus, it's on 61st
16 Street and makes a connection to Broadway and
17 ultimately to Central Park. Broadway is the core
18 street of the Upper West Side and of this part of-
19 -of the Lincoln Square area.

20 The design for these stairs is the
21 place that we probably spent the most time with
22 the community in terms of specific design
23 recommendations. And the idea of bringing the
24 green of the internal quadrangle down to the
25 street, accessible as a sort of sign that this is

1 public and accessible, there are no gates, no
2 fences, it's an open accessible way to get into
3 the campus.
4

5 In the first phase, before one of
6 the Columbus Avenue buildings is built, Fordham
7 today has a 35 space parking lot. There will be
8 garage space built on this campus, so as part of
9 their application Fordham proposes to close that
10 parking lot and develop it as an open space until
11 such point as that building on Columbus is built
12 which will be some years out. And then in the
13 case of the 62nd entrance because the new Law
14 School will sit next to the existing Law School,
15 there will be a broad stair up at that point from
16 62nd. So at each step of the process, each step of
17 the building of the campus there will be ways to--
18 for the public to get into this central open
19 space.

20 Dr. Byrne mentioned the Law School
21 as the first building that Fordham will build.
22 This is a view of the Law School from the Lincoln
23 Center campus. You can see here how--what Dr.
24 Byrne mentioned, the shaping of the Law School to
25 allow The Alfred to have views not only directly

1 north but also over towards Broadway. And the
2 base of the building has been kept low in front of
3 The Alfred Apartments.
4

5 Fordham has been in active
6 discussion with a developer for the first of the
7 residential sites at 62nd and Amsterdam. That
8 developer retained Pelli, Clark, Pelli, a very
9 celebrated firm. Dr. Byrne mentioned Pei Cobb
10 Fried for the Law School. So the first two firms
11 that have been engaged on this campus are, I would
12 say, in our profession, at the very top,
13 nationally and internationally.

14 Raphael Pelli developed this design.
15 I will say that it is a design that when showed to
16 the community members, those that we were talking
17 to regularly, this was a particularly well
18 received design. It tackles the problem of
19 building a tall building in Manhattan and I think
20 in a very elegant way.

21 To go to the points that were raised
22 by Dr. Byrne about the processes, we've gone
23 through ULURP. The first step for us was with
24 Borough President Stringer and with his able
25 staff. We took many of the things that we had

1
2 been discussing with the community and with the
3 community Board in a more formal way and through
4 work with Borough President's staff; we actually
5 created a Memorandum of Understanding that really
6 locked into place many of those agreements.

7 And they go to core issues which had
8 never really gotten formally adopted. But a
9 reduction in density, reductions in height,
10 mandating of transparency on Columbus at a very
11 high level, higher than the underlying zoning. On
12 62nd we created a passageway into The Alfred. They
13 have one today. This put one into place for the
14 future. And we eliminated a big garage. It's
15 over half of the parking spaces that were applied
16 for.

17 On Amsterdam we made similar
18 reductions in height and in density. And we also
19 added that transparency provision.

20 If you have an exhibit in front of
21 you, you can see more closely some of the scale
22 changes here from certification through the two
23 revisions that we developed with the Borough
24 President's staff. One of the things that got
25 memorialized here which I think is interesting in

1
2 the context of doing large-scale projects in New
3 York, two different ways to build the same density
4 as part of the application with very clear rules.
5 One of them designed to be lower but more complex
6 in its massing, the other one to be more slender
7 and taller. Both of those are viable options from
8 an urban design point of view. The Borough
9 President and his staff got this written down in a
10 way that could be clearly documented.

11 Here you can see the garages as they
12 were. There were three. The large garages you
13 see here, Garage B as it was called, on 62nd
14 Street, that garage has been completely eliminated
15 from the plan, over half of the spaces in the
16 application.

17 With respect to the Avenues, a lot
18 of concern having said that tall buildings are on
19 the avenue, the question is how do they relate to
20 their context. So here you can see on Amsterdam,
21 where the taller buildings are, the two
22 residential buildings, and in the case of this
23 site, some other uses, Fordham's dormitory and
24 academic uses. You can see the relative scale of
25 the buildings here compared to the apartment

1
2 building immediately to the south or the Rose
3 Building to the north, very similar scale and in
4 the case of the building at 60th Street, even lower
5 than the adjacent buildings.

6 On Columbus you can see in context,
7 in this case you're seeing the buildings on the
8 same side of the street as Fordham but on the
9 other side they're similar scale. You can see
10 some very large apartment buildings, very tall
11 apartment buildings immediately to the south. And
12 then as you go north of course you see The
13 Millennium and other very tall buildings. In this
14 case the Fordham buildings are the same or
15 generally in some cases lower than the buildings
16 in the context.

17 The last group of things, and I will
18 not spend time on the words here, these are the
19 things that the City Planning Commission did. And
20 I'll show these very quickly because they're quite
21 technical. We took the requirements for lowering
22 the buildings and shaping them and memorialized
23 them in very clear bulk controls that mandated
24 street walls, mandated a limitation to the width
25 and face of buildings. You can see a couple of

1
2 examples here. They're quite technical drawings.
3 But that level of specificity is now embedded in
4 the application.

5 Going to, I would say, a critical
6 point from a streetscape point of view on
7 Columbus, in the original application you can see
8 it here, through work with the Borough President
9 and the City Planning Commission, the entrance to
10 the stair that we provided, the 60 foot wide stair
11 was opened out and the street line pulled back and
12 additional landscaping along the street on
13 Columbus required. And real rules and regulations
14 for what could happen at the corner of 62nd. City
15 Planning Commission was interested in having
16 active retail uses even going beyond Fordham's own
17 uses in that case.

18 And then on Amsterdam, my last
19 board, you can see the scale of the buildings has
20 come down, these envelopes are now essentially the
21 same size as the buildings that have been
22 proposed. There is essentially no flex room
23 permitted there. And in addition the City
24 Planning Commission required that the bases of the
25 buildings be lowered and that setbacks be adopted

1
2 on those bases. So they're much more shaping and
3 reduction in scale of the buildings on Amsterdam
4 as well.

5 That's the end of my presentation.
6 Thank you.

7 CHAIRPERSON AVELLA: You know,
8 we've--you actually gave me your presentation in
9 my office so I'm somewhat familiar with the
10 application. And I'm not going to ask too many
11 questions because I know Council Member Gale
12 Brewer, I'm sure, wants to ask some questions and
13 my colleagues do.

14 But the one thing that, you know,
15 jumped out at me, you know, from the very
16 beginning and I mentioned that to you during the
17 briefing is without looking at the huge public
18 service that, you know, Fordham performs, without
19 looking at the individual architecture of the
20 buildings or the need, if you just look at the
21 drawing, the first thing that jumps out I think at
22 anybody is it looks like a walled in fortress.

23 It looks like you're creating an
24 entity unto itself that is separating itself from
25 the community. And I know you're going to

1
2 disagree with me but that's how it looks to me.
3 And it's a little bit disconcerting because
4 Fordham is a community institution. And I know
5 you want to be part of the community and you are.
6 So I don't know how you address that but that, to
7 me, is a real issue.

8 MR. WALLACE: Council Member, as you
9 know, we've heard this on other occasions and when
10 we spoke to you we said come visit the campus.
11 And I think what can be lost on these small boards
12 is the fact that this is a double sized block,
13 number one, so the spaciousness of it isn't really
14 easy to appreciate, but number two, so much work
15 has gone in both with the Community Board Task
16 Force and through Coopers Robertson in trying to
17 angle the Law School, for example, dormitory above
18 it, to widen out those stairways that I think what
19 you will see is that there are certainly perimeter
20 buildings with an interior courtyard which
21 provides an open and kind of an oasis in a busy
22 neighborhood for both community and student. And
23 functioning buildings that when you see them
24 designed as the Pelli building illustrated I think
25 perfectly, they don't seem, what the word you

1
2 used, the fortress word. They seem like iconic
3 architectural elements of a whole.

4 They're different but they greet you
5 into the building. And I think you can't
6 appreciate it without coming and standing in that
7 oasis and seeing it. That said, some neighbors
8 will say the buildings are bigger than they want
9 them to be and we understand that. We respect
10 their view. But in the end of the day we think
11 this, which is within the as of right zoning bulk,
12 these are the better shapes to accomplish what
13 you're addressing which is a kind of openness and
14 beauty really.

15 CHAIRPERSON AVELLA: Well I
16 certainly appreciate the opportunity to go out
17 and, you know, tour the facility and I'll
18 certainly take you up on that.

19 I would just make the comment that I
20 think there's an opportunity here for compromise.
21 And I hope that, and I know you'll be working with
22 Council Member Brewer, that, you know, obviously
23 we're not voting on this matter today. That in
24 between the time when we do vote that there is an
25 opportunity to sort of work with the community and

1
2 Council Member Brewer and come up with something
3 that's acceptable to everybody.

4 You know, Fordham is a great
5 institution. I don't think anybody denies that.
6 But every, you know, institution, community
7 facility, whether it be a hospital or college,
8 does have a responsibility to serve the
9 neighborhood and the community that it lies
10 within. And I think in that respect, you know,
11 even in the larger issue, and, you know, you know
12 I've talked about this ad infinitum, that
13 community facilities do have a certain obligation
14 to the community, you know, that they represent.
15 And I think we have the opportunity here to do
16 both. I think fulfill your needs and still
17 address the issues of the community.

18 Council Member Brewer?

19 COUNCIL MEMBER BREWER: Thank you
20 very much. A couple of issues. First of all I
21 know you mentioned that this is a Master Plan. So
22 I want to know if you could go through the timing
23 and what might be built when.

24 [Pause]

25 MR. CLINTON: We intend to begin

1
2 with the Law School Dormitory project, Councilman,
3 just as soon as we can, as soon as we get the
4 final approvals and have the clearances. And we
5 anticipate that will be first quarter of next year
6 at this period of time. Then the rest of the
7 first phase is divided into very broad phases,
8 includes the build out on Amsterdam Avenue. And
9 we expect that to be done around 2014.

10 And then we are looking at 2032 for
11 the remainder of Phase Two of the project which is
12 on Columbus Avenue.

13 COUNCIL MEMBER BREWER: And I know
14 you've had many discussions with the Community
15 Board, particularly on this issue of second tier
16 review. Could you discuss with us where you are
17 with those negotiations and how we could make
18 sure, I know that there was a discussion in the
19 newspapers anyway that there was a developer and
20 there was an architect for the first building on
21 Amsterdam. But I don't know that the developer
22 and architect are still part of the plan. So you
23 could you discuss the idea of the second tier
24 review, what that would mean, if it was to go
25 forward and the status of the development.

2 MR. WALLACE: Sure. First the
3 Restrictive Declaration as already written
4 provides for a level of second tier review. So as
5 we came out of the Borough President, City
6 Planning, there is already enshrined a second tier
7 review--

8 COUNCIL MEMBER BREWER:

9 [Interposing] Could you describe that? What that
10 entails?

11 MR. WALLACE: Yes. It's a series
12 of obligations triggered by the award of the
13 architect award. And then there a timetables and
14 deadlines so that there is constant consultation
15 in the earliest stages of a new building, a
16 specific building, so that there is adequate time
17 for community input and there is mandated response
18 to the community input.

19 That said, there has been active
20 discussion ongoing with the Community Board
21 Working Group which includes Helen Rosenthal the
22 Chair, Richard Ash and Ethyl Shefford who I think
23 is actually here, and you can hear from her. The
24 best example of how it could work is the Pelli
25 design which you saw; I don't think I'm doing

1
2 disservice to Richard Ash to say that he said the
3 design was "not half bad." And using that as a
4 model, trying to find out what the height would be
5 permitted with that community review.

6 So we hope we can establish that in
7 this process, frankly, before the Council votes.
8 And then I think we will discuss whether, with
9 respect to the other undesigned buildings on the
10 south side, there is some way that we can, in a
11 sense, get the community comfortable that they're
12 participating and at the same time, not have any
13 opportunity for a delay that would in effect
14 adversely affect the overall development of the
15 campus. It's a tricky thing to do. And I think
16 this body, the City Planning Commission will have
17 an interested generally if we achieve something
18 that is of precedential value but we're working on
19 it and I think we're making good progress.

20 COUNCIL MEMBER BREWER: And the
21 other part of the question was the status of a
22 developer and/or architect for the building on
23 Amsterdam Avenue.

24 MR. WALLACE: I'm going to leave
25 that to Brian Byrne.

1
2 MR. BYRNE: Yeah the developer is
3 still involved and very interested. We do not
4 have a valid contract at the moment because the, I
5 can't believe we ran out of time, the process took
6 longer than anybody anticipated. And then we had
7 an economic event or two which made it difficult
8 to put a contract back in place. We are in active
9 negotiations with them. They do want to do this
10 building. And they want to do it as a Pelli
11 design, very much. And we're hopeful that that's
12 going to eventuate in a way that we can do that in
13 the next few weeks.

14 COUNCIL MEMBER BREWER: So that
15 makes the notion of second tier review even more
16 important. Thank you.

17 MR. WALLACE: Yeah, can I just note
18 for the record, Council Member that in that draft
19 Restrictive Declaration, it provides for the
20 Borough President and the Council Member from the
21 District to be sort of ex officio participants in
22 the designation of that review committee.

23 COUNCIL MEMBER BREWER: Yeah I
24 don't care about me. Number two is the issue of
25 the podium. And I know we've been through this

1
2 many time but the Chair mentioned the wall-like
3 feeling. And of course the issue is why is it not
4 possible to build inward so that the community
5 feels the openness of the project? So could you
6 talk about the podium, how tall it is, and I know
7 that the issue of the stairs has been dealt with
8 by the community meetings but if you could share
9 with us the podium issues? Would it be possible
10 to move things inward and the status of how many
11 stairs currently in your plan lead up to the
12 podium?

13 MR. WALLACE: I think, if I could
14 just set the stage and then maybe Brian or Don
15 could follow up with detail. The existing
16 condition, back when the campus was originally
17 developed was to build on the Manhattan Schist,
18 the rock that is at the foundation of the campus.
19 And so you get an advantage from that which is the
20 bulk packing feature, meaning you have a lot more
21 space, low down. What results from that is this
22 plaza on top, the oasis on top, which, frankly,
23 contrary to myth, is well utilized by the
24 community, by residents of The Alfred, then by the
25 students. And I was there yesterday and anyone is

1
2 invited to come and see that that little oasis
3 works.

4 That said--

5 COUNCIL MEMBER BREWER:

6 [Interposing] I'm there all the time.

7 MR. WALLACE: Right. Well there
8 you go. That said, I think that we can give you
9 some facts and figures to tell you why, even if
10 somebody wanted to do it, it's just not
11 technically or financially feasible to take much
12 of that down, although we're taking some.

13 MR. BYRNE: Right. And that's
14 correct. We have, underneath the plaza, our main
15 library, our main art center, our main Pope
16 Amphitheater, all of our mechanical spaces that
17 serve all the other buildings on the campus. So
18 together with our loading docks and connecting
19 corridors between the two buildings.

20 We did an estimate a couple of
21 years ago that to simply recreate that space
22 elsewhere and do the demolition necessary would
23 cost over \$400 million. And at the end of that
24 process we would not have one single square inch,
25 much less foot of additional space. We would

1
2 spend \$400 million to tear down something and
3 replace it.

4 It did not seem to us prudent or
5 our Trustees to go that route. Instead we tried
6 to go the route of making the existing plaza which
7 has been celebrated as a sculpture garden, even
8 more accessible than it is currently. So the
9 stairways for example are roughly 60 feet wide I
10 believe. And I don't know how wide this room is
11 but I think it's probably in the same
12 neighborhood. You're talking about a very, very
13 gracious and low rise to run up onto the plaza.

14 COUNCIL MEMBER BREWER: So just so
15 I understand, the \$400 million would be the cost
16 to tear down the podium and then to build up the
17 FAR that you are currently presenting today.

18 MR. BYRNE: Right except we'd have
19 to do it in the reverse order. We'd first have to
20 build the building to relocate the library and the
21 arts center and relocate all the mechanical spaces
22 and everything that's under there would have to be
23 relocated first. Then you could take down the
24 podium.

25 The other thing is that, Don can

1
2 show perhaps by pointing, we did do structural
3 studies of the west end--I'm sorry, east end of
4 the podium, and as part of the whole business of
5 lowering the size of buildings on Columbus Avenue,
6 we've decided that we can get away with puncturing
7 into the podium on the west side. And that would
8 require us, at considerable expense, to bridge
9 over the Pope Auditorium and take it out of line
10 for probably a year to a year and a half while we
11 do that. That's the big assembly space that we
12 have. So that we can then build over that
13 additional FAR.

14 So the podium, what I--Robert Moses
15 Plaza is what we call it fondly, was not
16 sacrosanct in this. In fact we have done a lot,
17 both with the stairways and this to encroach on it
18 to the extent that we can without interfering with
19 the operations that we desperately need right now.

20 COUNCIL MEMBER BREWER: How--can
21 you describe, I know 60 feet, how large is this
22 room and what does 60 feet look like and how many
23 steps up to the podium as you present?

24 MR. BYRNE: It's the width of a
25 typical Manhattan side street.

1
2 MS. CARSON: To be specific, it's
3 designed to line up with the street lines of 61st
4 Street so that the sides of the buildings on the
5 stair entrance line up with the buildings that are
6 built to the street line on 61st Street. That's
7 the case of the one on Columbus Avenue. On the
8 other one, it's 77 feet wide, the opening is 77
9 feet wide which is slightly wider than the
10 definitely of a wide street.

11 COUNCIL MEMBER BREWER: And how is
12 it ADA accessible?

13 MR. CLINTON: Is it on now? Both
14 stairs have ADA elevators immediately adjacent in
15 a public lobby. You go into the public lobby, go
16 up in the elevator and then go into the quadrangle
17 on both stairs. Today there is one on Columbus.
18 There would be one at both locations.

19 COUNCIL MEMBER BREWER: And why
20 would you do, also not do an escalator, like at
21 Lincoln Center going up to the Rose Complex?

22 MR. CLINTON: It's a good question.
23 It's not in our design at present but it's
24 something we could consider. There's a long
25 history of escalators being problematic for

1
2 maintenance reasons. It doesn't satisfy the ADA
3 requirements by itself--

4 COUNCIL MEMBER BREWER:

5 [Interposing] No I understand that, that why I'm
6 saying you'd have to do escalator and elevator.

7 MR. CLINTON: Yes It's something
8 that could be looked at.

9 COUNCIL MEMBER BREWER: Okay. The
10 other question I have is regarding the curb--I'm
11 sorry go back to Columbus Avenue. Why do you need
12 dorms in a commuter school?

13 MR. CLINTON: Fordham is not a
14 commuter school. I'll let Father McShane talk to
15 this.

16 FATHER MCSHANE: While historically
17 the campus developed as a commuter school 50 years
18 go, since that time, as evidence by every other
19 university in the City of New York or nationally,
20 there is a tremendous demand for the full
21 collegiate experience including residential life.
22 And that particularly for undergraduates, but both
23 for our graduate programs, all of our graduate
24 programs, need housing in order to sustain their
25 academic reputations. And to be able to provide a

1
2 heavily demanded service. The housing market as
3 we all know in New York City is always tight. I
4 mean it's--I've been here 32 years, it's never
5 minor--

6 COUNCIL MEMBER BREWER:

7 [Interposing] You know I feel that way.

8 FATHER MCSHANE: So it's a tight
9 market and we'd rather not have our students out
10 trying to compete with everybody else but to
11 provide on campus, the residential facilities that
12 they need to pursue--

13 COUNCIL MEMBER BREWER:

14 [Interposing] So what do you--what is the Lincoln
15 Center campus have now in the way of dorms? And
16 what in your presentation would they have in the
17 future?

18 FATHER MCSHANE: We have
19 approximately 850 beds on campus. We do lease
20 some apartments over on the East Side of
21 Manhattan, about 65 for graduate students.

22 COUNCIL MEMBER BREWER: Please
23 don't lease any on the West Side, go ahead.

24 FATHER MCSHANE: We're trying not
25 to. And we--

2 COUNCIL MEMBER BREWER:

3 [Interposing] Take away our stabilized units, we
4 don't like that. Go ahead.

5 FATHER MCSHANE: We will add about
6 1,450 beds to that total to get to a total of
7 about 2,250 in 2032. It will be a slow but
8 essential growth. Our very first piece of the
9 very first phase calls for a 400 bed dormitory to
10 get us started.

11 COUNCIL MEMBER BREWER: Regarding
12 the issue of the interim park which is a very
13 controversial issue in the sense that people like
14 the interim park. We're talking now I believe 62nd
15 and Columbus. So could you describe that interim
16 park, how long it would be there and of course the
17 community's question is why can't it be permanent
18 to then match up to the park that Lincoln Center
19 is developing right across the street, so there
20 would be a continuity between the green and not a
21 wall. That is the community's question.

22 MR. BYRNE: I think--

23 COUNCIL MEMBER BREWER:

24 [Interposing] 48 feet to be specific.

25 MR. WALLACE: Yeah I think that's

1
2 actually misperception and an error. The interim
3 park that will be developed will be developed from
4 60th Street up to 61st Street--

5 COUNCIL MEMBER BREWER:

6 [Interposing] Okay.

7 MR. WALLACE: --so it doesn't come
8 all the way up to 62nd--

9 COUNCIL MEMBER BREWER:

10 [Interposing] All right. Hum.

11 MR. WALLACE: --and I think--but
12 Don could give you some of the design--

13 COUNCIL MEMBER BREWER:

14 [Interposing] Talk about the interim park, but
15 then also, how we could make the 62nd Street corner
16 which is opposite Lincoln Center more compatible
17 with the park that's at the Lincoln Center side.

18 MR. CLINTON: To speak to that
19 Council Member Brewer, I think what Lincoln Center
20 is proposing, they have a very big setback to the
21 New York State Theater and Avery Fischer. One of
22 the things that I think that the new plan for
23 Lincoln Center is doing, which is remarkable, is
24 landscaping that entire setback.

25 COUNCIL MEMBER BREWER: It's

1
2 extraordinary.

3 MR. CLINTON: I think that the best
4 thing that the City can do in that context and
5 that Fordham can play its part is to set that up
6 as a special place. If Fordham were to do the
7 same thing, if they had the space which they
8 don't, essentially you would have setbacks, front
9 yard setbacks along a major Manhattan avenue.
10 That doesn't make sense in this context we
11 believe.

12 From an urban design point of view,
13 the correct response is to hold the street line
14 and define the street line. And when you get to
15 Lincoln Center you have that special green space
16 as a threshold to Lincoln Center. Within the
17 context of Fordham's own block, they are doing the
18 equivalent for the 61st Street stair, setting back,
19 opening up into the quadrangle. Doing what they
20 can with their open space.

21 Lincoln Center has a different site
22 planning opportunity and some constraints of its
23 own.

24 MR. BYRNE: If I could add to that,
25 Don is addressing the ultimate plan. The notion

1
2 of the interim park was that since the development
3 along Columbus Avenue is scheduled for much later,
4 the question was well what are you going to do in
5 the meantime. And one answer was, well what is
6 now a dusty 35 car parking lot--

7 COUNCIL MEMBER BREWER:

8 [Interposing] Yeah I know.

9 MR. BYRNE: --could become a
10 community amenity in the interim if we get some
11 parking where we can go put those cars. And that
12 was the genesis of the notion of the interim park.
13 It will be there at least five years. It is keyed
14 to be developed upon the completion of the Law
15 School building. And we see it as a great amenity
16 on the interim, until we're ready to build on that
17 corner.

18 COUNCIL MEMBER BREWER: Could you
19 be more specific Dan, about that corner that has
20 great interest, 62nd and Columbus? Is there any
21 way to open that up or to move it back so that it
22 is more appropriately accessible? It is a major
23 issue for this community as you know--

24 MR. WALLACE: I think that is
25 something that we could seriously look at. There

1
2 are some limits there because there is a lower
3 level to the Law School building, what we call the
4 garden level that goes down below the street
5 grade. But it's certainly something we'd be
6 willing to think about doing, yeah.

7 COUNCIL MEMBER BREWER: Okay.

8 Because that is a very major issue and I'm sure--

9 MR. WALLACE: [Interposing] Okay
10 thank you for bringing that to our attention.

11 COUNCIL MEMBER BREWER: --it'll be
12 the subject of discussions for the next few
13 months.

14 MR. CLINTON: In the long term,
15 Council Member Brewer, just to remember, the
16 existing Law School sits only 90 feet from the
17 street at that point. So there's a very--

18 COUNCIL MEMBER BREWER:

19 [Interposing] I'm aware of that.

20 MR. CLINTON: --yeah.

21 COUNCIL MEMBER BREWER: I know that
22 there have--you have been very supportive of this
23 curb cut issue. And I just wanted to know, again
24 to reiterate, what your plans are. And then I
25 know there have been some discussions that we're

1
2 working with others on, City Planning in
3 particular. Could you just talk about again where
4 the curb cut is located and what other
5 possibilities exist?

6 MS. CARSON: The curb cuts that are
7 proposed at this time consist of an access to a
8 parking garage for--what we call Site 4 which is
9 the first residential site and a loading dock for
10 Fordham in the Law School. And those are both on
11 West 62nd Street. And I don't think there's
12 controversy about those curb cuts.

13 I think the ones that we've been
14 talking about are the ones on West 61st Street.
15 Because Fordham is surrounded on 4 sides by wide
16 streets, there are no as of right curb cuts
17 anywhere on its perimeter except on 61st Street.
18 So when we were looking for a place to put an
19 entrance to another parking garage and a loading
20 bay to support the student center that is going to
21 go on what we call Sites 3 and 3A, between 60th and
22 61st, we placed a loading dock entrance there and a
23 parking garage entrance, not because we were in
24 love with the site but because it was an as of
25 right alternative. And the City had said

1
2 absolutely not on Amsterdam Avenue. 60th Street
3 presents some challenges because the undeveloped
4 depth of the site from Amsterdam to the western
5 wall of McMann is only about 90 feet. And we have
6 some mechanical equipment that runs along the side
7 of McMann that really is impossible to relocate.

8 So we have a limited area. But we
9 have said, you know, were it not for the fact that
10 another entire ULURP proceeding would be involved,
11 we could move one but not both of those entrances.
12 So that's I think the nature of the conversation
13 we've been having with the community. There's a
14 good--you know, concern about having to go through
15 this process again, from the point of view of the
16 client.

17 COUNCIL MEMBER BREWER: The other
18 question that I have is regarding the entrance to
19 the podium, so to speak, on 62nd Street. Can you
20 describe why that location is selected, should the
21 opening--because I know that there is, again, are
22 we being, figuring out a way of being compatible
23 with Lincoln Center or are you off from their
24 opening? Why did you pick that location?

25 MR. CLINTON: As we worked with the

1
2 plan and with Lincoln Center we got their surveys
3 and located the precise location where that
4 walkway that goes adjacent to New York State
5 Theater runs between the parking ramp and the
6 walkway. That goes right into the heart of Joe C.
7 Robertson Plaza, right in front of the Opera.
8 Immediately to its east is the blank back wall of
9 New York State Theater and to the west is the
10 parking garage entrance. So it's the one point
11 where you can get right into the heart of Lincoln
12 Center.

13 We've mandated the geometry of the
14 plan to follow that and to lead right into the
15 Lincoln Center campus' space.

16 COUNCIL MEMBER BREWER: Okay. The
17 buildings at Amsterdam Avenue are residential,
18 very tall. We know we're not talking about
19 affordable housing although everybody who knows
20 me, if I had my way the whole thing would be
21 affordable housing. But the question is what--how
22 high are they planned and what would be the as of
23 right height, if in fact you didn't receive any of
24 the opportunities for increasing the height?

25 MR. CLINTON: The buildings on

1
2 Amsterdam, you can see here, they're 55 stories on
3 the corner with 62nd, and then either 50 or 49, 2
4 different options here on 60th Street. As of
5 right, you could build tower buildings on those
6 corners using tower regulations. It would depend
7 on how big a site was attached to each one of
8 those parcels as to how tall it would ultimately
9 be. But there's no bar in the zoning to going
10 through the sky exposure plane with a tower in
11 this context.

12 COUNCIL MEMBER BREWER: But why did
13 I also hear that 28 stories would be the as of
14 right?

15 MR. CLINTON: It would be, in some
16 cases, that high, if you--in our EIS we had a
17 building about that high because we took a
18 particular position in the analysis of the as of
19 right zoning that said that we were going to take
20 a site this big to do it. But you could take a
21 bigger site and do a different solution.

22 MS. CARSON: There are two options
23 to building taller buildings in this area and one
24 is the tower regulations which are complicated and
25 puzzle even the best of land use experts. But

1
2 what we did in the EIS and the number that you're
3 using relates to what you could do with, I believe
4 it's an as of right sky exposure plane building
5 which is not a tower, towers can puncture the sky
6 exposure plane, the sky exposure planes, the
7 buildings have to be within it. And so the
8 smaller building represents the sky exposure plane
9 alternative.

10 COUNCIL MEMBER BREWER: I mean you
11 could do 28 stories and each story could be loft-
12 like and maybe you could make just as much money
13 as you could with a tall building.

14 MS. CARSON: Well I think the
15 economics and experience that the private sector
16 has with that suggests that that's not likely to
17 be the case. It's strictly, you know, the amount
18 of floor area. And we know that higher floors
19 command higher prices.

20 COUNCIL MEMBER BREWER: Okay I just
21 throw that out because, you know, that is a little
22 bit, those residential buildings are part of what
23 the issue is that creates the wall-like feeling
24 that was mentioned earlier. So it's something to
25 consider, smaller buildings on Amsterdam Avenue.

1
2 I know we're discussing it. Something to be
3 considered. I think I'm done [off mic]. All
4 right thank you very much. I know that there'll
5 be many other questions coming from the following
6 speakers and I appreciate the discussion here this
7 morning.

8 CHAIRPERSON AVELLA: And I assume
9 many of you are going to hang around for the
10 public testimony so.

11 MR. BYRNE: Yeah, we'll be here.

12 CHAIRPERSON AVELLA: Wait, wait,
13 we're not done. Council Member Katz.

14 COUNCIL MEMBER KATZ: I thank you
15 Mr. Chair and I do apologize for going back and
16 forth. There's hearings going on all over City
17 Hall. I just wanted to echo what Council Member
18 Avella said. You know, we have been talking about
19 this project for a long time. It seems like it
20 has been years, at least even for us up here. So
21 I can imagine what it's like for you and really
22 for everyone in the community as well that have
23 been waiting and looking to see how this comes out
24 and trying to be very active participants in it.

25 So I really do want to echo what

2 Council Member Avella said which is that we do
3 look forward to you working very closely as you
4 have been with the community, with Council Member
5 Brewer, who, you know, has been such a strong
6 advocate for the community understanding that
7 there does need to be something worked out that
8 will be beneficial to all involved.

9 So I wanted to echo that. I
10 appreciate you being here and we do look forward
11 to hearing the testimony of the community and all
12 of the groups that are interested in this as well.
13 Thank you.

14 FATHER MCSHANE: Thank you Council
15 Member--

16 COUNCIL MEMBER KATZ: [Interposing]
17 And again I apologize for walking out.

18 FATHER MCSHANE: [Interposing] No,
19 no, there's apology needed. The work of
20 government is very important and seems to have
21 many fronts on which it has to be done so no
22 apologies needed. I wanted to thank you for your
23 comments as well as Council Member Avella's, for
24 his as well. You have our commitment that Fordham
25 will continue to be in dialog with the Community

1
2 Board and with Council Member Brewer, with whom we
3 have a strong and I think candid relationship.
4 And it is that strong and candid relationship that
5 has enabled us together to move forward and
6 through compromise, come to a better and better
7 plan, month by month. You have our commitment on
8 that and we thank you for your patience with us
9 this morning. I know it's been a long
10 presentation and a taxing one. So thank you very
11 much.

12 CHAIRPERSON AVELLA: And it's not
13 over yet.

14 FATHER MCSHANE: No.

15 CHAIRPERSON AVELLA: Now normal
16 procedure is we call a panel in support, a panel
17 in opposition, so we keep alternating back and
18 forth until we don't. I'm going to--based upon
19 the number of people that are here, I'm going to
20 ask people to stick to a two minute time table. I
21 don't cut people off in mid-sentence but I do ask
22 that everybody try and keep to that two minutes so
23 that we get a chance to hear from everybody. And
24 with that, the first panel I'm going to call is a
25 panel in opposition, Ethyl Shaeffer, Sheiffer?

1
2 Shefford. Michael Grohl, Terri Grohl and Howard
3 Goldman.

4 [Pause]

5 CHAIRPERSON AVELLA: And then the
6 first panel in support will be representative of
7 the Manhattan Borough President's Office and the
8 New York City Building Trades and 32BJ and
9 Teamsters Local 805. That'll be the next panel.

10 [Pause]

11 CHAIRPERSON AVELLA: And remember
12 if you have copies of your testimony, please
13 submit it to the Sergeant at Arms before you get
14 up to the dais so that we can move this thing
15 along expeditiously.

16 MS. ETHYL SHEFFORD: Thank you Mr.
17 Chair, Council Member Avella, Council Member Katz,
18 Council Member Brewer and other members of the
19 Committee. My name is Ethyl Shefford [phonetic];
20 I'm a member of Community Board 7, part of the
21 team representing Community Board 7 in its
22 discussions with Fordham University. For more
23 than four years, and especially in these last
24 months we've been striving to represent the
25 community and the Community Board, working with

1
2 this respected University to help it grow, provide
3 education and be an important partner in the vital
4 densely populated, diverse community of Lincoln
5 Center and the Upper West Side.

6 At the same time, we've been guided
7 by the value that it is essential that this
8 University, which is seeking to solidify its
9 future and its reputation in this neighborhood in
10 New York, balance its needs with the long term
11 values and needs of that very community it's in.
12 We also want to thank the Borough President and
13 his office for invaluable and expert work and the
14 City Planning Commission.

15 We support almost all of the issues
16 that have been described and I will confine myself
17 to two points now in the testimony which were
18 highlighted in the Borough President's Report and
19 which continue to be extremely important for the
20 community and Community Board 7.

21 The Amsterdam Avenue private
22 residential buildings, those proposed buildings
23 representing approximately 730,000 to 750,000
24 square feet of the proposed development
25 requirement modification. Most of the requested

1
2 waivers that went before City Planning and you on
3 height, setback, sky exposure planes, relate to
4 those buildings. They are over 600 feet high and
5 almost 600 feet high respectively at 62nd and 60th
6 Streets.

7 They are far too high and do not in
8 fact represent the architectural design controls
9 that we would like to see in the neighborhood. We
10 also have questions about how we can assure the
11 superior urban design that is stated in Section
12 82-33 of the Zoning Resolution.

13 These buildings should be reduced
14 and a more acceptable standard for these buildings
15 would be 400, 450 feet, reflecting more closely
16 the built fabric. We appreciate that Fordham
17 seeks income from these buildings but we are also-
18 -they are also asking for maximum discretionary
19 waivers. And we believe that those should be
20 modified in consonant with the community's needs.

21 The second and last point that I
22 would like to make is extremely important and was
23 raised by Council Member Brewer and the response
24 by Ed Wallace and others of the Fordham team
25 require greater understanding. Quickly, this is a

1
2 Master Plan for 25 years. There is no guarantee
3 that the buildings that we see, the Pelli Building
4 and the other one which does not--on 60th Street
5 which does not have a developer or design, will be
6 the buildings that will be built.

7 We must have a design review and
8 consultation process with the community and with
9 City Planning authorization. To finish we have
10 proposed specific details of such a process. It
11 is not adequate; it is not as specific as it needs
12 to be, as described by Fordham. We are happy to
13 be working with Fordham. We are happy that they
14 have indicated they would like to continue to do
15 so but it is essential that we have this precedent
16 in this project and may we suggest this
17 collaborative process, not a full ULURP, but a
18 collaborative process with Fordham would not only
19 be a terrific process for this University and the
20 community but I may venture to say for future
21 Master Plans to be approved by this Council in the
22 five Boroughs over many years to make sure that
23 what you see is what you get. And if you don't
24 get it, there's a way for all of us to be
25 discussing it and having a way to go back.

2 So we think this is very important
3 and we thank you very much for your attention.

4 CHAIRPERSON AVELLA: Thank you.
5 Before I ask the next speaker to give his
6 testimony, I just wanted to interrupt to say that
7 we're joined in the back of the room by the East
8 Hills School from Roslyn Heights. Hope you're
9 enjoying the hearing.

10 [Applause]

11 CHAIRPERSON AVELLA: And this was--
12 and I know the tour of City Hall was arranged by
13 former Council Member Herb Berman. So I hope
14 you're not too bored with the hearing back there.
15 Next speaker.

16 MR. MICHAEL GROHL: Good morning
17 Mr. Chair, City Council Members, Committee
18 Members, Fordham University and the community. I
19 am Michael Grohl, President of the Lincoln Plaza
20 Tower and a member of Fordham Neighbors United.
21 FNU is an organization of eight buildings
22 surrounding the Fordham campus representing the
23 hundreds of tenants in each of the buildings. I
24 have lived in the Lincoln Center Square
25 neighborhood for over 30 years.

1
2 First I want to thank all our
3 elected officials, Council Member Gale Brewer,
4 Representative Jerrold Nadler, State Senator
5 Thomas Duane, Assembly Members Richard Gottfried
6 and Linda Rosenthal, all who continue to support,
7 show their support for FNU and the community which
8 opposes Fordham University's application.

9 In Fordham University's expansion
10 of its west side campus, the institution has a
11 grand and unique opportunity to grow its campus
12 while righting a 50 year wrong by opening up its
13 now inaccessible grounds and truly becoming an
14 integral part of Lincoln Center community.
15 Unfortunately the University seems determined to
16 take the exact opposite tact.

17 Notwithstanding Fordham's view that
18 the campus is open and accessible today, it is
19 not. By further isolating itself from the
20 neighborhood, both literally and figuratively, by
21 replacing imposing eight foot tall wrought iron
22 gates that currently surround the campus with 50
23 and 60 story skyscrapers, that would create a
24 Fordham fortress, the University's plans would
25 further isolate its students, teachers and campus

1
2 from its purposed partner in arts and education,
3 Lincoln Center and would also cut off Fordham from
4 tens of thousands of residents who desperately
5 want to see Fordham expand its role as an
6 intrinsic, positive presence in the community.

7 All of the changes outlined below
8 proposed by Fordham Neighbors United would allow
9 for significant expansion of the University,
10 transform the campus into a more welcoming place
11 for students, residents and visitors to the West
12 Side and establish a true partnership with the
13 community.

14 We are passionate about these
15 changes and ask City Council to consider the
16 proposed changes as follows.

17 One: increase open space on
18 Columbus Avenue. Fordham recently agreed to build
19 ten feet of open space on the part of Columbus
20 Avenue. While a positive development, this does
21 little more than expand the sidewalk and will do
22 nothing to open up the campus. Fordham should
23 extend, look just a block to the north where
24 Lincoln Center is developing open space that runs
25 48 feet west from Columbus Avenue.

1
2 By mimicking Lincoln Center's plans
3 for open space on the Avenue, Fordham will not
4 only make the campus more welcoming but would also
5 help to make its quad, which sits atop this
6 daunting 15 to 20 foot podium, which is more
7 accessible to the public. We need only to read
8 the New York Times this weekend to see how Lincoln
9 Center worked to integrate the community as
10 opposed to shutting it out.

11 We should also look to shrink the
12 buildings on the corners, the proposed campus is
13 simply too tall and dense and creates a fortress
14 that would forever shut Fordham out of the
15 community. To be clear the community understands
16 that Fordham must expand to compete for top tier
17 students and improve its academic programming.

18 We support Fordham in that quest.
19 The community is also aware, fully aware, that the
20 free-falling economy has put nearly every major
21 New York City real estate development project in
22 jeopardy and that lawmakers, construction unions
23 and developers themselves are absolutely correct
24 to be pushing for viable projects that will create
25 capital and jobs in an ever worsening situation

1
2 for this City.

3 Refusing to integrate the plan with
4 the community will not only further detach Fordham
5 from its community, it will make for a less
6 successful and appealing project. It's now time
7 for Fordham to start acting like a good neighbor.
8 It's time for Fordham to open its public spaces to
9 the community. It's time for Fordham to see its
10 neighbors as part of the solution and not part of
11 the problem. It's time for Fordham to build
12 relationships, not fortresses. We all believe in
13 Fordham and now it's the right time for them to do
14 something. And we ask that the City Council
15 disapprove their application. Thank you.

16 MS. TERRI GROHL: Chairman and
17 members of the Committee. My name is Terri Grohl.
18 I love at 44 West 62nd Street and I am also a
19 member of Fordham Neighbors United. Fordham's
20 current request has nothing to do with trying to
21 meet its real educational requirements. And it
22 certainly has nothing to do with good design. It
23 has everything to do with Fordham developing a
24 plan that will fill up a super-block area at a 10
25 FAR, regardless of what it means to the quality of

1
2 life in its neighborhood.

3 I urge you, do not let this happen.
4 No matter how many professors and students that
5 Fordham parade before you today to talk about
6 their deplorable facilities, and no matter how
7 many union people speak to you about the need for
8 jobs, the reality is, there is only one building
9 on this plan for which Fordham currently has
10 architectural and funding plans and that is the
11 Law School and the dorms are being built on top of
12 it. There is only one building that is currently
13 in Fordham's Excelsior Ever Upward \$500 million
14 fundraising campaign. And that is the Law School
15 and the dorm on top of it.

16 Therefore, I urge you to require
17 Fordham to make changes to its current plans for
18 the Law School, so that it is not sitting on top
19 of its neighbors and when those changes are made,
20 approve the revised design so that the building of
21 the Law School can commence as planned.

22 I also urge you to request that
23 Fordham withdraw its plans for its Columbus Avenue
24 sites. These plans need to be materially revised
25 and should include more open space that is easily

1
2 accessible to Fordham's neighbors and should be a
3 design that is harmonious with what is being
4 achieved across the street at Lincoln Center.

5 Thank you.

6 MR. HOWARD GOLDMAN: Mr. Chairman,
7 Committee Members, my name is Howard Goldman and
8 I'm land use counsel to Fordham Neighbors United.
9 As the two speakers before me said, Fordham
10 Neighbors do not oppose Fordham University. But
11 what they do believe is that 3 million square feet
12 of floor area which is now slightly less, is too
13 much for this particular site.

14 Fordham has claimed that this
15 amount of floor area is as of right which is true.
16 It's absolutely true; however the bulk regulations
17 of the zoning resolution are simply not capable of
18 accommodating this much floor area in a practical
19 or feasible manner. That's why Fordham has filed
20 this application to seek substantial waivers of
21 the bulk regulations, especially the height and
22 setback. If the as of right worked, they wouldn't
23 be here, none of us would be here today.

24 So the Committee and the Council
25 need to look at the waivers, in particular, and

1
2 decide whether they're warranted. I would like to
3 acknowledge the work, thus far of the Community
4 Board, the Borough President and the City Planning
5 Commission, in effecting some modifications to the
6 proposal. And I would especially like to
7 recognize Councilwoman Brewer's support of Fordham
8 Neighbors United, thus far.

9
10 However it is clear to us that more
11 needs to be done and more can be done by the end
12 of the ULURP process to fit this project better
13 into the surrounding urban context and to better
14 relate it to Lincoln Center. And we all look
15 forward to being part of that process. Thank you.

16
17 CHAIRPERSON AVELLA: Thank you.
18 Seeing no questions, thank you for your testimony.
19 First panel in support, Brian Cook from the
20 Manhattan Borough President's Office, Gary, New
21 York City Building Trades, I know you're here
22 someplace, Kevin Doyle from 32BJ, and Alexandra
23 Pope from Local 805.

24 [Witnesses getting settled]

CHAIRPERSON AVELLA: Gary you want
to start?

MR. GARY LABARBERA: Thank you.

Good morning, Mr. Chairman and Members of the Subcommittee. My name is Gary LaBarbera. I am the President of the Building and Construction Trades Council of Greater New York, an organization that consists of local affiliates of 15 national and international unions representing 100,000 members in the five Boroughs.

We are pleased to testify in support of Fordham University's Lincoln Center Master Plan. Initial work on the first phase of this plan, which includes the development of a new law school and 400-room dormitory, will invest \$250 million into a construction market badly in need of new projects. The plan will ultimately represent an investment of \$1.6 billion and create 5,000 construction jobs. Perhaps most importantly for the long term needs of the city, this plan will allow Fordham University to increase its enrollment and provide more opportunities in higher education.

We ask the Council to consider that, unlike many entities which come before this body; Fordham University has made a strong commitment to

1
2 utilize union labor in the expansion of the
3 Lincoln Center campus. This fact means that those
4 employed on the expansion will enjoy good wages
5 with health insurance and pension benefits.

6 All entities which come before this
7 body should have a similar commitment, but they
8 often do not. We therefore hope and expect that
9 the Council will view Fordham University's
10 commitment in this regard favorably.

11 We strongly believe that the City
12 must support long term planning decision to
13 prepare us for the future and to mitigate the
14 effects of an expected contraction in our industry
15 of as much as 30% in the coming year. This
16 contraction will represent unemployment for as
17 many as 40,000 individuals working in our
18 industry. 76% of the work force in our industry
19 resides in the five Boroughs and 53% are African
20 American, Hispanic, Asian and other minorities.

21 Acting to save and create jobs in
22 our industry is therefore acting to save and
23 create jobs for a diverse array of New York City
24 residents from every Council District who comprise
25 our work force. By supporting Fordham

2 University's Lincoln Center Master Plan, we can
3 act responsibly to create significant employment
4 opportunities for middle class families at a time
5 when they are desperately needed. We therefore
6 again express our support for this plan and ask
7 for the support of the Subcommittee, the Committee
8 on Land Use and the entire Council. Thank you
9 very much.

10 MR. KEVIN DOYLE: Thank you to Mr.
11 Chairman, members of the Committee. My Name is
12 Kevin Doyle and I am the Executive Vice President
13 for Local 32BJ SEIU. I'm joined today by members
14 of our union who are security officers who work at
15 the Lincoln Center and Rose Hill campuses of
16 Fordham University.

17 I've prepared written testimony and
18 submitted it but I just talk, make a few points,
19 perhaps and bring to you a unique perspective on
20 this development.

21 First of all our union represents
22 thousands of members who work in the Lincoln
23 Center area in the residential buildings at
24 Lincoln Center, at the Lincoln Center campus. And
25 we also represent hundreds of our members who live

1
2 in that area. And in that respect, we have
3 reviewed and monitored the land use process around
4 this development. And we actually think that
5 unlike many developers today in New York City,
6 Fordham has taken a responsible and reasonable
7 approach and in its negotiations, both with the
8 Borough President's Office and the Community
9 Board, have shown itself to be very responsible
10 and sensitive to the input of the community. So
11 that's one thing.

12 Secondly, as the largest private
13 sector union in New York City, we are deeply
14 concerned as we are in the middle of this economic
15 downturn as to where, how we're going to get out
16 of it and where economic development and job
17 development is going to occur in this City in the
18 future. It clearly is not going to be to the same
19 extent it was in the financial services industry.
20 That day I believe, for better or for worse,
21 depending on your perspective, is behind us.

22 But it's clear to us that higher
23 education is a critical area for the development
24 of New York City, to make New York City a center
25 of higher learning. And Fordham University

1
2 certainly should be--is at the center of that.
3 And their development of their Lincoln Center
4 campus is critically important.

5 And thirdly, our union represents
6 the security officers at Fordham University. And
7 we talk about jobs and job development. The next
8 question we ask, as Gary mentioned, is what kind
9 of jobs is it that we're talking about. And we
10 have a first hand experience with Fordham
11 University where we came to them with a problem,
12 with a subcontractor of their security officers.
13 And they stepped to the plate; they didn't hide
14 behind the subcontractor. They came in, made the
15 adjustments necessary and our members who are here
16 with me today because of that, have decent wages
17 and health insurance for their families. And
18 that's due to Fordham being a responsible
19 employer.

20 So we would urge the Committee to
21 approve their proposal.

22 MR. BRIAN COOK: Hello. My name is
23 Brian Cook; I'm the Senior Room [phonetic] Planner
24 and Policy Advisor for Manhattan Borough President
25 Scott M. Stringer. I'd like to thank Chair

1
2 Avella, Chair Katz for holding this hearing and
3 letting us speak. I'd also like to applaud
4 Council Member Brewer, at least verbally if not
5 physically, and thank her for working with us
6 throughout the process.

7 Manhattan construction has boomed
8 over the last few years and we got used to the
9 jobs that came along with that. Unfortunately
10 this has changed. Residential permits in 2009
11 fell by 74% and we lost 64,000 permanent jobs.
12 The financial industry, the industry we used to
13 rely on, was the hardest hit. It is therefore
14 incumbent on a responsible City to being to look
15 to diversity our economy, to ensure that the
16 mistakes of the past won't be repeated in the
17 future.

18 And part of that responsible growth
19 will be reinvesting in our ICE economy and
20 particularly the cultural and educational
21 industries. The Fordham campus plan will provide
22 an additional 522 permanent jobs, 200 new contract
23 jobs and up to 5,000 construction jobs. But more
24 than an investment in our economy, it's an
25 investment in the social capital of our City.

1
2 The Fordham graduates are legal aid
3 lawyers. There are nonprofit workers. They work
4 and they are part of our community. Fordham has
5 been a part of this community since 1957 and
6 consistently you will not hear anyone challenge
7 the fact that their campus is simply too small to
8 continue to not only compete but to function as
9 the campus should be able to function today.

10 But we are cognizant that the campus
11 itself should not expand in a way that overwhelms
12 the community. We consistently heard throughout
13 this entire ULURP process about shadows, density,
14 quality of life, policy and other policy issues.
15 And during our review period we made many
16 substantial changes which you have already heard
17 about including the reduction in the size of the
18 buildings, up to 70 feet on the street walls,
19 increasing the transparency, reducing 265 parking
20 spaces, all of which I could talk in detail about
21 but in net effect this made a more human scale to
22 the project. It broke up the sort of slab-like
23 and fortress-like feel of the project. And we
24 believe--the Manhattan Borough President believes
25 it warrants approval.

1
2 Obviously there is more that can be
3 worked out, specifically we've heard a lot about
4 the Amsterdam Avenue side, the density, the
5 height, about second tier review, about the curb
6 cut on 61st Street. But we believe under the hands
7 of the City Council and Council Member Gale Brewer
8 that this will get worked out and brought to a
9 significant resolution.

10 We'd like to thank, personally, the
11 Fordham team for working with everyone involved.
12 We'd like to thank the Community Board 7, FNU, as
13 well as the City Planning Commission for all their
14 work.

15 MS. ALEXANDRA POPE: Good morning.
16 My name is sandy Pope. I have been the union
17 representative for the blue collar workers at
18 Fordham University for ten years. I am currently
19 the President of Teamsters Local 805. I would
20 like to focus on a very specific and important
21 piece, the more than 500 permanent jobs that will
22 be created by allowing this full proposal to go
23 through. Our Local represents workers such as
24 custodians, grounds people, skilled trades and

1
2 food service workers. Our union contracts provide
3 for wages from \$30,000 to \$60,000 per year.

4 All the workers, including part time
5 cleaners, are covered for full family health
6 benefits and retirement benefits. In addition,
7 each of our Fordham employees, his or her spouse
8 and children are entitled to full tuition to
9 attend the University if they are accepted.

10 One of the most important aspects of
11 our contract is the individual's ability to move
12 up into more skilled and higher paid positions.
13 Tuition reimbursement at trade schools is
14 available for all covered employees and there is a
15 process to gain experience while on the job.

16 Our members are diverse in ethnic
17 backgrounds, race and sex. Many started as
18 cleaners and moved up into trades positions or
19 from the dish room to lead cooks. Many people who
20 live in the Lincoln Center area need jobs. Our
21 union is committed to working with the University
22 to ensure that members of the community are aware
23 of available opportunities to get these excellent
24 jobs. Along with the University and the Union, I
25 am personally committed to working with community

1
2 groups and organizations such as Non-Traditional
3 Employment for Women, to develop training programs
4 to prepare a diverse group of workers for not just
5 entry level jobs, but skilled jobs as well.

6 As a former truck driver myself, I
7 understand the need to provide support and
8 training for those who are traditionally shut out
9 of these jobs.

10 While I am sympathetic to those in
11 the community who object to the size of the
12 project, I urge them to look at the very bright
13 side of this, hundreds of your neighbors and their
14 children who will gain decent incomes, educational
15 and advancement opportunities, and health and
16 retirement benefits. I don't know about you, but
17 I think having good neighbors is about the best
18 way to enhance the quality of life where I live.
19 I urge you to approve this project in its
20 entirety. Thank you.

21 CHAIRPERSON AVELLA: Council Member
22 Brewer has a question.

23 COUNCIL MEMBER BREWER: Thank you
24 very much. And I want to agree with Kevin because
25 I sat through all of those meeting when we went

1
2 from--with the Borough President and others, when
3 we moved from the old union to 32BJ, and it's
4 certainly always good to be part of 32BJ.

5 My comment, my question to the union
6 reps is there will be a project here as long as it
7 provides the same amount of jobs and the same
8 amount of permanent and construction jobs, I
9 assume it doesn't matter to you if it's configured
10 slightly differently because I think there's--
11 we're working towards that compromise. So I
12 wanted to ask you that question. And
13 congratulations Ms. Pope, I had no idea that you
14 were there. And talk about non-traditional.

15 I also want to say that as a
16 wonderful Jesuit University, they'd have to be
17 union all the time, all the way. Any comment,
18 Kevin, anyone?

19 MR. DOYLE: Yeah I don't think--we
20 wouldn't--this--the specifics of the design of the
21 project, I think are, is best left to architects.
22 The only concern that I think would exist is the
23 economic viability going forward and producing the
24 income that's necessary through the sale and

1
2 development of the residential towers for the rest
3 of the campus to be developed and built.

4 MR. LABARBERA: Yeah I'd just like
5 to echo on behalf of the building trades. I mean
6 our view is, of course we want this project to go
7 forward, for the reasons that we've already
8 discussed, all of us share the same views.

9 I do want to comment though in terms
10 of the economic viability of a project.

11 Oftentimes when you redesign any project, it will
12 invariably have a cost. Everything is cost versus
13 value. So the concern that we would have in terms
14 of the building trades is that if the redesign or
15 reconfiguration of a project create an environment
16 in which it was no longer economically viable for
17 the project to go forward, now that would be a
18 problem for us.

19 COUNCIL MEMBER BREWER: Okay. Thank
20 you.

21 MR. LABARBERA: Thank you.

22 MS. POPE: My concern is only time.
23 All of you were saying things like years, we've
24 been spending years. We need jobs now, as soon as
25 possible, that's my concern.

2 COUNCIL MEMBER BREWER: It's a 25
3 year project so that is going to be whether--
4 however much time we take to discuss it. I also
5 appreciate the sharing of NEW; I know they've been
6 in contact with you, Non-Traditional Employment--

7 MS. POPE: [Interposing] Yes.

8 COUNCIL MEMBER BREWER: --for Women,
9 and we will certainly work on that project. Thank
10 you.

11 CHAIRPERSON AVELLA: Thank you for
12 your testimony. Next, a panel is a panel in
13 opposition. Sidney Goldfisher, Madeleine is it
14 Floris? Flays? Batya Lewton, [Off mic] you want
15 to read these then? And Michael Graff.

16 [Pause]

17 CHAIRPERSON AVELLA: While they're
18 getting seated, the next panel which would be a
19 panel in favor would be Michael Slattery, Denise
20 Richardson, Frank Machiarolla, who I think may
21 have left, and Monica Blum.

22 MR. SIDNEY GOLDFISCHER: My name is
23 Sidney Goldfisher, I'm President of the Board of
24 the Condominium, The Alfred, and Professor
25 Emeritus and Dean Emeritus and Associate Dean

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2 Emeritus of the Albert Einstein College of
3 Medicine, responsible for Pathology, Laboratory
4 Design and Laboratory and Building Construction.

5 I've been involved in discussing
6 this project since its onset and I thank you for
7 the opportunity of making its comments. The model
8 that I brought, built by a psychiatrist, so it's
9 leaning a little bit, shows you the size of the
10 campus that Fordham was supposed to build when it
11 signed the contract and the City virtually gave it
12 the land for the campus. In scale you see two of
13 the skyscrapers that Fordham is going to build
14 now. The term fortress is appropriate when we
15 talk about that construction. But when we talk
16 about that construction, this is Alice In
17 Wonderland. This is a fantasy. When you see
18 those drawings, none of those buildings are real.
19 I wish there would be real buildings for our
20 construction workers. That's fantasy. What are
21 the buildings? One of them is a contingency
22 building, 160,000 square feet, going to have a
23 Professor of Contingency? Give out a Doctorate in
24 Contingency. Contingency means we have no idea

1
2 what we're going to put there but let's put up a
3 building.

4 The same is true of the library,
5 over 100,000 square feet of additional library
6 space. When I pointed out that no Law School
7 builds a library, no law firm builds a library,
8 every lawyer and student carries it around in his
9 laptop. It's now a study hall. The largest study
10 hall in the universe, 100,000 square feet is going
11 to be built on that campus. No way.

12 What is going to be built? One Law
13 School. Okay. New York needs more lawyers like
14 it needs more new luxury condominium. So we're
15 going to get a condominium. The condominium's
16 going to have a garage. We need no more
17 condominiums like we need more garages.

18 Let's look at the history. This
19 land was sold at a pittance to Fordham, for a
20 third of what it cost the City under a deal that
21 was negotiated by Robert Moses who said here in an
22 area devoted to music, art and opera, we'll erect
23 a harmonious group of school buildings, with
24 buildings three and four stories to provide this
25 space to create a landscaped campus in mid-

1
2 Manhattan. What are we getting instead? Luxury
3 condominiums, 1,148 working class families were
4 evicted and torn out of their homes to create an
5 educational campus. There were restrictions on
6 bulk. There were restrictions on height. Some of
7 them have expired. But there is no time limit on
8 the prohibition of selling that land to for profit
9 entities.

10 Fordham wants to sell that land.
11 The whole thing cost them \$2.25 million for 2
12 square blocks. The land that's to be sold to the
13 developer cost them about \$160,000. And the deal
14 that they're talking about is reported in the New
15 York Post was \$300 million. This is not campus
16 expansion. This is real estate speculation.
17 \$150,000 to \$300 million makes Trump look like a
18 push cart peddler. And it makes Silverstein look
19 like an amateur. That's all that that is.

20 So I request that we throw this
21 whole thing out. Let Fordham come back with a
22 real plan. They want to build a Law School, fine.
23 But let them build it within the confines of
24 existing regulations, without waivers of bulk or
25 without waivers of distance. And come back with a

1
2 real campus, a real plan, and God bless you, build
3 it. Thank you.

4 MS. MADELEINE POLAYES: Can you hear
5 me? Okay. I'm I am Madeleine Polayes; I'm the
6 President of the Coalition for a Livable West
7 Side. We've been in existence since way back in
8 '81 when Trump started about building and we did
9 as much as we could.

10 I briefly want to address and
11 reiterate what this gentleman has said. One: The
12 Fordham campus was originally condemned for
13 academic use, displacing over 1,000 families. And
14 I know this only too well because Herman Beddio
15 [phonetic] sent the community out to check where
16 we had displaced them and whether they were really
17 in places that they could survive and live. They
18 were all over the Bronx; we spent night after
19 night checking.

20 Fordham campus was originally--it's
21 said, the land was sold to Fordham by the City for
22 substantially below market rates for academic use.
23 The price was \$6.75 a square foot, that's gone
24 forever, as opposed to a market rate of 2.5 times
25 that amount. Fordham now proposes to sell two

1
2 sites on Amsterdam Avenue for market rate
3 residential development.

4 The floor area for residential
5 development would be around 700,000 square feet,
6 which is roughly one-third of the new floor area
7 Fordham proposes to construct. **Now** Fordham must
8 prove to the City Council that its selling of
9 western property to a private developer is a
10 necessity. It has studiously avoided this issue
11 and the Commission did not so much as raise it at
12 the public hearing.

13 The Commission should not take
14 Fordham's word that it needs to sell 700,000
15 square feet of floor area for market rate
16 development to let Fordham grow. In fact, the Law
17 School is proceeding in the absence of these
18 funds.

19 Two: Our only hope is that the City
20 Council can improve the design of the plan to make
21 it more palatable and less overwhelming to our
22 neighborhood. Specifically, the Council should
23 reduce the amount of the new residential
24 development and spread Fordham's academic bulk
25 more evenly over the campus. It is this requires

1
2 a new ULURP; there is plenty of time for it given
3 the state of the economy. There is no need to
4 rush this project when the educational facilities
5 being proposed will not be built for 15 years.

6 We thank you for considering these
7 points and having realized how we displaced so
8 many people to start, I think we should give it a
9 little more conscience about what we should allow
10 to be built there.

11 MS. BATTYA LEWTON: I don't know, is
12 sewage a proper issue to address at this point?

13 [Off mic]

14 MS. LEWTON: Sewage. Okay.

15 CHAIRPERSON AVELLA: Stewardship?

16 MS. LEWTON: Sewage. Sewage--

17 CHAIRPERSON AVELLA: [Interposing]
18 Sewage, for the site?

19 MS. LEWTON: Yes.

20 CHAIRPERSON AVELLA: Sure.

21 MS. LEWTON: Okay.

22 CHAIRPERSON AVELLA: You know,
23 testimony is yours to give.

24 MS. LEWTON: Okay. In Chapter 13:
25 Solid and Sanitation Services, the EIS says that

1
2 the CEQR technical manual "states that projects
3 with a generation rate of less than 10,000 pounds
4 per week are not considered large and do not
5 require detailed analysis". Table 13-1 predicts
6 an estimated solid waste generation of 14,115
7 pounds of solid waste produced per week for the
8 build year 2014 and 2032 predictions of 29,414
9 pounds.

10 This is the equivalent of 2.8
11 additional sanitation vehicles--on 2 to 8
12 additional sanitation vehicles, depending on
13 recycling; which is not considered as part of the
14 traffic analysis. Additionally, neither Chapter
15 13, nor the Mitigation or Alternative Section say
16 that this additional solid waste would pose any
17 problem. In fact, the alternative section says
18 that "no adverse impacts are anticipated".

19 So while the EIS states that the
20 CEQR manual requires no analysis for projects less
21 than 10,000 pounds per week, this project is 50%
22 to 200% over that weight, but there is no analysis
23 on how this will impact the overall per day
24 sanitation and waste water treatment systems as
25 they currently exist.

1
2 The Council must address immediate
3 the community's concerns for public health on the
4 larger environmental impact this project will have
5 in conjunction with other projects occurring
6 inside and outside of the half mile buffer. Thank
7 you.

8 CHAIRPERSON AVELLA: And you did it
9 within the exact two minutes. Very good
10 [chuckling]. Go ahead.

11 MR. MICHAEL GRAFF: Mr. Chairman,
12 thank you for the opportunity. My name is Michael
13 Graff. And I live on West 61st Street in the cul-
14 de-sac where the... [chuckling] right near the cul-
15 de-sac where the narrow street where 61st Street
16 moves from Amsterdam Avenue to this Fordham
17 project. It's the Fordham, it's the podium, that
18 street ends at a 23 foot podium, which is the
19 start of the Fordham campus on the west side of
20 its construction.

21 There are many people here wearing
22 Let Fordham Grow, many unions who are concerned
23 about Fordham. And they're concerned about their
24 jobs, the number of beds, the number of seats, the
25 number of desks at the library would have, if they

1
2 build as of right, they'll get all of the same
3 desks, beds, seats and everything else and the
4 same jobs that they would have if they get these
5 waivers that they're applying for now.

6 These waivers are not just technical
7 issues. These waivers have to do with the
8 preservation of the quality of life in New York.
9 And many of the people who have spoken and will
10 speak about letting Fordham grow don't live here.
11 But we are concerned with the quality of life.
12 Those waivers are our sole protection. And you
13 are the guardians of those waivers. Without you
14 dealing with them and mitigating them at this
15 point, we're stuck.

16 This building here, has lasted for
17 197 years. And if you fix the ceiling it might
18 even last longer. But what you're doing with
19 Fordham--allowing Fordham to do will not only be
20 for another 197 years, it'll go beyond that
21 because construction hopefully has improved since
22 then.

23 So what you're doing as the guardian
24 of the neighborhood, for ourselves and for our
25 children and our children's children, for many

1
2 generations to come. So we've got to do it
3 carefully. I'm a guardian of trees. The finest
4 stand of white birch trees in the City sit on the
5 corner of Fordham's property at 62nd Street and
6 Columbus Avenue. If you allow that park, that
7 temporary park that they're talking about
8 building, giving us for five years to continue,
9 from 60th Street to 62nd Street, where it meets the
10 Lincoln Center campus, those trees too will
11 survive and they'll be delighted with your
12 consideration.

13 I have one more point Sirs. And
14 Madam Council Person, and that is the additional
15 curb cut which is to be built on 61st Street under
16 the new plan. As I said it's a narrow two-way
17 street. It ends in a cul-de-sac. Cars going in,
18 cars have to move out. In order for cars to move
19 out when the light is against them, cars have to
20 queue up on Amsterdam Avenue because they can't
21 turn into the street. And now there's already one
22 curb cut on 61st Street. And Fordham's plan is to
23 build a second curb cut right opposite that curb
24 cut to enter into their larger garage, plus they
25 want to build a loading dock right next to it.

1
2 What's that going to do with this one street that
3 services The Alfred. What's that going to--what's
4 going to be the case if there's a fire and Fordham
5 students have to exit the campus through 61st
6 Street?

7 I ask you to allow those curb cuts
8 to be put on Amsterdam Avenue rather than on the
9 narrow street of West 61st Street. This is not
10 without precedent. If you go up one block,
11 Lincoln Center has two entrances--two garage
12 entrances on Amsterdam Avenue, one block north.
13 And it has two loading docks, two blocks north on
14 Amsterdam Avenue.

15 So I urge you, please, move those
16 curb cuts from Fordham onto Amsterdam Avenue. It
17 may take another ULURP process but it would be
18 very important to the safety of the people who
19 live on West 61st Street. Thank you very much
20 Sirs.

21 CHAIRPERSON AVELLA: Thank you. The
22 next panel in favor, Michael Slattery from Ribney
23 [phonetic], Denise Richardson, Frank Machiarolla
24 [phonetic], I think he did leave, is he still

1
2 here? He did leave. Monica Blum and John
3 Tornino, or Tofnino? [Off mic, speaking to staff]

4 MR. JOHN TUGNINO: Thank you very
5 much. I am John Tugnino. I am Chairman of the
6 Board of Trustees of Fordham University. I am a
7 product of New York City public schools, having
8 lived in the Bronx for the first 28 years of my
9 life. In an attempt to give back to my original
10 community I am the Vice Chair of a large Hospital
11 in the Bronx and also serve as the Chairman of a
12 Large Community Health Center in the Bronx.

13 I attended Fordham University as an
14 adult in the evening and on Saturdays. Fordham
15 opened its doors to me; gave me an opportunity to
16 obtain an Education, and as a Bronx kid never in
17 my wildest dreams would I have thought that I
18 would some day become Chairman of Fordham's Board.

19 Fordham is vitally important to the
20 economic and cultural well being of the city. The
21 draft plan approved by City Planning is a
22 compromise plan that we all support. One of
23 today's primary challenges, opportunities, and
24 priorities is in education. Fordham is a
25 component in that priority.

Originally planned for 3,500 students our Lincoln Center campus now handles almost 8,000 students. We desperately need more space if we are to fulfill our mission and continue to provide the same opportunity to others to fulfill their dreams as I had, to do that we need residence halls, classrooms, and new space for Academics. We obviously employ 2,000 faculty plus 500 contract employers.

Our plans for our Lincoln Center will generate about \$13 million a year in new tax revenue for the City from residential buildings built by private developers. The campus development will ultimately mean \$1.6 billion in Construction and translate into approximately 5,000 construction jobs. New York City is the capital of the world, and that includes being its intellectual Capital as well.

We are attracting students from all over the world, many of whom stay after graduation and contribute to New York. We pride ourselves on being a good neighbor. Our famed Law School provides free legal clinics, our School of Education is vital to training New York's

1
2 professional educators and our world renowned
3 School of Social Services stands as a model for
4 all.

5 There are 4500 Colleges and
6 Universities in the Unite States, only 28 are
7 Jesuit, and of those only one, Fordham, is in New
8 York. This Lincoln Center project is very, very
9 important to our University and I urge you to
10 support it.

11 MS. MONICA BLUM: Thank you. Thank
12 you Chairman Avella, Council Member Katz and
13 particularly Council Member Brewer for all your
14 support and efforts. My name is Monica Blum, I'm
15 the President of the Lincoln Square Business
16 Improvement District. Fordham was a founding
17 member of our BID over 13 years ago. And as all
18 of you not-for-profits do not pay any property
19 assessments. Our tax--our assessments, not a tax,
20 but our assessments comes from property owners and
21 businesses. However, Fordham, of all the
22 nonprofits in the area has made the greatest
23 contribution of in kind and other services to
24 support our efforts. They're an incredible
25 community partner and have been over the 13 years.

1
2 They provide, in spite of their own
3 space constraints, they provide a field location
4 for our 13 clean team workers and have pledged to
5 continue to do so. They've also made a commitment
6 which I think is very important because no one has
7 mentioned it her, to provide after school services
8 to the six high schools that exist at Martin
9 Luther King campus high school. They're going to
10 take a very active role in that school and provide
11 a very aggressive academic program for the
12 students there.

13 One of the things that no one has
14 mentioned today and I--when the BID decides to
15 support projects we look at the impact on the
16 business community. There are 220 businesses in
17 the Lincoln Square Business Improvement District.
18 And they are going to benefit greatly from this
19 project.

20 The other thing is the street, the
21 Amsterdam Avenue, which currently is unattractive
22 and it's desolate, will become an active use.
23 Fordham has committed to opening that up. There
24 will be retail space. They're going to do, along
25 Columbus as well, what Lincoln Center has begun

1
2 doing which is opening up. I do not support the
3 recommendation that the curb cuts and loading
4 docks be moved to Amsterdam Avenue. I think the
5 Amsterdam Avenue community has been asking for
6 years for active uses on that--it is barren, right
7 now it is a vacant lot. And I think you all
8 should come if you haven't, I know Gale's been
9 there many times, but you ought to come and look
10 at the site now. Because it's really quite, at
11 least a large portion is very desolate.

12 And what Fordham proposes, this
13 compromise plan, and I do want to commend them,
14 for working with everyone, this compromise plan
15 fits in with the rest of the community. And I
16 think if you go, you'll see that. So thank you
17 very much for your consideration.

18 MS. DENISE M. RICHARDSON: Good
19 afternoon Councilman Avella and other members of
20 the Committee. My name is Denise Richardson. I
21 am the Managing Director of the General
22 Contractors Association. We are a trade
23 association representing the City's public works
24 and infrastructure contractors.

25 I would just like to echo the

1
2 comments made by the other Fordham University
3 expansion project supporters today. The
4 construction jobs that the project will generate
5 are desperately needed at a time when residential
6 and commercial private development has basically
7 come to a standstill in the City and at the time
8 when many of the large public projects are also in
9 jeopardy due to funding constraints.

10 Throughout the environmental review
11 process and throughout the design process, Fordham
12 has proved with keen willingness work with the
13 community to address the community issues. And we
14 as the members of the General Contractors
15 Association urge the project to go forward as
16 proposed so that the valuable construction jobs
17 not be lost in a time where every single job is
18 needed. Thank you very much.

19 MR. MICHAEL SLATTERY: I'm Michael
20 Slattery, representing the Real Estate Board of
21 New York. The Real Estate Board of New York is a
22 broadly based trade association of almost 12,000
23 owners, developers, brokers and real estate
24 professionals active throughout New York City. We
25 support the plan to build out the Fordham Lincoln

Center campus in a phased development that will better accommodate the existing number of students being served and will allow continued growth.

New York City's diverse colleges and universities a part of what makes us such an attractive place. This plan represents a continuing fulfillment that educational purposes on the site as it addresses the growing needs of the Lincoln Center campus.

Fordham is to be commended for undertaking this long term planning and we applaud Fordham's commitment to continue to invest in New York and its people. This investment in the expansion of education facilities will have a long term beneficial impact on New York as a center for higher education.

All of the development proposed by Fordham University is less than the floor area permitted under the property's zoning. The special permit and other actions requested are intended to enhance the overall site design. A site in this central location must have a positive impact and engage with the surrounding communities in terms of its buildings form, land uses and open

spaces.

Fordham has been working collaboratively with the community, the Borough President, the City Planning Commission and City Council Members to create a campus that will complement the surrounding area and provide improved public access to open space. We think this plan achieves this objective.

In addition the plan will generate jobs in the construction field as well as a number of permanent jobs and will generate over time real property taxes from the residential buildings built by private developers on this site. We ask that you approve the Fordham campus plan. Thank you.

CHAIRPERSON AVELLA: Thank you for your testimony. Next panel is a panel in opposition. Joan Lury, and I'm definitely not going to be able to pronounce this one. Osako... I'm not even going to attempt. Azako? First name? Not here. Elliott Mizell. Elliott, are you here? Okay. Then this one I can't even read it. What? [Off mic to staff] Is it Don Paul? Is there a Don Paul here? This is, this is pretty

1
2 much a scrawl [chuckling] [Off mic] I'm sorry? Oh
3 that's the next one. Okay, come on up. And Olive
4 Freud? And except for those two names which
5 apparently people aren't here, that is the last of
6 those people in opposition, is that correct? If
7 you want to testify in opposition, you should let
8 the Sergeant at Arms know.

9 [Pause]

10 MR. DANIEL FADER: Good--of I start
11 off when I wrote, I said good morning Honorary
12 Chairman, I guess it's good afternoon Honorary
13 Chairman and Committee Members. I'm just going to
14 start off by reading this to you from this weekend
15 New York Times. All around the campus are signs
16 that the overhaul of Lincoln Center, the country's
17 largest performing arts center is in the home
18 stretch. On balmy days people have been hanging
19 out on the new bleachers opposite Alice Tully's
20 entrance on the corner of Broadway and West 65th
21 Street and on the steps leading down to the front
22 doors, just as Lincoln Center officials had hoped.

23 There's a theme here and the theme
24 is how best in the 21st Century to maximize the use
25 of these precious public spaces. Also for the

1
2 general visitor to feel welcome, feel they're
3 invited and they have a place to hang out. We're
4 multiplying the number of places where people can
5 meet each other. How ironic it is--

6 CHAIRPERSON AVELLA: [Interposing]
7 For--for the record. You didn't state your name.
8 So please do that.

9 FADER: Oh I'm sorry, Daniel Fader,
10 I'm a resident at 44 West 66th Street and I'm a
11 member of Fordham Neighbors United.

12 How ironic that we're sitting here
13 today and Honorary Chairman as you so aptly
14 pointed out, we're talking about the direct
15 opposite of what this article pointed out. We're
16 really talking about an institution that is
17 closing itself off to the public, that is
18 isolating itself, that is really building a
19 fortress in the midst of our residential
20 neighborhood. And this is a very personal issue.

21 I know there've been a lot of
22 speeches that have been spoken about, but this is
23 a very personal issue to us, the residents of this
24 community, because it affects us directly. And I
25 would really go back to what Father McShane--

1
2 Father McShane's words, and I apologize for
3 paraphrasing him, but he said that the Jesuit
4 philosophy is that students are taught to impact
5 the world positively through their own actions.
6 And referring to this, I would say to Father
7 McShane that charity begins at home. And quite
8 frankly, in accordance with their own philosophy
9 of Fordham, the University should really seek to
10 act responsibly, starting in its own neighborhood.

11 I wanted to make clear again, as so
12 many of our speakers have said, we are not against
13 Fordham. Fordham has made some compromises
14 regarding this plan although one could certainly
15 cynically say that they started off casting a huge
16 net and basically allowed the opposition to chip
17 away slowly at some of the particulars.

18 But at the end of the day we are
19 pro-jobs, we are pro-work, we're pro-union, we're
20 pro-development. We're pro-neighborhood. We're
21 pro a lot of things. But what we are against is
22 the unfettered development and unfettered building
23 that will destroy the residential quality of our
24 neighborhood with this fortress-like structure.

25 So we ask the City Council to

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2 disapprove this application until the following
3 issues are completely resolved. The issues of
4 open space, the issue of less density for the bulk
5 and height of the building and the second tier
6 review. Thank you for your time.

7 MR. DON PAUL: My name is Don Paul
8 and I'm Vice President of West Core Communication
9 which is also a Christian nonprofit like Fordham.
10 And I thank you for this opportunity to address
11 the Council. It seems really interesting to me
12 that the way that the property was originally
13 obtained, as you know, a lot of minority groups
14 were evicted so the property could be used, not
15 for commercial sales, not for profiting. It's
16 interesting that in 50 years what the work Fordham
17 has done and hopefully in 50 years our corporation
18 will do the same in educating people.

19 I guess the question is the
20 original intent was not for them to continually
21 expand the site plan, lose the original, not keep
22 what they promised to do and get approved, to make
23 a lot of money, so that they can simply sell off
24 lot by lot every ten years, building very little
25 but using this for a cash situation, which it

1
2 really looks like, which is why they're not
3 building it all up at the same time. It's also
4 why they will not build the law firm until they
5 actually make some money.

6 Our corporation could use some
7 money too to fulfill our vision. And we're a
8 Christian just like they are and if Fordham's able
9 to have people evicted and go against the original
10 site and make money, then it seems to me there's a
11 lot of property right behind Lincoln Center that
12 would be nice if you could evict for our
13 corporation and then let us sell off property to
14 fulfill our vision because that would be fair.
15 And I do believe that is in the clause of non-
16 separation of church and state. And I would like
17 the state to go ahead and evict those people and
18 give our corporation the opportunity that--of
19 making money off of poor people as Fordham seems
20 to be doing. Thank you.

21 MS. OLIVE FREUD: My name is Olive
22 Freud. I'm with the Committee for Environmentally
23 Sound Development, the West Side Group.

24 The request by Fordham University
25 to expand Lincoln Center campus should be denied.

1
2 It's far too large. The 3 million zoned square
3 feet of development is actually 4 million gross
4 square feet of bulk. 60 story buildings defy
5 zoning criteria, as do other special permits
6 requested in the EIS. There is no advantage to
7 this community to allow for the excessive changes
8 proposed by Fordham University.

9 This is a very overdeveloped area.
10 Zoning regulations promote good design, safety and
11 sufficient air and light. They should not be
12 overruled. Any proposal that Fordham submits must
13 recognize that the City used eminent domain to
14 make the area available for them and that the
15 parameters for density and design were prescribed.

16 Currently there is ample space for
17 expansion without any waivers. There are no
18 provisions for sale to private developers. The
19 waivers Fordham requests do not promote good
20 design. They only enlarge bulk. There is a legal
21 and profound issue here on just what is the
22 rationale for eminent domain. I think this is a
23 question for the Supreme Court.

24 Fordham will grow. And hopefully
25 they will grow in the Bronx with their 85 acres up

1
2 there. The Bronx could use that much more than we
3 can.

4 A careful reading of the
5 Transportation Section will draw the conclusion
6 there should be no special permits expanding
7 garage availability. You know, the EIS is very
8 clear on what, is very clear on what will happen.
9 The existing conditions on our streets and avenues
10 using prescribed guidelines, the data shows that
11 there is now a failure to meet acceptable
12 standards. As it is now there is too much traffic
13 in the streets. The final analysis tests the
14 value of the ratio of V over C.

15 There are different ways of testing
16 V over C and L over S, to see if there's too much
17 traffic or if there's less traffic or whatever you
18 want. In every one of these tests, our area
19 fails. We have too much traffic.

20 I wish, the EIS seems to be
21 something that is written and never read. Further
22 the analysis is incomplete because it only looks,
23 it only looks at the area of 57th and 58th Street, a
24 block away from 9th and 10th Avenue, whereas the
25 traffic on 57th Street is going to affect all the

1 way down to the Queens Borough Bridge.

2 I feel that the EIS should now be
3 included, now include a section on the effect of
4 development on global warming.
5

6 My last statement will be there
7 should be no waivers for garages. This area
8 should not--it comes without cars and without
9 garages and we shouldn't have them. And I added
10 into my thing, this article from the New York
11 Times today, talking about how a town has
12 developed itself so they don't have cars because
13 that's the only way we are--we will be able to
14 fight global warming. There's no reason to give
15 any waivers for garages in this project.

16 [Off mic comment about the Bronx]

17 In the Bronx? Oh I'm sorry I said
18 the campus should be extended in the Bronx.

19 MR. ELLIOTT MIZELL: Good
20 afternoon. Elliott Mizell. I'm here on behalf of
21 The Alfred Condominium but I believe I speak on
22 behalf of a much broader community in the
23 neighborhood. We have participated throughout
24 this ULURP process in the hope that a broad airing
25 of the issues through various agencies would

1
2 result in significant modifications and
3 compromises in what was otherwise a stunningly bad
4 design and over development.

5 I have been please with some of the
6 concessions that have been made in the various
7 stages of this process. And they indisputably
8 have improved upon that design. But they seem to
9 miss the very underlying problem which is gross
10 overdevelopment of the site.

11 Now it has been said that this
12 project is as of right at 3 million square feet.
13 I disagree with that. When Fordham acquired the
14 property through eminent domain, it was acquiring
15 the property at what was then far below market
16 value. It acquired approximately 300,000 square
17 feet.

18 There was actually litigation and a
19 big dispute as to why Fordham, which was a
20 religious institution, could get the property at
21 below market value, which raised constitutional
22 issues about separation of church and state and
23 the establishment clause. That problem was
24 specifically addressed by limiting the utility of
25 the land so that it would be deemed that Fordham

1
2 received it at market value and not below market
3 value.

4 How did they do that? Fordham's
5 project, which by the way as part of the Lincoln
6 Square Urban Renewal Plan, was specifically
7 designed to be compatible with and complementary
8 to the performing arts center. So Fordham was
9 held to no building more than 20 stories high and
10 no more than 35% of the land could be covered by
11 structures.

12 With 300,000 square feet of land,
13 35% coverage and 20 story buildings, you come out
14 with a maximum FAR of about 2,100,000 square feet.
15 Interestingly enough, 2,100,000 square feet is
16 just about what Fordham claims are its
17 programmatic needs today. All of the rest is
18 luxury housing.

19 But Fordham, and we do respect
20 Fordham, its outreach, its programs, we want to
21 support that. But we would not be cutting into
22 any of Fordham's programs or any of the jobs or
23 any of its expertise if it were limited to
24 2,100,000 square feet. Their own plans say that
25 that will satisfy their needs.

1
2 The balance of approximately
3 700,000 square feet is a financing device. It's a
4 speculation to sell the land which by the waivers
5 that they're seeking here, it was already
6 mentioned that high floors command a premium. So
7 the waivers allow 60 story buildings where only 28
8 story buildings might otherwise be provided.
9 Those higher stories generate additional revenues.

10 This is not about land use. It's
11 not about good design. It's not about good urban
12 design. It's not about construction jobs and it's
13 not about Fordham's plans. It's purely about
14 financing Fordham's project.

15 Right now in the current economy
16 the only building that's likely to be built, the
17 only one that's designed is the Law School. The
18 luxury condominium, even if they can resurrect the
19 deal that they've lost is not going to be built in
20 the near future.

21 There will be jobs. There will be
22 construction but all of this is speculative, down
23 the road, and an FAR of 7 is consistent with what,
24 even though the zoning law allows an FAR of 10 on
25 a block, that's contemplated for a City block

1
2 under multiple ownership where the entire block is
3 not developed to the full FAR of 10.

4 But there's a mix, some buildings
5 are, some buildings aren't. And it generally
6 averages out at about 7. And FAR of 7 would solve
7 all of the problems that have been addressed here
8 today.

9 CHAIRPERSON AVELLA: Thank you.
10 Next panel is John Feerick, William Baker and Abe,
11 is it, Lackman?

12 [Off mic]

13 CHAIRPERSON AVELLA: Then I
14 understand we will have one other panel of, in
15 support, from some of the Deans, and then, with
16 the cooperation of Fordham University I think
17 everybody else who signed up in support will be
18 marked as here but we will finish the testimony
19 with that. We do have a number of people that are
20 here for the other hearing. And they're going to
21 have to move back here for the Fire and Criminal
22 Justice Services, so I appreciate your
23 cooperation.

24 [Pause]

25 MR. JOHN FEERICK: Mr. Chair, my

1
2 name is John Feerick. I have been a full time
3 professor at Fordham Law School for 27 years, and
4 served as Dean of the School for 20 of those
5 years, placing my highest priority on the School's
6 diversity and public service programs and
7 activities that responded to needs in New York
8 City.

9 The School grew substantially in
10 both its diversity and the enormity of its public
11 contributions, with more than one half of the
12 students engaged in some volunteer or public
13 service activity.

14 I've had many opportunities to
15 serve this City on a pro bono or volunteer basis.
16 These undertakings have included serving as
17 special master of family homelessness. The
18 recommendations of our group became the blueprint
19 for reform of the system. I also served in other
20 volunteer capacities including as one of the three
21 judicial referred appointed to hear the case
22 involving funding for the public schools of New
23 York City. I mention these opportunities simply
24 because they were made possible by the support of
25 Fordham students, graduates, and faculty

colleagues.

Since 2005, I have served as the founding Director of the School's Social Justice Center. Its mission and intense focus is the City of New York. We have students involved in many projects, some for academic credit and some as volunteers. We also recruit volunteer lawyers for these projects, and have provided assistance to the courts and bar associations in the City in connection with their community-related activities.

We also provide assistance to the City itself with its poverty initiative, including significant involvement in the area of consumer debt. We are proud to be among the first academic Centers outside of government to be asked to help the City with its Empowerment Initiative.

Our Social Justice Center occupies space away from the present law school building, which has no space available for us. Our lack of easy access to the law school is not helpful in developing programs and activities and in attracting students.

Our present building served us well

1
2 in the last century but it does not permit the
3 School to achieve its potential in this century.
4 Consequently, we ask that you approve Fordham's
5 Development Plans for the Lincoln Center Campus.
6 Thank you.

7 MR. BILL BAKER: Good afternoon. I
8 am Bill Baker. Many of you may remember me as the
9 long term President of Channel 13. I'm very
10 familiar with the neighborhood. Our studios were
11 located in the neighborhood for better than 20
12 years. I'm now a professor at Fordham University.

13 One of the lessons I learned as
14 President of New York City's public television
15 station for over 20 years, was that you need more
16 than just a profit motive to sustain an
17 institution. You need strong values.

18 Our recent economic collapse is a
19 powerful lesson in how valuing next quarter's
20 profits over all else can be harmful. In other
21 words, how what may seem smart in the economic
22 short-term can blind people to what is wise in the
23 long term.

24 Our universities are the ultimate
25 long term investments. Their values are

1
2 education, the arts and sciences, and the public
3 good. They can shape the minds of generations,
4 and as institutions, they can enrich their home
5 cities for centuries.

6 Giving Fordham the space to expand
7 and grow is not just a boon to the university
8 itself, but also for the future of the City. My
9 office is located at Fordham's Lincoln Center
10 Campus, so I seen a regular basis how critical
11 Fordham's need to expand has become.

12 This development plan which I've
13 studied carefully and strongly support will allow
14 the university to plant deeper roots in the
15 surrounding community, giving the future teachers,
16 lawyers, social workers, artists, writers who
17 graduate from Fordham a stronger connection to
18 with this part of the city. A city whose day-to-
19 day operations they'll someday help sustain.

20 For these reasons and those attested
21 by the other supporters present, I strongly
22 endorse the Fordham Lincoln Center Development
23 plan. Thank you.

24 MR. ABE LACKMAN: Members of the
25 City Council, my name is Abe Lackman, I'm the

1
2 President of the Commission on Independent
3 Colleges and Universities. I represent 111
4 private not-for-profit colleges in New York State.
5 We're the largest collection of private colleges
6 not only in the country but we're now the largest
7 collection of private not-for-profit colleges and
8 universities in the world. We have over 470,000
9 students. New York has become the number one
10 destination of college students from every other
11 state in the country. We used to be a distant
12 third behind Massachusetts and California and now
13 we're number one.

14 It's been part of the extraordinary
15 transformation of New York City's economy. We
16 went from a manufacturing economy to what is known
17 as a FIRE economy, Finance, Insurance and Real
18 Estate. Just to give you some of the numbers you
19 heard earlier, in the last 20 years, manufacturing
20 in New York City has declined by 65% total
21 employment, a total collapse.

22 What is not as well known is that
23 the finance and insurance sector even before what
24 happened on Wall Street in the end of 2008, if you
25 look at 1990 to 2007, the finance sector declined

1
2 in employment by 18%. The two strongest parts,
3 the two strongest parts of New York City's economy
4 in the last 20 years have been higher education,
5 private higher education and the arts. It's
6 something that I and John Sexton have written
7 about, talken (sic) about, the transformation of
8 New York's economy from a FIRE economy into an ICE
9 economy, Intellect, Culture and Education.

10 New York City is still an
11 extraordinary city and it's gone through an
12 enormous transformation. But from my perspective
13 the heart and the future of New York City is to
14 move away from manufacturing, finance, insurance,
15 to one that is based on higher education, the
16 intellect and culture. Thank you.

17 CHAIRPERSON AVELLA: Council Member
18 Brewer has a question. I have a quick question if
19 you could just wait. First of all thank you for
20 your testimony. My question is as long as your--
21 the accomplishments are--we succeed on the
22 accomplishments that you outlined, but the design
23 was changed slightly, would you have any problem
24 with the program?

1
2 MR. LACKMAN: I think I would say
3 that I'm not the architect so I'm not going to
4 comment on the architect. But I will comment that
5 we are--the statistics that I gave you was before
6 the meltdown on Wall Street starting in October.
7 I think time is of the essence. I mean I think if
8 you look at what's going on to New York City's
9 economy, the only real bastion of strength right
10 now is higher education. And we need to expand
11 that. And there are a lot of other states and a
12 lot of other countries that are competing against
13 us. And the notion of particularly clusters tying
14 higher education to the cultural world I think is
15 critical, which is the whole concept of what we
16 coined ICE, which is--that is the future of New
17 York's economy.

18 In terms of adjustments to the plan,
19 in terms of the architecture, I will leave that to
20 others to comment on.

21 COUNCIL MEMBER BREWER: Anybody else
22 what to comment?

23 MR. FEERICK: I really don't have
24 any comment on the architecture. My focus has
25 been the Law School. The idea of a new Law School

1
2 building began when I served as Dean when I saw
3 how much out of space we were to grow our
4 programs. And as I said in my statement, our
5 commitment is service. It's not just words.

6 We have more than half the student
7 body all over the City of New York making
8 contributions. And we just don't have the space
9 to handle those programs. I occupy renter space
10 with my Social Justice Center 'cause there's no
11 space at the Law School building for us.

12 My view is that's not right.

13 COUNCIL MEMBER BREWER: Thank you.

14 CHAIRPERSON AVELLA: Thank you. Now
15 I'd like to call up Tom Dunne who's going to
16 interview--introduce some of the Deans for
17 testimony.

18 [Pause]

19 MR. TOM DUNNE: Chairman Avella,
20 thank you very much for--in an effort to expedite
21 the hearing, we will have the Deans of the
22 different colleges submit their testimony. Some
23 of them may have brief statements to make but we
24 will try to move the hearing for you because it's
25 getting late into the afternoon.

1
2 I have with me the Dean of the
3 College of Fordham at Lincoln Center, Father
4 Grimes. Also I have the Dean of the Graduate
5 School of Business, Howard Tuckman. The Dean of
6 our Law School, William Treanor, the Dean of the
7 Graduate School of Education, Dean Hennessey; the
8 Dean of the Social Services Department, Peter
9 Vaughn; and Matthew Maguire who runs our Theater
10 Department.

11 I know that one of the Deans, Dean
12 Hennessey would like to make a very brief
13 statement.

14 DEAN JIM HENNESSEY: Thank you, Jim
15 Hennessey, Dean of the Graduate School of
16 Education. We seem to be standing [chuckling].
17 To just in addition to the printed testimony,
18 mention that the Grad School of Ed operates
19 Community Service Centers, Psychological Services
20 Institute, Childhood Consultation Center, in
21 rented space, not far from Dean Feerick's space in
22 33. We are also the only education school in the
23 City that has a contract with the Department of
24 Education. We serve as a partnership support
25 organization under the restructured leadership in

1
2 DOE. We work directly with ten schools, four in
3 Manhattan, four in the Bronx, one in Brooklyn, one
4 in Queens, providing back office district
5 superintendent kind of services.

6 In September that number will
7 increase to 16. We are the only support
8 organization to have kept all of our original
9 members, how have 6 additional members, one of
10 which is 191, PS 191 on the corner of Amsterdam
11 and 60th Street.

12 We also work with Monica and the
13 Lincoln Square Business Investment District on the
14 21st Century Grant for Martin Luther King. Thank
15 you.

16 MR. DUNNE: Dean William Treanor of
17 the Law School.

18 DEAN WILLIAM TREANOR: Thanks very
19 much Chair Avella and members of the Council.
20 Just a couple of points. The Law School is really
21 about service. That's our motto, In the Service
22 of Others, and it's a gateway school. It's a
23 gateway school. It's always provided an
24 opportunity for people who otherwise wouldn't be
25 able to go to law school to become lawyers. It's

1
2 got one of the top night school programs in the
3 country. Other top law schools have abandoned
4 their night law schools. We're committed to it
5 because we're committed to opening doors.

6 You know, what we find right now is
7 that our service mission and our ability to be a
8 top educational institution are compromised by our
9 space. The American Association of Law Schools
10 which is our accrediting authority has put us on
11 notice that our space is inadequate. Of all of
12 the 200 law schools in the country, we're
13 virtually at the bottom in terms of space per
14 student.

15 We don't have enough room in our
16 library. We don't have the classrooms that we
17 need. We don't have places for students to
18 interact. And that's why we so profoundly need a
19 new law school. Thank you.

20 DEAN HOWARD TUCKMAN: Yeah I'm
21 Howard Tuckman, Dean of the Graduate School of
22 Business. Our situation is very similar to the
23 Law School's. And in listening to you today, I
24 felt that what we really need to do and we've not
25 done a good enough job of doing is to make you

1
2 aware of just how urgent this situation is with
3 respect to business.

4 We don't have 25 years for a project
5 to work out. Give you two or three examples. We
6 have a program which is designed for small
7 business owners that is designed to help them to
8 build their business and grow and thrive. We,
9 most of the time, have to fight for rooms and
10 sometimes have been forced to take them out to
11 hotels because we have no rooms we can put them
12 into.

13 Similarly we have a program for
14 entrepreneurs. When we went to bring in our
15 students and we wanted to have a dinner for them,
16 we had to go outside the building because there
17 was not enough room space.

18 We run programs for people from all
19 over the world. Right now we have 65 people from
20 China, from Peking University. We were
21 embarrassed because we had to change rooms twice
22 during the day because there were other classes
23 that were coming in.

24 So please understand our plea.
25 Space is a huge issue for us. And we rely on you

2 to facilitate our being able to get into adequate
3 space. Thank you.

4 MR. DUNNE: Father Grimes.

5 FATHER ROBERT GRIMES: Hi my name is
6 Robert Grimes. I'm a Jesuit Priest and I'm also
7 Dean of Fordham College at Lincoln Center. I'm
8 Dean of Fordham College at Lincoln Center. It is
9 in many ways the hidden school because everyone
10 things of the campus as largely professional and
11 graduate schools. But we're actually the largest
12 student body on the campus and it's not a commuter
13 school although 50% of our students are commuters,
14 mostly New York City residents. 50% are from
15 across the country and indeed international
16 students.

17 And they are a highly accomplished
18 group of students as well. Just in this senior
19 class alone we have seven Fulbright Fellowship
20 winners. We've had Marshall Fellows twice in the
21 last decade. It is a wonderful college that can
22 only exist at Lincoln Center. It has a great
23 theater program and it also is alive with the
24 Alvin Alley American Dance Theater providing a
25 Bachelor of Fine Arts.

2 Our space is a desperate need for
3 us.

4 MR. DUNNE: Dr. Peter Vaughn.

5 DR. PETER VAUGHN: Good afternoon.
6 I'm the Dean of the Graduate School of Social
7 Service. Our school is the largest school in the
8 nation. Also I should point out that 40% of our
9 students each year, our graduates each year, come
10 from homes where English is not the first language
11 spoken. Our graduates stay in New York City and
12 we continue to stay in touch with them.

13 I also need to point out that we're
14 very much involved with public social services in
15 the area. We are not--we are good neighbors to
16 our friends in the very localized way. We spend a
17 great deal of time in the Bronx. We spend a lot
18 of time in Manhattan. And we also spend time over
19 in the Projects.

20 We don't need to be taught how to
21 be good neighbors because we have been for a long,
22 long time. We're one of the oldest schools.
23 We're in our 94th year.

24 I also would like to point out to
25 you that our graduates stay in New York City. And

1
2 that makes a difference to the professional social
3 services that are delivered here. Thank you for
4 your time.

5 MR. DUNNE: Matthew Maguire,
6 Theater Department.

7 MR. MATTHEW MAGUIRE: Thank you.
8 My name is Matthew Maguire. Fordham Theater has a
9 faculty of working theater professionals including
10 luminaries as two-time Academy Award winning
11 actress Diane Weist, her daughter will be coming
12 to us this fall, Obie winner Steven Skybell
13 [phonetic] teaching Acting Shakespeare; Julie
14 White, Tony winner.

15 We have our most illustrious alum
16 is Denzel Washington. But our achievements of our
17 students at the moment are pretty extraordinary
18 too. We have, right now, shooting a pilot for
19 NBC, it will start in the fall is Taylor Shilling.
20 We've got Chris Larkin opening in a Broadway show
21 Next.

22 So our students are doing superb
23 work but under terrible conditions. There's no
24 dedicated theater space. The theater program
25 shares Pope Auditorium with all other departments.

We suffer from a lack of rehearsal space.

Students push desks aside in classrooms to rehearse their scene work.

There's no adequate scene shop, proper costume shop facilities. We don't have design classrooms. I might say that for office space our newest faculty member Daniel Alexander Jones is in an office so small that when a student visits him, the student sit in a chair and he sits on a desk. So. We hope you'll help us address this.

COUNCIL MEMBER BREWER: --a woman.

CHAIRPERSON AVELLA: Good question. The last two speakers, Patricia Ryan and Ryan Murphy.

[Pause]

MR. RYAN MURPHY: Good afternoon members of the Committee, Councilman Brewer. Thank you very much for your time, your service and your patience here today. As a concerned student of Fordham University I come before you today to express my deep disappointment in the recent resolution adopted on January 21st by Manhattan Community Board 7, in opposition to

1
2 Fordham's Master Plan for the redevelopment of the
3 Lincoln Center campus.

4 Fordham University's ambitious plan
5 for the development of Lincoln Center will not
6 only strengthen our present connection to the
7 neighborhood but propel it into the future by
8 providing a sustainable new environment for
9 employment, community service, public space and
10 entertainment not only for our enrolled students
11 but for all New Yorkers as well.

12 In order to be brief today I would
13 like to summarize some of the arguments that I've
14 heard here today and hopefully address a few of
15 them. The first of the false claims is
16 displacement by many who don't understand that
17 fact that right now Fordham isn't planning or has
18 no plans in the future to abuse eminent domain in
19 any way with regard to this project.

20 The second was a gentleman who
21 spoke up about Fordham's plans being fanciful,
22 something along the lines of Alice In Wonderland,
23 I believe was the reference. Ladies and
24 gentlemen, I assure you that for the students who
25 sit in overcrowded classroom, to the teachers who

1
2 old office hours in retrofitted closets, and to
3 the applicants who are turned down on the basis of
4 housing availability, there is absolutely nothing
5 fanciful about this project.

6 Simple terms have been used today
7 like the idea of shrinking our plans or making
8 further concessions. But when you use these words
9 like shrink, you don't just minimize the size of
10 the project, you cut classroom, you cut office
11 space. You cut facilities for the students. The
12 idea was brought up that well why don't we just
13 grow this in the Bronx. Our Bronx campus is also
14 thriving as well but at the same time Lincoln
15 Center has specific needs which need to be met.

16 I believe that in all negotiations
17 there needs to be a give and take but
18 unfortunately it seems here today that Fordham has
19 both given a great deal in the way of concessions
20 but has also had a great deal taken from them in
21 the way of giving up classroom space for its
22 proposed plans.

23 Council Members, you are all in a
24 unique position to influence the outcome of this
25 decision, to be a part of the history of Fordham

1
2 University and New York City. Understand that
3 Fordham has gone above and beyond the normal
4 expectations of an academic institution, provided
5 the surrounding neighborhood with vital
6 information and has sought the input of the
7 community on numerous occasions in order to ensure
8 that the concerns of the community are not only
9 heard but valued as well.

10 It is unfortunately that throughout
11 this process we too have often been portrayed as
12 strangers to the West Side neighborhood when in
13 reality we are just as much a part of this
14 community as our neighbors. As students of
15 Fordham we live in New York City, we provide
16 patronage to local businesses, we serve our
17 neighbors through charitable work. We are
18 registered and active voters in local elections.
19 And when we graduate, many of us will work in
20 Manhattan, paying New York City taxes.

21 Our collective desire to position
22 this institution for the 21st Century, requires
23 positive growth while our commitment to Jesuit
24 values at the heart at Fordham ensure that we
25 develop, guided by a philosophy of improving the

1
2 quality of life for our future students and our
3 neighboring community.

4 Your approval of Fordham
5 University's Lincoln Center Development Plan will
6 ensure that New York City remains the proudest
7 beacon of higher education in the United States.
8 It will provide our teachers with the facilities
9 that they need, our community with the public
10 service they enjoy and our students with the
11 resources they deserve. Resources that hopefully
12 will help make the men and women of Fordham today
13 the doctors, the social workers, the scientists
14 and yes, maybe even a few public servants of
15 tomorrow.

16 We greatly hope for your support in
17 this plan. Thank you.

18 [Off mic]

19 MR. JOHN TULLY GORDON: Yes. And
20 for the record, there's six other students--my
21 name is John Tully Gordon, Executive President of
22 United Student Government at Rose Hill. Thank
23 you.

24 MR. GORDON: Oh, the students
25 present here today are Michael Recca, Sydney

1
2 Henny, Sara Cougal, and Marcella--I forget your
3 last name, Sedona and Katherine Minogue [all
4 phonetic] and Ryan Murphy who was previously
5 present, the President of Lincoln Center. Great.
6 Thank you.

7 MS. PATRICIA RYAN: Thank you, it's
8 about time. Okay. Good afternoon, port
9 [phonetic], Councilwoman Gale Brewer, hi, yes. My
10 name is Patricia the last name is Ryan. I live in
11 Amsterdam, addition, Amsterdam Houses. I grew up
12 there. And I heard a lot about, you know, the
13 different things that Fordham University should
14 not do and I'd like to say that Fordham University
15 has been a neighbor of ours for years. Fordham
16 University students have come out and taught our
17 children in the community, how to work those
18 computers, they come out to Lincoln Square
19 Neighborhood Center.

20 And it just didn't just start it
21 now. This was like 18 years ago. They've been
22 coming out helping us, you understand. And I'd
23 just say that why can't we just work things out,
24 let Fordham grow and they talk about public space.
25 Now I just want to tell you a little story.

1
2 Lincoln Center when it was built,
3 they opened up on 61st Street, the Part 4, the
4 residence and Amsterdam Community to call
5 theyself--want to be neighbors with us. That
6 lasted for a little while 'cause they closed it
7 down. It's still closed right now, today on 64th
8 Street going towards where the train station is.
9 Okay, that's on 63rd Street in Amsterdam. They
10 closed that down.

11 Now Tully Hall just rebuilt they
12 place up there at Lincoln Center. Now they have a
13 public space. But we are not allowed to go there.
14 They've got the security guards in there but see I
15 know it's public space. A lot of people in the
16 community does not know. I'm telling them to go
17 there. They go there. They can't get in.
18 Opposed to Fordham University you can go in. And
19 if they made a promise they going to keep they
20 promise. And I know that. But what needs to be
21 done, they talk about the pollution, the
22 buildings, right up where the Red Cross if you're
23 familiar with Amsterdam and 66th Street they was a
24 Red Cross building there for years. Now they
25 going to just destroy that and they put up another

1
2 building.

3 I'm--West End Avenue the same
4 thing. Why can't we just let Fordham grow. We
5 have children in the community. I'm a
6 grandmother. I want to see my kids go to college.
7 Other children from around the world come to
8 Fordham and make it, something happen for
9 themselves. I just can't--I know that buzzer when
10 on I just want to keep on talking but I know I
11 can't. I want to thank you very much and I'd like
12 to leave my papers here.

13 [Pause]

14 MS. RYAN: Oh. I want to note that
15 my husband is here. He also live in the community
16 too. He would like to say something. And thank
17 you very much once again. Oh okay.

18 [Witness getting settled]

19 COUNCIL MEMBER BREWER: There's
20 someone sitting next to the students when you're
21 all done. Are they done? I thought they were
22 going to testify. Are you guys done?

23 CHAIRPERSON AVELLA: Thank you.

24 COUNCIL MEMBER BREWER: Are the
25 students going to testify?

CHAIRPERSON AVELLA: Council Member Brewer.

COUNCIL MEMBER BREWER: I just want to thank the students in particular. I know I've spoken to one in class I believe that we had. And we'll certainly be glad to meet with you out in the podium afterwards if you would like, in the rotunda. I want to add that we are all in synch I think in this room and anywhere else in the five Boroughs and beyond that Fordham is a great institution.

The issue is how should the design look that would accommodate your space needs and the needs of the community. And that's what--the balance that we're trying to get at because you're there as students for four or longer years because you might go to graduate school there. But the people in the neighborhood are also there for 30, 40, 50 years.

So the question is how to accomplish both. And I just want you to understand there's never been argument that it is a great institution from the Deans to the students to the workers. The question is always what's the

1
2 balance that works for everybody. And you should
3 know that I've been on the campus, I don't know,
4 when I say thousands of times, I'm probably not
5 kidding, for the last 40 years. And the issue is
6 that it is a good campus in terms of the podium
7 and the outdoor space for people who work and
8 study there but it is a challenge from the
9 neighborhood. And that's the balance that we're
10 trying hard to achieve.

11 I just want to bring that to your
12 attention. Thank you Mr. Chair.

13 CHAIRPERSON AVELLA: No thank you
14 Council Member and for the work that you're doing
15 on this. And obviously I would reemphasize to
16 Fordham University the need to continue the
17 discussions. And I would make a comment that it's
18 not normal procedure for this Committee to allow
19 the applicant to have endless number of witnesses
20 from the school to testify. And in this case the
21 additional comments from the Deans would not
22 normally have been allowed. Because you're
23 allowed--the applicant is allowed a certain amount
24 of time at the very beginning and that's basically
25 it.

1
2 So a courtesy was extended, but it
3 is not usually the case. The applicant has a
4 certain amount of time in the beginning and that
5 is it. Students are a different story. But we
6 generally do not allow other entities within the
7 application process to continue to testify.

8 With that I close this meeting of
9 the Subcommittee on Zoning and Franchises.

10 [Gavel banging]

11
12

C E R T I F I C A T E

I, Laura L. Springate certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature _____Laura L. Springate_____

Date _____June 3, 2009_____