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Written testimony to: NEW YORK SENATE STANDING COMMITTEE ON CORPORATIONS,  
AUTHORITIES AND COMMISSIONS SENATE STANDING COMMITTEE ON FINANCE

Senator Leroy Comrie  
Chair  
Committee on Corporations  
Authorities and Commissions

Senator Liz Krueger  
Chair  
Committee on Finance

Re: Pennsylvania Station Area Civic and Land Use Improvement Project (formerly known as Empire Station Complex Civic and Land Use Improvement Project) Revised General Project Plan

I am the only “at risk of displacement” resident Empire State Development (ESD) allowed to be a member of their Penn Station Community Advisor Committee Working Group (CACWG). Because ESD did not allow any other “at risk of displacement” business representative or resident to be a member of the working group, I have the sole duty and responsibility to represent all the businesses and residential tenants that are at risk of displacement. This is estimated to be thousands of residents, businesses and 10,000 employees who could lose their homes, offices and jobs. It is unacceptable that ESD only allowed a single “at risk of displacement” individual to be included as a member of the CACWG when so many peoples’ homes, businesses and employment is at risk. These at-risk citizens have so much more at stake than anyone else and it is wrong and undemocratic that ESD did not allow them sufficient representation on the CACWG.

My testimony below is done after careful review of ESD’s revised Penn General Project Plan (GPP). I am assuming because this is testimony to the NY State Senate about ESD’s Penn Station GPP, that I am allowed to share information without the fear of legal action from ESD. To date ESD has made it clear that I am not allowed to share information from the CACWG or risk legal action. I was told this at the first CACWG meeting when I asked for them to abide by the NY Open Meeting Law (which they refused to do). ESD also has language in every email they send me stating this:

*“IMPORTANT: This e-mail message and any attachments contain information intended for the exclusive use of the individual(s) or entity to whom it is addressed and may contain information that is proprietary, privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any viewing, copying, disclosure or distribution of this information may be subject to legal restriction or sanction. Please immediately notify the sender by electronic mail or notify the System Administrator by telephone (518)292-5180 or e-mail ([administrator@esd.ny.gov](mailto:administrator@esd.ny.gov)) and delete the message. Thank you.*

It was welcome news that the NY State Senators supported the landmark open government bill (S8419A-A9622-C) that passed the New York State Senate last week with a unanimous vote and the Assembly this week. I am sure you all worked hard to get this passed. I do not know if the governor has signed it yet, but this needs to become law. As you all know, your constituents have a right to know how decisions that are made by ESD which involve billions of dollars and could put taxpayers on the hook because of risky financing schemes. Citizens who fund NY State's budget have a right to know what the state is doing with our money and using a corporation like ESD to do an end run around the NY Open Meeting Law was always wrong.

I strongly oppose ESD's Pennsylvania Station Area Civic and Land Use Improvement Project and I will detail this in my testimony below, so it is documented why this fatally flawed, outdated, segmented and special interest driven plan is not in the best interest of New York City, New York State or their taxpayers. There is no doubt that Penn Station needs to be improved and modernized but NYS, NYC and its citizens deserve a far better Penn Station plan that puts transit first and foremost. ESD's Penn GPP does not focus or even have any direct control of transit or Penn Station improvement. It is financially irresponsible and appears to be illegal as well.

(1) ESD's revised proposal is segmented, fragmented and lacks a Master Plan that coordinates the Penn Station modernization, actual track level infrastructure improvements, their highly preferred southern expansion alternative, and the proposed super dense commercial real estate development of 10 towers. Responsible NYC land use for a better Penn Station improvement project plan would start with and focus on the transit improvement, the station and the underground tracks. Instead ESD's GPP is primarily focused on a massive office real estate development of over 18 million square feet. The GPP does not coordinate, phase or properly align transit improvements with real estate development and this is a critical flaw with dire consequences. In fact, the revised GPP does not have any completed, detailed and approved track level transit improvement plans included in the proposal. In essence the GPP is focused on commercial real estate development around Penn Station and not transit improvement. This is backwards and completed track level transit improvement plans with accurate cost details must come first. It is well known that experts agree segmentation is contrary to good land use practices so why is this plan so segmented?

ESD's Scope of Work also fails to include a full master plan that coordinates not only Penn Station but also Port Authority which is short sighted for these two major projects when the cost is so massive and the stakes so critical for New York. The revised GPP fails to coordinate the design and development of these two major transit hubs which is a massive flaw. A responsible plan would already include a coordinated master transit plan and not leave this foundational segment for a later day. ESD's revised Penn Station GPP does not provide a civic and land use improvement for the good of the public. In addition to my segmentation arguments above I fully endorse Chuck Weinstock's February 2022 submission to ESD on segmentation which includes a refutation of the "blight" premise raised by ESD. I agree with his comments including his analysis of ESD's illegal segmentation of the Master Plan and his assessment of ESD's revised GPP's deficiencies in land use, zoning and public policy, including its failure to properly consider through running alternatives.

(2) ESD revised GPP would allow 10 new mega towers to be built adding about 18 million square feet of unprecedented density yet because of its flawed segmentation does not directly cause the renovation of Penn Station, track level infrastructure improvement or Penn Station expansion. Actual Penn transit improvements plans are not detailed, evaluated or have accurate up to date costs provided in the GPP. ESD's Penn GPP does not even have direct control of transit or Penn Station improvement. It is known that MTA is going to design their own plan for Penn Station renovation and reconstruction which is not in the GPP. In addition, Penn Station expansion is being planned by Amtrak and / or the other railroads including the highly preferred Southern Expansion and any expansion plan must undergo its own NEPA review process. At the CACWG meetings the southern expansion alternative was not just the preferred alternative -- it was the only alternative presented to the CACWG that had any detailed information or planning. It is my understanding that NEPA requires at least three viable alternatives, yet it was made clear at the meetings that the Northern and Deep Station alternatives were considered unworkable without ever being fully explored or having detailed plans for them. It is totally unacceptable to only have a single workable alternative with detailed planning for Penn Station Expansion submitted to NEPA. A big problem with this GPP is that there are so many agencies, separate plans and unknown outcomes or approvals all out of phase to each other yet intrinsically linked. Yet ESD's GPP does not provide exactly what track level infrastructure, transit and Penn Station improvements are needed and have completed planning including their cost. ESD's

In the National Trust for Historic Preservation's letter sent to ESD on 01/07/2022 They stated:

*"1. The Project is Subject to Federal Environmental Review Processes. Both the Plan and the Draft Environmental Impact Statement ("Draft EIS") acknowledge that the Project will require reviews under Section 106 of the National Historic Preservation Act ("NHPA"), the National Environmental Policy Act, and, likely, Section 4(f) of the Department of Transportation Act.<sup>3</sup> The Plan attempts to segment the Project into the "revitalization" of the Project Area and a second project, which is the reconstruction and expansion of Penn Station. These projects, however, are related and, as such, must be reviewed and analyzed as a single project under the federal review processes. ESD may not segment out a portion of the project to circumvent the federal review processes—particularly when it is a "likely event that the potential southward expansion of Penn Station becomes a project that receives federal funding or is dependent on federal approvals".<sup>4</sup>*

*Section 106 of the NHPA requires that adverse effects be considered that are "reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative."<sup>5</sup> Therefore, ESD or the lead federal agency must assess the adverse effects of the entire project, not just a segment of the Project. Given the complexity of the entire Project, we strongly recommend that ESD work with the various federal agencies involved to identify a lead federal agency that shall be responsible for "fulfilling [the federal agencies'] collective responsibilities under section 106" and to ensure that the various federal review processes are coordinated.<sup>6</sup>"*

Bottom line is ESD's revised GPP and its land use action puts the cart before the horse which does not serve the public good. The two linked but segmented proposals not included in the GPP – MTA's Penn Reconstruction and any Penn Expansion Alternative must both be fully planned, submitted and a decision made by NEPA before any land use project makes sense, can contain realistic planning or should even be considered.

(3) ESD's revised GPP assumes that Penn Station must be expanded outside of its current footprint but to date has not seriously considered through running as an alternative. This is a fatal and costly mistake. Through Running provides increased transit efficiency, superior one fare rides and a unified rail network connecting the entire region. Newer, far superior alternate plans for through running trains within the current Penn Station were never fully considered, explored or evaluated under the segmented but linked Penn Expansion or Penn Reconstruction planning. Through running would cost billions less and prevent the massive cost, extensive residential and business displacement, loss of historical buildings, and many other serious issues by eliminating the need for southern expansion including the use of eminent domain. According to many experts through running will cost half as much as the southern expansion and add significant additional capacity as well. I don't believe anyone at ESD, or the railroads have provided math to disprove this. Where is the careful review of alternate plans, critical evaluation of each plan and the hard data on the cost of each? Why is ESD and the railroads only pursuing the current unnecessarily expensive option which destroys homes, businesses and demolishes landmarks without considering all serious alternate plans. Many transportation engineers, planners, community boards, organizations, other experts and private citizens all agree on this and have demanded that this alternative be fully and seriously examined before any GPP is approved. There is enormous cost to NYS taxpayers if eminent domain is used to acquire all of block 780 and significant parts of other blocks for the southern expansion alternative. According to transportation engineers, planners, community boards, public organizations and other experts there are better and far less costly alternatives to this outdated Penn Station expansion plan that should be fully studied and evaluated. ReThinkNYC has a detailed through running plan that should be an alternative and thoroughly evaluated by an independent international firm that has actually implemented through running. Evaluation of the ReThinkNYC proposal should evaluate their actual plans and not versions that are unilaterally modified by the MTA or others. Good faith efforts must be taken to only evaluate other through running plans that are developed sufficiently to warrant full evaluation. The public deserves to have a bona fide evaluation of through running and not a sham where only obviously flawed plans are reviewed.

Major cities all over the world and in the United States already have or are implementing far more efficient through running stations. This is a once in a lifetime opportunity to rebuild Penn Station into a world class, modern, above ground through running station that NY and the United States can be proud of. We should not waste this opportunity on obsolete and inefficient stub end station transit design.

(4) ESD's fails to carefully evaluate, detail and notify the public of the financial risks of their GPP. The risky funding and financing schemes are based on a flawed scenario that has already cost NY Taxpayers billions in wasted money to bail out failed, massive high-rise developments like Hudson Yards whose risky bonds were back by NY state. If the GPP is approved ESD would issue bonds backed by NYS yet payments from any new building would not start until 2028 or later. In addition, the GPP does not provide any guarantee from developers that they will complete the buildings on any set time frame or even build them at all. This puts tremendous risk on NY taxpayers and ESD should know better by now that PILOTs from these proposed 10 towers are totally unreliable and have a high probability to not pay for the real cost of Penn Station improvement. ESD does not provide any accurate, updated and detailed financial information about proposed PILOTs from the developers. We only know there will be unspecified payments from developers if they choose to build but only many years later when their build out is completed. We have no guarantee from the developers so the bonds ESD issues will have to be paid for by NYS taxpayers for many years. Given the oversaturated NYC commercial Class A real estate market, the very high commercial vacancy rate and the current change of many employees working remotely the risk of developers not building or postponing building increases dramatically.

Covid 19 forced a shift in the way people work remotely and many experts feel this change will become permanent. Yet ESD has not analyzed how this could affect their long-term finance projections for this massive GPP. It has been published that NY taxpayers already had to pay 2.3 billion for Hudson Yards failing to generate the income to pay the state bonds. It is irresponsible and reckless to not learn from the mistakes of the past and repeat them again in the Penn Station area expecting a better outcome – especially in this environment. Community Board 4, Community Board 5 and many of elected officials oppose the revised GPP in part because of the massive financial risk to NY taxpayers from the funding and financing schemes included in the GPP.

The NYC Planning Commission in their 01/27/2022 letter to ESD said this:

*“ However, the Commission cannot recommend its full support for the GPP at this current stage of the plan. There continue to be unanswered questions related to the financing, transit improvements and public realm improvements that must be addressed in a modified GPP. ”*

At the request of State Senator Brad Hoylman, Reinvent Albany, former City Councilmember Ben Kallos, BetaNYC, Manhattan Community Boards 4 and 5, Common Cause NY, and the Tri-State Transportation Campaign, the New York City Independent Budget Office (IBO) examined ESD’s proposed General Project Plan for Penn Station and other related documents.

The New York City Independent Budget Office’s report summary states:

1. *“IBO found that the plan, which is to be revised and presented to an ESD board vote in coming months, lacks many of the basic and important details needed for a robust analysis, and leaves many open questions about the impact on state and city finances.” “While few would argue about the need for improvements at Penn Station, many key questions remain unanswered under the state’s current proposal, particularly around the construction cost, timing, financing, and risk management of the projects. This information is critical for the plan to be evaluated in terms of both potential risks and benefits to the state and the city—a necessary step before moving ahead with a plan that could impact city and state taxpayers for years to come.”*

Among the NYC IBO’s findings are the following:

- *“The total cost of the Penn Station improvement project and, therefore, the revenue needed to cover those costs remains unclear. ESD estimates the total public cost of the transit improvements, including the Hudson River Tunnel, to be \$30 billion to \$40 billion, with costs shared by the federal government, New York State, and New Jersey. New York State estimates its share of the cost from \$8 billion to \$10 billion, and thus far has authorized \$1.3 billion in capital funding for the project. Bond or other debt financing is expected to cover most of the remainder, although ESD has yet to provide details on how exactly this debt would be structured.*
- *ESD would use value capture financing, where payments in lieu of property taxes (PILOTs) and fees from the development sites are used repay the debt funding the station project costs. Land owned by the state is exempt from city property taxes, and as a result, property owners would pay PILOTs to ESD, not property taxes to the city. The state has not released any revenue projections for these PILOTs, nor has it specified how the PILOTs would be structured, including, importantly, to what extent any property tax discounts would be offered.*

- *Currently, there are 55 property tax lots on the eight sites slated for new development. In fiscal year 2022, the city collected \$60 million in property taxes on these sites, a very small share of the city's more than \$29 billion in total property tax revenue. ESD has indicated that it intends to reimburse the city for this lost tax revenue (with annual escalations), although this also has yet to be formalized. While such an arrangement would help keep the city fiscally whole, it reduces the amount of revenue ESD has to pay back the station project's debt.*
- *Without more data on projected costs and revenues, it is impossible to know whether revenues will meet debt service costs. The plan does not address what should occur if revenues fall short of costs, with no details on how those costs would be covered or by what level of government.*
- *ESD's plan would finance near-term station improvements with revenue from future private development, posing a timing risk. The station reconstruction and expansion projects are expected to be completed by 2032, but the development sites would not be fully completed until 2044. When there was a similar timing issue for the nearby Hudson Yards development—financed by the city in a similar manner—the city provided hundreds of millions in debt service payments from its own coffers until adequate revenue was available. While the state has acknowledged the timing issue, again, it has yet to provide information on how it would be resolved, leaving the impact on city and state finances far from certain.*
- *The Penn Station financing proposal does not include repealing Madison Square Garden's exemption to help fund the transit projects. The arena, located directly above Penn Station, is exempt from paying property taxes, saving the owners \$43 million annually.*
- *The majority of the proposed development is new Class A office space. Pandemic-related changes in work arrangements have raised questions whether there would be sufficient demand for such space in the future. High-end office space has fared favorably in the near term, and the transit-rich location of Penn Station may make the area particularly attractive to employers. There is potential, however, that new office space near Penn Station may erode demand for nearby Hudson Yards. It is difficult, however, to predict where the commercial real estate market will be in two decades, when the proposed Penn Station development is expected to be complete.”*

Bottom Line – no one believes ESD's GPP funding and financing schemes will have better results than Hudson Yards or will actually pay for Penn Station and track level improvements. In fact the NYC IBO stated ESD's Penn Station GPP *“lacks many of the basic and important details needed for a robust analysis, and leaves many open questions about the impact on state and city finances.”* How can it be acceptable to for ESD's Penn Station GPP to not even included the minimum basic and important details needed for the IBO to even be able to do a robust analysis of the finances for such a massively expensive plan. How can our elected officials allow this huge risk to taxpayers?

In addition, there is no doubt that a failure of these funding schemes would diminish the funds available for the public realm to a much greater extent than anything else. This is a fatal flaw and CB4 made this clear in their letter to ESD when they said:

*“We request that the funding mechanism guarantees that a fixed proportion of the PILOT's are dedicated and disbursed with the same parity as any funding for MTA improvements. In Hudson Yards, where such a mechanism was not in place, MTA delays and cost overruns left the park*

*and other amenities unfunded, and the City had to supplement funding to finish the project.”*

ESD's revised GPP just has too many problems, inconsistencies, unanswered questions, lack of accurate up to date financials, lack of guarantees from developers, massive risk to NY taxpayers and finally it has not even considered the current inflation rate that is 8.6% for the 12 months ended May 2022. This is the highest inflation rate since 1982 and if it continues will add tremendous additional cost to the project. This is unacceptable on every level for a project of this size and cost. One of the biggest financing flaws in ESD's revised GPP is their blinded dependency on the building of all these massive sky towers. It did not work in Hudson Yards and it won't work at Penn Station either.

(5) The “at risk of destruction” buildings and blocks included in ESD's GPP are not blighted, substandard, a slum, unsanitary or even avoided by the public. In fact, these areas and building are a vibrant, busy, sought after business and residential community. It is fraudulent for ESD to portray these at-risk blocks in such a way in their outdated, inaccurate and deceptive Neighborhood Conditions Study. I have already documented this to ESD for my building at 251 West 30<sup>th</sup> Street and demanded a new, up to date and accurate Neighborhood Condition Study be done for the project area. I am not a lawyer, but I believe there will be legal implications if ESD or the railroads knowingly submit ESD's outdated, inaccurate and deceptive Neighborhood Condition Study that has a report date of February 2021 to NEPA or other government agencies. My neighborhood includes Madison Square Garden, Macy's, and many other well known retail stores. It also includes Historic hotels, NY's iconic Farley Post Office, several large commercial office buildings and a college. My specific block 780 is vibrant and alive with activity. 30<sup>th</sup> street is a well-known music street and part of the Chelsea art scene with artists and art classes. It has several beautiful classic pubs, many popular restaurants, a handmade cigar store, the main deli that working class people all go to, a Starbucks, a healthy juice store, a brand new Smashburger and much more. We have several large office buildings and a building that is a badly needed homeless drop-in center. We have a large dental office, an Off-Broadway theater and Historic St John's Church & Rectory which is also a Padre Pio Shrine. We have thriving businesses, employees, residents, diners and visitors that makes our block so special and alive. This is the exact opposite of how ESD inaccurately portrays our block, our buildings and the project area.

Here is documented information I already provided to ESD, elected officials and NY Community boards 4 & 5 about my building and the gross inaccuracies of Empire State Development's Empire State Complex Neighborhood Conditions Study. On the title page ESD's study is dated February 2021, but the information and pictures of our building are not current or accurate. ESD must at the very least present accurate and honest information to the officials who will decide if our building and others in the project area will be torn down. It is deceiving that ESD is still knowingly using the totally inaccurate Empire State Complex Neighborhood Conditions Study that portrays our building 251 West 30<sup>th</sup> Street in poor condition. ESD must be required to obtain and present up to date and accurate pictures and information for all buildings in the project area that are at risk of demolition.

My building 251 West 30<sup>th</sup> Street was purchased from Justin Tower LLC by 251 West 30<sup>th</sup> Owner, LLC whose principals are Michael Reid and Gerard Nocera, two of the founders of Herald Square Properties and now principals of HSP Real Estate Group. 251 W 30th was purchased on 04/30/2016 for a reported \$50,450,000. Since that time and still underway the owners of 251 have spent several million dollars more to renovate and modernize the building into a high-tech office building. This is easily proven by just looking at the very large amount of NYC DOB building permits for 251 from 04/30/2016 to present and what they were issued for. In addition, I am attaching pictures of the building that I took to show

how the building's condition really is. Below is a link to the DOB website for our building where ESD could easily see all the building permits issued for this multi-million dollar renovation.  
<http://a810-bisweb.nyc.gov/bisweb/PermitsInProgressIssuedByBinServlet?requestid=2&allbin=1014338>

I have copied the two pages from ESD's Empire State Complex Neighborhood Conditions Study – Appendix 1, Page 1-43 and 1-44: Lot Profiles that have information and photos of 251 West 30<sup>th</sup>. This will show how inaccurate the study is pertaining to the condition and appearance of our building. Much of the information and the pictures are completely out of date which should not be the case when the study boasts a date of 02/2021 on the title page. The appendix uses pictures of 251 West 30<sup>th</sup> from several years ago while it was in the middle of the massive multimillion dollar modernization and renovation, but the study does not have any pictures of completed areas of the building. The appendix is neither accurate or up to date and rates our building in poor condition. This is totally false.

It is important to note that the scaffolding which is installed at our building is per DOB regulations for the safety of the public while the renovations are being completed. In addition, even though the renovations are taking longer than originally planned because of the Covid 19 Pandemic, much of this massive renovation and modernization of our building has been completed including many of the building's floors into open concept, full floor, modern high tech office spaces. There is also a large newly built business tenant lounge, café and other amenities for the building tenants.

The ESD's study portrays our building in poor condition and in disrepair. This is not true and is an attempt to justify why our building is not worth keeping and deserves to be torn down. Although I only documented how inaccurate the Study is for 251 West 30<sup>th</sup> Street, I have examined other buildings on our block 780 and other buildings in the project area. These buildings also have inaccurate and out of date information and pictures portraying the buildings in poor condition. The study fails to state or document the improvements and renovations many of these buildings had over the past several years. Even the Homeless Center next door to our building has been renovated with a new front and entrance that is not shown on the study.

One of the most deceptive parts of ESD's Empire State Complex Neighborhood Conditions Study for 251 West 30<sup>th</sup> Street is how they may have clearly cherry picked data from NY Department of Buildings (DOB) records. ESD used information from NY DOB to list data about violations, false filings, fuel tanks, lack of fire systems, lack of fire extinguishers, and more in an attempt to make our building look run down and in poor condition. But in fact, I was a primary individual that filed complaints with DOB that the owners or their contractors had falsely filed some of their applications for building permits while doing the multi-million dollar renovation of our building. Their applications were falsely filed stating 251 West 30<sup>th</sup> Street had no residents - which is false. There are 6 legal rent stabilized families in 251. I filed these complaints so the building owners or their contractors would have to put in place the protections and construction hours required for a building with residents. It is proven that ESD used NY DOB records in their study. Yet ESD's study does not list any of the many building permits that were obtained to do the multi-million dollar modernization and renovation of the 251 West 30<sup>th</sup> Street from 2016 to the present.

There were over 55 building permits issued for the multi-million dollar renovation and modernization of 251 West 30<sup>th</sup> Street from 2016 to the present. Only one of these permits was issued after the February 2021 date ESD has listed on their Empire State Complex Neighborhood Conditions Study. Yet ESD chose not to include any of these building permits or any of the improvements from them to our building in their study. ESD chose to not even list that our building was being renovated. ESD uses outdated pictures from many years ago while our building was in the beginning of its renovation and having



interior demolition that required boarded up windows for safety to the public. The only possible explanation that would exonerate ESD from being intentionally deceptive in their study for 251 West 30<sup>th</sup> Street would be that their study was completed before the earliest building permit for the renovation was issued by DOB. If that is the case it means that ESD's study of 251 West 30<sup>th</sup> Street was completed prior to late 2017 and certainly should not have a study date of February 2021. It would also mean that ESD's Empire State Complex Neighborhood Conditions Study is out of date, totally inaccurate and is deceptive because this is already documented to them. If their study was completed after building permits for the renovation of 251 were already issued by DOB, then ESD must answer why they only listed negative data from DOB and none of the data about building permits issued for renovation and modernization of 251.

Whatever the truth may be, there is no doubt that ESD's Empire State Complex Neighborhood Conditions is inaccurate, out of date and does not document the true condition of 251 West 30<sup>th</sup> street. As such the study is clearly deceptive and ESD must be required to complete a new, up to date and accurate study that documents the current condition of each at risk building in the project area. Many other buildings in the project area have also had large private investment and renovation that is not shown in ESD's study.

Here is a listing of building permits issued by NYC DOB from late 2017 to the present for 251 west 30<sup>th</sup> Street's multi-million dollar modernization and renovation.

NUMBER	JOB TYPE	SEQ NO	ISSUED DATE	EXPIRATION DATE	STATUS	APPLICANT NAME
<u>140910058-01-EW OT</u>	A2 - ALT2	02	06/21/2021	07/01/2021	ISSUED	COSGRIFF III STUA
<u>140841551-01-PL</u>	A2 - ALT2	01	06/19/2019	12/31/2020	ISSUED	LYNCH LESLIE
<u>140841551-01-EW MH</u>	A2 - ALT2	01	04/17/2019	02/25/2020	ISSUED	CHEUNG KAM DI
<u>140841551-01-EW OT</u>	A2 - ALT2	01	04/17/2019	02/25/2020	ISSUED	CHEUNG KAM DI
<u>123717120-01-PL</u>	A2 - ALT2	01	04/10/2019	10/31/2020	ISSUED	GERAKARIS WILLIAM
<u>123717120-01-EW MH</u>	A2 - ALT2	02	06/06/2019	12/31/2020	ISSUED	STEWART EDWARD
<u>123717120-01-EW OT</u>	A2 - ALT2	03	06/23/2020	10/01/2020	ISSUED	COSGRIFF III STUA
<u>123715033-01-EW SP</u>	A2 - ALT2	01	03/26/2019	09/30/2020	ISSUED	KLANSKY ARTHUR
<u>123712107-01-EW OT</u>	A2 - ALT2	02	01/21/2020	12/27/2020	ISSUED	SHEHU MUHAREM
<u>123680034-01-PL</u>	A2 - ALT2	01	03/28/2019	09/30/2020	ISSUED	KHAVIN EDWARD
<u>123680034-01-EW SP</u>	A2 - ALT2	01	03/25/2019	09/30/2020	ISSUED	KRITIS GEORGE
<u>123680034-01-EW MH</u>	A2 - ALT2	01	03/25/2019	06/30/2019	ISSUED	BENNARDO JOHN
<u>123680034-01-EW OT</u>	A2 - ALT2	01	03/25/2019	06/30/2019	ISSUED	BENNARDO JOHN
<u>123549311-02-EW MH</u>	A2 - ALT2	02	06/28/2018	06/30/2019	ISSUED	BENNARDO JOHN
<u>123549311-01-EW OT</u>	A2 - ALT2	02	06/28/2018	06/30/2019	ISSUED	BENNARDO JOHN
<u>123547162-02-PL</u>	A2 - ALT2	01	02/15/2019	02/15/2020	ISSUED	WEISS MATHEW
<u>123547162-02-EW MH</u>	A2 - ALT2	01	02/08/2019	06/03/2019	ISSUED	STEWART EDWARD
<u>123547162-01-EW OT</u>	A2 - ALT2	01	02/08/2019	06/03/2019	ISSUED	STEWART EDWARD
<u>123544110-02-PL</u>	A2 - ALT2	01	08/24/2018	08/24/2019	ISSUED	KHAVIN EDWARD
<u>123544110-02-EW MH</u>	A2 - ALT2	01	08/22/2018	06/30/2019	ISSUED	BENNARDO JOHN
<u>123544110-01-EW OT</u>	A2 - ALT2	01	08/22/2018	06/30/2019	ISSUED	BENNARDO JOHN
<u>123400729-01-EW SP</u>	A2 - ALT2	01	10/02/2018	10/02/2019	ISSUED	DELORENZO ALFRED
<u>123400300-01-PL</u>	A2 - ALT2	01	10/25/2018	10/25/2019	ISSUED	KHAVIN EDWARD
<u>123400300-01-EW MH</u>	A2 - ALT2	01	09/28/2018	06/30/2019	ISSUED	BENNARDO JOHN
<u>123400300-01-EW OT</u>	A2 - ALT2	01	09/28/2018	06/30/2019	ISSUED	BENNARDO JOHN

<a href="#">123400293-02-EW SP</a>	A2 - ALT2	01	09/28/2018	09/28/2019	ISSUED	DELORENZO ALFRED
<a href="#">123400293-01-EW SP</a>	A2 - ALT2	01	09/28/2018	09/28/2019	ISSUED	DELORENZO ALFRED
<a href="#">123356741-01-EW OT</a>	A2 - ALT2	01	02/26/2018	12/03/2018	ISSUED	LEWIS EDWARD
<a href="#">123196308-01-EW OT</a>	A2 - ALT2	01	01/30/2018	12/03/2018	ISSUED	LEWIS EDWARD
<a href="#">123107084-01-AL</a>	A1 - ALT1	02	12/03/2018	12/03/2019	ISSUED	FLAHERTY BRIAN
<a href="#">123031717-01-EW OT</a>	A2 - ALT2	01	03/10/2017	06/03/2017	ISSUED	COSGRIFF STU
<a href="#">122994929-01-EW OT</a>	A2 - ALT2	01	02/17/2017	12/03/2017	ISSUED	LEWIS EDWARD
<a href="#">122994910-01-EQ FN</a>	A3 - ALT3	01	01/17/2017	01/17/2018	ISSUED	LEWIS EDWARD
<a href="#">122994901-01-EW OT</a>	A2 - ALT2	01	05/12/2017	12/03/2017	ISSUED	LEWIS EDWARD
<a href="#">122965434-02-PL</a>	A2 - ALT2	01	02/01/2017	02/01/2018	ISSUED	DISABATO ANTHONY
<a href="#">122965434-02-EW MH</a>	A2 - ALT2	01	12/15/2016	12/03/2017	ISSUED	LEWIS EDWARD
<a href="#">122965434-01-EW OT</a>	A2 - ALT2	01	12/15/2016	12/03/2017	ISSUED	LEWIS EDWARD
<a href="#">122965425-01-EW OT</a>	A2 - ALT2	02	12/08/2017	12/03/2018	ISSUED	LEWIS EDWARD
<a href="#">122955025-01-PL</a>	A2 - ALT2	02	12/04/2017	12/04/2018	ISSUED	DISABATO ANTHONY
<a href="#">122955025-01-EW MH</a>	A2 - ALT2	04	12/05/2017	12/03/2018	ISSUED	LEWIS EDWARD
<a href="#">122921179-01-EW SD</a>	A2 - ALT2	01	02/01/2017	02/01/2018	ISSUED	DISABATO ANTHONY
<a href="#">122921179-01-EW SP</a>	A2 - ALT2	01	02/01/2017	02/01/2018	ISSUED	DISABATO ANTHONY
<a href="#">122921160-01-EW SP</a>	A2 - ALT2	02	05/21/2018	05/21/2019	ISSUED	DISABATO ANTHONY
<a href="#">122892771-02-PL</a>	A2 - ALT2	01	10/19/2016	10/19/2017	ISSUED	DISABATO ANTHONY
<a href="#">122892771-02-EW MH</a>	A2 - ALT2	03	12/05/2017	12/03/2018	ISSUED	LEWIS EDWARD
<a href="#">122892771-01-EW OT</a>	A2 - ALT2	03	12/05/2017	12/03/2018	ISSUED	LEWIS EDWARD
<a href="#">122892762-01-EW OT</a>	A2 - ALT2	01	05/12/2017	12/03/2017	ISSUED	LEWIS EDWARD
<a href="#">122871133-01-EW SP</a>	A2 - ALT2	02	05/21/2018	05/21/2019	ISSUED	DISABATO ANTHONY
<a href="#">122871124-01-EW SP</a>	A2 - ALT2	02	05/21/2018	05/21/2019	ISSUED	DISABATO ANTHONY
<a href="#">121241851-01-EW SP</a>	A2 - ALT2	01	03/01/2018	03/01/2019	ISSUED	DELORENZO ALFRED
NUMBER	JOB TYPE	SEQ NO	ISSUED DATE	EXPIRATION DATE	STATUS	APPLICANT NAME
<a href="#">121241842-01-EW OT</a>	A2 - ALT2	01	06/14/2017	06/03/2018	ISSUED	FLEURY BRIAN
<a href="#">121241833-02-PL</a>	A2 - ALT2	01	01/23/2018	01/23/2019	ISSUED	GERAKARIS WILLIAM
<a href="#">121241833-02-EW MH</a>	A2 - ALT2	02	11/16/2017	06/03/2018	ISSUED	STEWART EDWARD
<a href="#">121241833-01-EW OT</a>	A2 - ALT2	02	11/16/2017	06/03/2018	ISSUED	STEWART EDWARD

Here is the inaccurate information and pictures ESD’s Empire State Complex Neighborhood Conditions Study has for 251 West 30<sup>th</sup> Street.

**ESD’s Empire State Complex Neighborhood Conditions Study – Appendix 1, Page 1-43 and 1-44: Lot Profiles that have information and photos of 251 West 30<sup>th</sup>.**

# Block 780, Lot 10

## Location, Use, Zoning, and Ownership

Lot 10 is located at 251 West 30th Street between Seventh Avenue and Eighth Avenue. The 7,406-sf lot is improved with a 16-story, 104,199-gsf building listed as a commercial and office building under MapPluto. However, it is also listed as Interim Multiple Dwellings (IMDs) under the Loft Law, the purpose of which is to bring buildings that were illegally converted to residential uses into compliance with state and city housing laws relating to health, safety, and fire protection, and is a legal non-conforming use. Lot 10 is located in a M1-5 zoning district, which permits a maximum manufacturing FAR of 5.0, commercial FAR of 5.0, and community facility FAR of 6.5. The building was constructed in 1927 and was last renovated in 2017. It is owned by 251 West 30th Owner, LLC.

## Visual Assessment of Building and Site Conditions

Lot 10 contains a 16-story building, with retail and an office lobby at the street level and office space on upper levels. One of the retail stores appears to be under construction. The façade consists of tile, metal, and glass storefronts on the ground floor and a combination of brick, stucco, and stone on the upper floors. The lower façade is covered with scaffolding. The exterior wall is in critical condition; glass tiles are severely cracked, and sections of the steel structure are both unprotected and heavily corroded on the lower levels. The upper levels show moderate staining. The metal doors are intact but corroded. Some windows are missing, cracked, and boarded with wood panels. The sidewalk is in fair condition, showing minor cracking, staining, and debris. The ground floor entrances to the lobby and retail stores show no barrier to accessibility. Overall, the building and site conditions were given a rating of poor condition.

## Open Building Code Violations

Lot 10 has six open building code violations. Four of the six violations were issued by the ECB and relate to construction, one of which was for submission of a form containing false statements that created a hazardous condition. The remaining two violations were issued by DOB. One relates to failure to address the ECB violation pertaining to false statements made in a form submitted to DOB while the other is related to the building's boiler. Each of the six open violations were issued between 2019 and 2020.

## Site Utilization

It is unclear if Lot 10 conforms to zoning, given the above land use information. However, the building on site uses 216 percent of the maximum allowable floor area under the M1-5 district.

## Environmental Concerns

There is potential for fuel oil tanks located at this property, as indicated by DOB records. According to records provided by FDNY, this property is registered with one 6,000-gallon No. 4 fuel oil tank that was abandoned in 1985. Further, Lot 10 was issued one violation notice in 2020 for failing to provide extinguishers and failing to maintain the fire suppressant system. Five violation orders were issued between 2019 and 2020 for not having a Fire Safety Director on-duty, lacking a fire safety plan or a functioning fire alarm. In addition, no records were maintained by DOHMH.

### 1-43 Appendix 1: Lot Profiles

Empire Station Complex Neighborhood Conditions Study

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### Figure 1-23 Block 780, Lot 10 Photographs

View of façade View facing north on West 30th Street

View of façade left of entryway View facing north on West 30th Street



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1-44 Appendix 1: Lot Profiles

**In response to ESD's gross inaccuracies and deceitful portrayal of 251 West 30<sup>th</sup> street I documented the real condition of our building which I already submitted to ESD.**

This is our new lobby at 251 West 30<sup>th</sup> Street which was completed before the publish ESD study date of February 2021 – Does this look like a building that should have received a rating of poor condition? Walls and floors of new white marble with black granite accents, dark wood and stainless steel that coordinate in a modern way with our Art Deco style building built in 1929.











Our new building lobby has an energy efficient rotating center door and two side locking swing doors with electronic card access for tenant security.



Our building has two newly rebuilt passenger elevators in the front lobby and a completely new automatic freight elevator in the back lobby. Note our building even has all Covid safety requirements in place including signage, sanitizing stations, posted floor directions, etc.





Our completely new high tech automatic freight elevator.



Our newly rebuilt passenger elevators are also white marble, dark wood and stainless steel and requires a tenant's electronic security card to access their specific floor.



The front of our building with white glass entrance side walls and dark tile outside entrance floor.

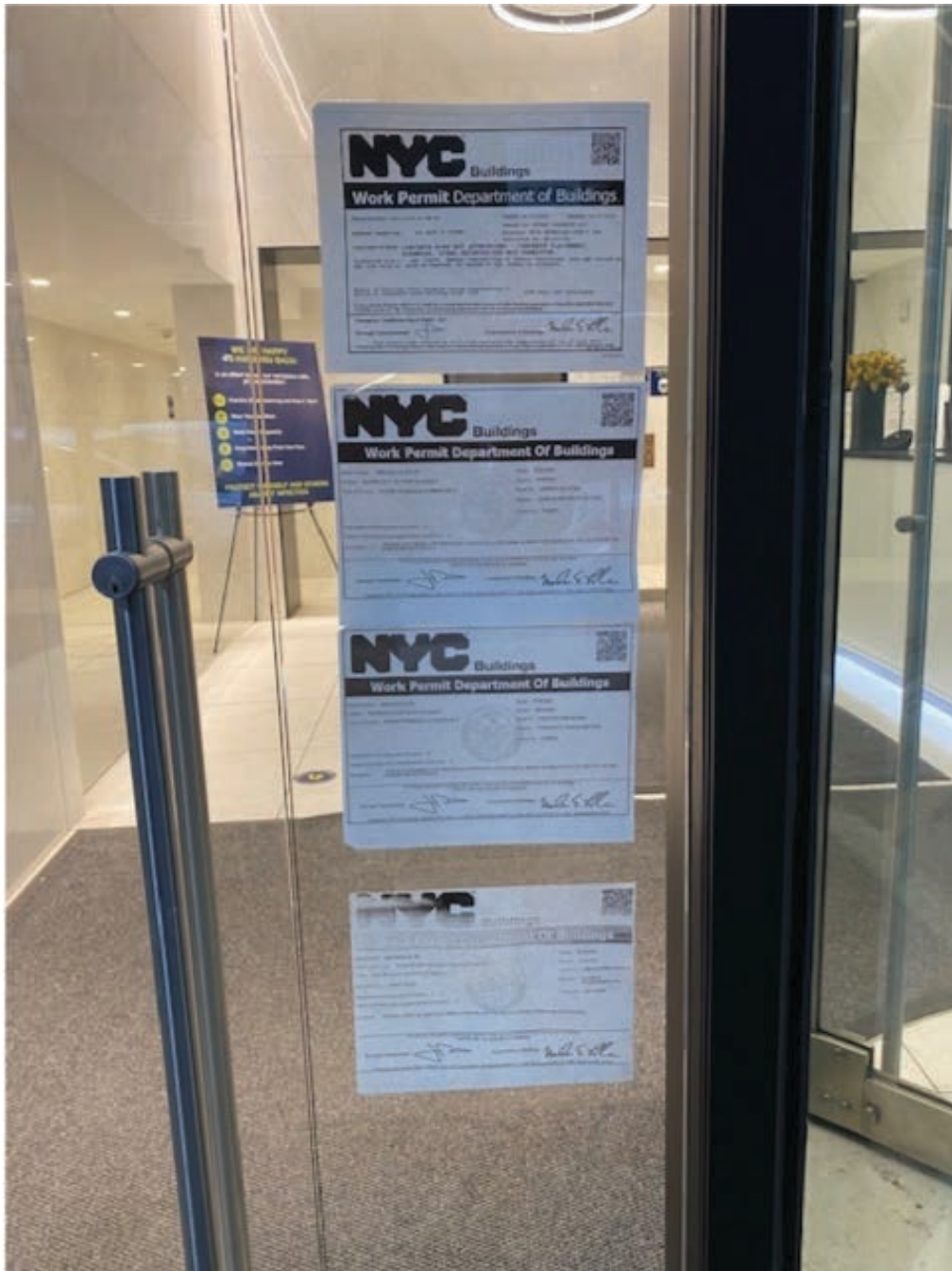


The front of our building showing the 3<sup>rd</sup> floor and above. Note all the windows on the 4th floor have been replaced with all new windows. There are no windows missing, cracked or boarded as stated in ESD's study and shown in their dated picture. The picture in the study showing that was over two years old and was taken while the 4th floor was under demolition. Also note the beautiful Art Deco detail and upper floors step back design that allows more natural sunlight to lower floors and the street.





A picture of the left front side of our building entrance showing white glass with no cracks. In the ESD Study they stated” *The exterior wall is in critical condition; glass tiles are severely cracked*” and they showed a picture of the cracked white glass. It is important to know that the cracked glass on the entrance in their picture was from a fire started by a homeless person from the Homeless Center next door that cracked all the glass from the fire’s intense heat. This fire is document by the NYFD who responded, and the cracked glass was replaced with new glass a long time ago. Again, ESD’s study and pictures are not accurate for a study with a date of 02/2021.



A picture of one front door with current building permits that are still ongoing for our building's multiyear – multimillion dollar modernization and renovation.



HSP Real Estate Group plaque on the building – the company who owns our building **251 West 30<sup>th</sup> Owners LLC** is part of HSP who has been doing this multiyear, multimillion dollar renovation and modernization of 251 West 30<sup>th</sup>.



Our whole building has a brand new “state of the art” Fire Alarm system that ESD’s study does not even mention.



Some of the beautiful original brass Art Deco details of our building.



(6) Many at risk of displacement business, residents, community groups, civic groups and others believe that ESD's GPP violates the UDC's enabling legislation commonly called the UDC Act. There are certain requirements an area must have for ESD to justify a land use action under the UDC Act.

These include:

**"Civic Project Findings: UDC Act Section 10(d)**

*There exists in the area in which the project is to be located, a need for the educational, cultural, recreational, community, municipal, public service or other civic facility to be included in the project.*

*(4) The plans and specifications assure or will assure adequate light, air, sanitation and fire protection."*

*"Civic project" definition. A project or that portion of a multi-purpose project designed and intended for the purpose of providing facilities for educational, cultural, recreational, community, municipal, public service or other civic purposes."*

ESD's revised Penn Station GPP does not include actual renovation of Penn Station, track level infrastructure improvement or Penn Station Expansion. None of those are in the scope of work in the GPP. The GPP will allow the development of 10 commercial buildings but will not provide any educational, recreational, cultural or public services. In fact, the revised GPP only proposes a tiny amount of public services in their southern expansion alternative which this GPP and ESD has no authority to approve. All Penn Station expansion alternatives including ESD's preferred southern expansion must be submitted to NEPA under a separate action. Only after a NEPA review will a decision be made to approve or not approve any Penn Station expansion alternative. If the southern expansion is not approved by NEPA then ESD's revised GPP does not provide any services at all. In addition, the GPP and their preferred southern expansion would actually cause the demolition and loss of Touro College, St John the Baptist Church and Padre Pio Shrine built in 1872, Antonio Olivieri Center for the Homeless, the Lithuanian Alliance of America Building, the non-profit Off Broadway Urban Stages Theater, National Dental, NY Guitar School, artists and musicians in residence that provide arts and music education, a NY DMV Office and several other public services. It is clear the revised GPP fails to meet the requirements listed above under the UDC Act Section 10 (d) because it does not provide any of the required services. Worse it actually causes the destruction and loss of educational, cultural, community, municipal, religious and public services.

**"Land Use Improvement Project Findings: UDC Act Section 10(c) (1)**

*The area in which the Project is to be located is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest sound growth and development of the municipality."*

*"(c) "Land Use Improvement project" Definition. A plan or undertaking for the clearance, replanning, reconstruction and rehabilitation or a combination of these and other methods, of a substandard and insanitary area, and for recreational or other facilities incidental or appurtenant thereto, pursuant to and in accordance with article eighteen of the constitution and this act. The terms "clearance, replanning, reconstruction and rehabilitation" shall include renewal, redevelopment, conservation, restoration or improvement or any combination thereof as well as the testing and reporting of methods and techniques for the arrest, prevention and elimination of slums and blight."*

The project area included in ESD's revised GPP including their highly preferred southern expansion is not a slum, blighted, substandard or insanitary. I have already detailed above why the project area is actually vibrant, busy and alive with activity and commerce.

Here is proof from a letter to Vornado's shareholders in 2020 from Vornado's Chairman.

*"We are the largest owner in the Penn District, with over 9 million square feet. The Penn District's time has come, the district is being validated by neighboring Hudson Yards and Manhattan West. Day and night, the Penn District is teeming with activity. Our assets sit literally on top of Penn Station, the region's major transportation hub, adjacent to Macy's and Madison Square Garden...The Penn District is our moonshot, the highest growth opportunity in our portfolio....over time our Penn District Campus will almost certainly command premium pricing.....we will provide our tenants with an unparalleled amenity package (of over 200,000 square feet)....In normal times, Penn Station is teeming with traffic and our retail does really well here....As part of the deal here we will gain long-term control of an additional 22,000 square feet of retail on the south side, so we will now have all the retail along both sides of the heavily trafficked Long Island Railroad concourse. And we have all the retail in the adjacent Moynihan Train Hall and Farley...."*

- Vornado's 2020 Chairman's Letter to Shareholders, bolds mine (Roth 2020)

Vornado's own letter makes it clear that the project area is teeming with activity - Day and Night. Their letter also makes it clear that the project area is highly desirable including the proposed southern expansion blocks. There is no doubt about this because our blocks in the southern expansion are already highly desirable, busy and teeming with activity. Vornado's own words dispute any labeling of the project area as a slum, blighted, substandard or unsanitary. The revised GPP fails to meet the requirements listed above under the UDC Act because the project area does not meet the requirements of the UDC Act Section 10(c) (1).

In addition, the DEIS fails to consider the need and desirability of Class B and C office space. ESD does not provide any reports or even that they considered or explored this important part of the commercial office market. Class B and C office space is an important part of a well balanced commercial infrastructure and supports the big engine of small business. There is no legitimate reason for affordable Class B and Class C office space to be called a slum, blighted, substandard or unsanitary just because it is not Class A office space. Class B and C office space provides a home to small business, entrepreneurs, working class employees, public services, health services, homeless services, community services, art services, music services, educational services, cultural services, and even municipal services. All these services described above are already in the project area and are thriving in their Class B and C office spaces. Services that will all be lost to the community by ESD's flawed GPP allowing demolition of these Class B and C office spaces only to build 18 million square feet of new Class A commercial office space that is not needed or affordable.

It is incomprehensible that ESD is allowed to violate their own enabling legislation with a GPP that causes the demolition and loss of affordable Class B and C office space in the project area. Class B and C office space that currently already provides all the services to the public their legislation was enacted to create. Yet ESD's revised GPP would cause the loss of all these public services in favor of massive Class A commercial office space without providing any public services. In addition, no one believes that these type of public services or small businesses would be able to afford the extremely high rents of this Class A office space. Bottom line ESD's fatally flawed GPP results in the exact opposite of what their enabling legislation intended.

Section 2 of the UDC Act directs ESD to find city areas that are abandoned, have substantial poverty, lack public transportation, have economic suffering and have no investment. ESD is directed to select places where buildings are "obsolete, abandoned, inefficient, dilapidated, and without mass transportation facilities". ESD is directed that the area needs to have "substantial unemployment" and

where there is “unavailability of private capital”. ESD is also required “to develop housing that is affordable to persons of low income”. The project area does not meet any of the requirements or directives of section 2 of the UDC Act. Take just my 780 block as an example - My building 251 West 30<sup>th</sup> was purchased in 04/30/2016 for a reported \$50,450,000 and has since undergone a multi-million dollar modernization and renovation into a high tech office building. Many other buildings in the project area have also undergone renovations including the 12 story condo building at 408 8th Ave that was built in 1986 and recently completed a million dollar renovation. The Antonio Olivieri Center for the Homeless was renovated with a new building front. Several new restaurants and food services have invested major leasehold improvements and opened locations on my block at 7 Penn Plaza (a class B office building) including NAYA, Sweetgreen, Sticky’s Finger Joint and Smash Burger just to name a few. Just my block has received massive private capital investment in the past few years and so has the larger project area. Yet ESD does not document and fails to admit that private capital investment in the project area is strong and ongoing. In addition, the project area supports an estimated 10,000 jobs in Class B and C office buildings that are not abandoned, inefficient, dilapidated or inefficient. The project area already has affordable and legal NY rent regulated residential housing that will be demolished, and residents evicted and displaced if ESD’s GPP is approved. Yet ESD’s GPP does not guarantee to provide any affordable or rent regulated housing to replace the housing that will be lost. Finally, it would be a complete joke to suggest the project area lacks public transportation. ESD’s Penn GPP once again violates the requirements of their own enabling legislation – this time under section 2 of the UDC Act.

I don’t believe any citizen or elected official believes the UDC Act’s original intention or purpose was to give ESD the power to reward big real estate with a 10 tower, 18 million square foot commercial office development. Especially when doing so violates so many of the requirements of the legislation ESD is required to use when evaluating and selecting a project area. The original intent of the UDC Act was to create equitable economic development with real world benefits to unemployed, vulnerable and low income people - not destroy a vibrant, busy, productive community with hundreds of residents and businesses that provide 10,000 jobs. ESD’s revised Penn Station GPP results in the exact opposite of what the UDC Act’s purpose is legislated to be. There is no doubt ESD’s GPP is unethical and does not meet the requirements of their enabling legislation. If this GPP is passed it sets a very bad precedent that the honorable and well intentioned legislation and their requirements our elected official pass to serve and protect the public good can be violated by ESD. This cannot be allowed and if this GPP passes I believe this will be the source of lengthy legal battles that the state will pay for with taxpayers’ money which is certainly not in the public good.

(7) A recent major flaw of ESD’s revised Penn Station GPP is just being felt by building owners in the project area. ESD’s GPP puts the cart before the horse and the two linked but segmented proposals not included in the GPP – MTA’s Penn Reconstruction and any Penn Expansion Alternative must both be fully planned, submitted and a decision made by NEPA which is estimated to take about two years. In addition, ESD’s southern expansion alternative may not be approved by NEPA. Community Boards, elected officials, transit experts, and others have all opposed ESD’s GPP that is segmented and does not coordinate, phase or properly align transit improvements with real estate development. Complete planning and approval of Penn Station improvements including track level and transit upgrades should have come first. Because of this backwards order of ESD’s GPP building owners in the project area are already being damaged. The problem is that while ESD’s GPP does not have control if the southern expansion will happen, they have included it as their preferred alternative in the GPP and put it out to the public. So even though ESD’s GPP can’t approve the southern expansion when they approve their



GPP they have told everyone about the expansion and most people think it will happen. This has caused potential rental clients who are looking for long term occupancy to drop any consideration of leasing in these “at risk” buildings in the project area. This is especially true for potential rental clients who need to do major leasehold improvements to make the spaces the way they need them and want long term leases. This would never have happened if ESD had allowed Penn Station improvement and any expansion alternative to be fully planned and approved first before doing a GPP for commercial building around Penn Station. ESD is directly responsible for these damages “at risk of destruction” building owners are having in the project area. It is deceptive and special interest driven that ESD falsely claims the vibrant, busy project area is blighted. The only blight “at risk of destruction” building owners are feeling is their difficulty to lease their spaces to prospective long term commercial rental tenants because ESD’s GPP makes long term occupancy of these spaces uncertain.

(8) ESD’s revised GPP does not provide any public services unless their preferred southern expansion alternative is approved by NEPA. If there is no expansion or a different expansion alternative is selected by NEPA the GPP does not provide any public services at all. In fact, even if the southern expansion is approved by NEPA the GPP only provides a very small amount of guaranteed community services, residential housing and other community benefits on sites 1 through 3. If the GPP is approved but the southern expansion alternative is not approved by the NEPA process, then the GPP does not provide any of these public benefits but big real estate can still build massive commercial office towers and density on all the other sites. If this happens the public does not get anything of benefit. NY Community Board 5, NY Community Board 4 and elected officials have all said this is not acceptable and CB4 and CB5 have voted to oppose the GPP. A better land use plan would require residential housing, community services, community benefits and public realm improvements on the other sites in case the southern expansion alternative is not approved by NEPA. The NEPA process evaluating the southern expansion alternative will take about 2 years to complete before we know if it will be approved. To approve ESD’s current GPP now (that does not have any public benefits outside the southern expansion sites) before we receive a determination from NEPA is totally irresponsible to the public.

NY Community Board 4 stated in their December 6<sup>th</sup> Letter to ESD that the board voted “to oppose the Project GPP unless Empire State Development (ESD) addresses concerns that continue to impact the community. Under the heading of COMMUNITY CONCERNS the board stated:

“Concentration of Community Benefits on Sites 1 through 3

*The proposed changes to the Draft GPP are certainly steps in the right direction. However, it is notable that a great proportion of the improvements to the original GPP are dependent on the approval of a southern expansion of Penn Station onto Sites 1 to 3. The approval of this southern expansion is yet to be determined and will follow a separate review process than the GPP. There is a possibility that a southern expansion of Penn Station would not happen, and thus the proposed benefits on Sites 1 to 3 would not materialize. If the southern expansion did not occur, then:*

- *There would be no requirement for housing units in the development area (only optional units on Sites 4 and 8);*
- *There would be no requirement for Community Facility components on any site within the development area;*
- *The additional “Shared Street” at W 31st Street would not likely occur; and,*

- *The largest amount of public space on any one block (Site 2 with 44%) would not occur limiting the maximum amount of public space to 17% on any block.*

*Affordable Housing Production and Timing*

*The amount of affordable housing required on West 31st Street between Eighth and Ninth Avenue is insufficient. It will take at least 10 years to start building and may never materialize, leaving displaced residents in a state of uncertainty for too long. We request in consultation with MCB5 that at least two other buildings on Sites 4 to 8 be required to offer affordable housing, that such buildings be required to be built in the first phase of any development of the area, and that all affordable housing is permanent following the guidelines of community housing policies that offer a range in income levels. The GPP must provide permanent relocation of residential tenants, within MCD4 or MCD5, at tenant's existing affordability levels."*

These same concerns and demands have been stated by many of our elected state and city officials in addition to our community boards. ESD must guarantee significant community benefits and affordable housing on sites 4 through 8 if the southern expansion is not approved by NEPA.

(9) ESD's revised GPP and its' highly preferred southern expansion does not provide any protection for displaced businesses or their employees and almost no protection for displaced residences. Since the southern expansion alternative is the only alternative that provides the GPP with 5 of the 10 towers it is very clear that the "at risk of displacement" families and businesses on sites 1 through 3 are in serious jeopardy of losing their homes and offices. It is clear that condemnation and Eminent Domain will be used if the southern expansion is approved by NEPA.

It is important to document that ESD did not agree to their own CACWG's recommendations pertaining to displaced resident families or businesses resulting from southern expansion. Here is all they have agreed to in the revised GPP:

*"All displaced residents who income certify would have a right to return to an affordable unit on Site 1A. (Note: there are currently 128 residences on Sites 1-3; 99 are rental units, of which 26 are rent regulated, and 29 are condos.)"*

The language above does not say that rent stabilized senior families will continue to have their rent stabilization if they are displaced or that they will continue to have the same protections as required by the NY Rent Stabilization laws that were passed by our elected officials passed to protect us if our building is demolished? Being displaced with only the Federal Uniform Act clearly does not protect NY Rent Stabilized tenants and seniors given the reality and rental prices in New York City so why shouldn't displaced legal NY rent stabilized residential tenants be given at least the protection of NY Law Comp. Codes R. & Regs. tit. 9 § 2524.5?

ESD's language that displaced residents who income certify have a right to return to an affordable unit does not say they will receive the same level of affordability they had when they were evicted from their homes by eminent domain. It certainly does not say that rent stabilized seniors who lose their lifelong homes and are displaced will be relocated and will continue with their rightful rent stabilization.

All ESD is saying is that displaced residents who income certify will have a right to return to an affordable unit. It does not say what that affordable amount is, how that will be calculated, that it will be

at the same affordable level or that rent stabilized seniors will have any protection at all from vastly higher rents.

It is inhumane that ESD did not include the at least the protection their own CACWG recommended. ESD's CACWG stated in their recommendation document:

*“31) Offer on-site relocation at the same or greater affordability level that tenants currently have on a permanent basis, and ensure a net expansion of rent stabilized units for the project. Protections for tenants should be consistent with the New York State Multiple Dwelling Law, Emergency Tenant Protection Act, and Housing Stability and Tenant Protection Act, including provisions regarding mandatory relocation.”*

*“32) Consider requiring the building of a residential tower first to address the above.”*

ESD's revised GPP only guarantees housing in site 1 of the southern expansion which requires separate approval from NEPA. Yet the GPP does control what will happen to both residential and businesses tenants in sites 1 through 3 if NEPA does approve the southern expansion. It is clear that if the southern expansion is approved eminent domain will be used and all residential and business tenants will be evicted. Their homes, offices, stores, restaurants and buildings will be destroyed.

Site 1 is in Community Board 4 and their December 6<sup>th</sup> Letter to ESD detailed that the board voted “to oppose the Project GPP unless Empire State Development (ESD) addresses concerns that continue to impact the community.

Under the heading of COMMUNITY CONCERNS the board stated:

*“Concentration of Community Benefits on Sites 1 through 3*

*The proposed changes to the Draft GPP are certainly steps in the right direction. However, it is notable that a great proportion of the improvements to the original GPP are dependent on the approval of a southern expansion of Penn Station onto Sites 1 to 3. The approval of this southern expansion is yet to be determined and will follow a separate review process than the GPP. There is a possibility that a southern expansion of Penn Station would not happen, and thus the proposed benefits on Sites 1 to 3 would not materialize. If the southern expansion did not occur, then:*

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- There would be no requirement for Community Facility components on any site within the development area;*
- The additional “Shared Street” at W 31st Street would not likely occur; and,*
- The largest amount of public space on any one block (Site 2 with 44%) would not occur limiting the maximum amount of public space to 17% on any block.*

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*The amount of affordable housing required on West 31st Street between Eighth and Ninth Avenue is insufficient. It will take at least 10 years to start building and may never materialize, leaving displaced residents in a state of uncertainty for too long. We request in consultation with MCB5 that at least two other buildings on Sites 4 to 8 be required to offer affordable housing,*

*that such buildings be required to be built in the first phase of any development of the area, and that all affordable housing is permanent following the guidelines of community housing policies that offer a range in income levels. The GPP must provide permanent relocation of residential tenants, within MCD4 or MCD5, at tenant's existing affordability levels."*

To date ESD has also ignored the recommendations of Community Board 4 that would at least allow displaced residents decent protection after losing their homes and being displaced.

Most importantly at the December 8<sup>th</sup>, 2021 ESD Public hearing Assembly Member Richard Gottfried read a testimony on behalf of himself, US Representatives Jerrold Nadler and Carolyn Maloney, NY State Senators Brad Hoylman and Robert Jackson and Manhattan Borough President Gale Brewer. Here is what they all demanded must be added to ESD's revised GPP to protect displaced residents:

*"Residential displacement. We understand that any resident – residents displaced by Penn expansion project on sites 1 through 3 would – who income certify would have a right to return to an affordable unit on site 1A. Current rent – regulated tenants at risk of displacement should remain rent regulated regardless of whether they are income qualified for an affordable unit. We want to ensure that the residential buildings are first to be built, to provide an easier transition for the residents who will be displaced and commitment that the GPP must provide permanent relocation of residential tenants within the immediate area, if desired, at the tenant's existing affordability levels. If site 1A is not built, residents should be relocated onto another site."*

It is clear ESD has ignored both their own CACWG and Community Board 4's recommendations for protections to displaced residents who will lose their homes by eminent domain. That said, the joint testimony from US Representatives Jerrold Nadler and Carolyn Maloney, NY State Senators Brad Hoylman and Robert Jackson, NY Assembly member Richard Gottfried and Manhattan Borough President Gale Brewer is not a suggestion or recommendation. It is a demand from our elected officials that ESD must at least provide comparable permanent housing at a displaced resident's current affordability levels and rent regulated tenants should remain rent regulated. The section of their joint testimony that states *"We want to ensure that the residential buildings are first to be built, to provide an easier transition for residents who will be displaced"* makes it clear that our elected officials understand how traumatic and life altering losing your home and neighborhood is. Being displaced is especially devastating for rent stabilized seniors and their families who are losing homes they have lived in for 40 years or more and have far more difficulty moving everything from a lifetime. Our honorable elected officials from this joint testimony understand this – the question is why doesn't ESD and the governor? No one wants to lose their home and neighborhood, no one wants to move to a different apartment, no one wants their life smashed but if it happens at least displaced resident deserve to be treated humanely, fairly and with dignity. Displaced NY residents are not asking for more – we are only asking for what we already have and what our elected officials testified that ESD must provide to us.

ESD must recognize that the right to return to an affordable unit will most likely be many years after rent stabilized seniors are displaced. That means protected only by the Uniform Act displaced NY Rent Stabilized seniors will lose their NY Rent Stabilization and only get a maximum of 42 months of rental assistance before they have to pay full market rate. In NYC the reality is that they will never even get anywhere near 42 months of rental assistance because the maximum amount of assistance is capped at only \$7,200. For most NY rent stabilized seniors that maximum rental subsidy amount will be gone in only a year or less as NY Market rates are far more than their current rent stabilized rent. There is no way the Uniform Act will provide comparable housing in NYC to displaced rent stabilized seniors at their current rent stabilized rate for any significant period of time. The Uniform Act was clearly not

written with any level of protection for displaced residents in the super-hot real estate rental market of New York City where rents are insanely higher than almost all of the United States.

ESD informed members of the CACWG that they will not even provide the displaced rent stabilized senior families with the basic protections of NY Law Comp. Codes R. & Regs. tit. 9 § 2524.5. I questioned this at the CACWG meeting, and it is also my understanding that ESD intends on using a federal agency to do the condemnation of these blocks and buildings which allows them to strip away the NY Rent Stabilization law that protects resident seniors who have lived in their homes for decades. These laws were written and passed to protect rent stabilized New York seniors whose buildings are allowed by the state and city to be demolished and there is no way this protection can be voided except by using a federal agency to condemn the building for “the public good”. If the Penn proposal moves forward as presented rent stabilized senior families will lose their homes, lose their neighborhood, lose their rent stabilization and be forced to deal with all this when most of them will be over 70 years old or more. Is this how we will be treated by our state government that will spend 40 billion or much more on Penn Station but chooses to condemn our homes in such a calculated way that it allows them to rob us of our rent stabilization?

If the current Penn Station expansion proposal is approved with just the minor changes presented by ESD then legal NY Rent Stabilized seniors will lose their lifelong homes. Empire State Development, Governor Hochul and our elected officials should at the very least mandate that their choice of condemning entity be required to follow the same NY law required of a NY building owner if our buildings are demolished to build the Penn South Expansion? A NY building owner who demolishes a building with DHCR approval is only dealing with millions of dollars in cost yet must comply with NY Law Comp. Codes R. & Regs. tit. 9 § 2524.5. The Penn Station Expansion Proposal is 40 Billion dollars or more. How can it be that rent stabilized senior families who have lived in their same apartments over 40 years would be treated less humanely and fairly if we are displaced by the government or their chosen entity for Penn Station expansion than the requirements of NY law – section 2524.5 that our elected officials passed to protect us if our building is demolished?

(10) ESD’s revised GPP does not provide any protection for displaced businesses or their employees in the project area or their highly preferred southern expansion alternative. Many of these businesses will not survive if they are displaced without any rent protection. Thousands of employees will lose their jobs and the state will be required to pay even more taxpayer money for unemployment benefits. The idea that ESD’s GPP for a 40 billion dollar project that is supposedly for the public good chooses not to provide any protection for displaced businesses or employees is beyond comprehension. Shame on ESD, the Governor and anyone else who allows this to happen to all the businesses and employees that will be displaced. At the December 8<sup>th</sup>, 2021 ESD Public hearing Assembly Member Richard Gottfried read a testimony on behalf of himself, US Representatives Jerrold Nadler and Carolyn Maloney, NY State Senators Brad Hoylman and Robert Jackson and Manhattan Borough President Gale Brewer. Here is what they all demanded must be added to ESD’s revised GPP to protect displaced Businesses:

*“Small business development. Any plan that results in the displacement of small businesses should offer temporary spaces during the construction period and relocation within the new towers for existing small businesses, stores and non profits of similar size to current locations at current rent levels. It is important that we retain the 10,000 jobs attached to these spaces.”*

To date ESD has not added any protection for displaced businesses in their Penn GPP. How can this be when the joint testimony from US Representatives Jerrold Nadler and Carolyn Maloney, NY State Senators Brad Hoylman and Robert Jackson, NY Assembly member Richard Gottfried and Manhattan Borough President Gale Brewer is not a suggestion or recommendation. It is a demand from our elected officials that ESD must at least provide some protection for displaced businesses and retain the jobs attached to them.

(11) ESD's revised GPP's project area has many undercounted small businesses and residents. According to US Post Office reports there are 3,667 business addresses in its delivery routes in the project area and 2,371 residential addresses. The official Post Office count is far higher what is reported in the DEIS. This massive difference needs to be investigated and ESD must revise their counting to accurate list every at risk business and resident in the project area.

(12) One of the most significant and damaging flaws in ESD's revised Penn Station GPP is how it robs control of Penn Station and the surrounding project area from New York City. NYC deserves a much better Penn improvement plan that respects how our city's land is controlled, used and is responsible to taxpayers who will have to pay for it. ESD's current GPP strips any direct control of the project from NYC government, their agencies and their far more transparent ULERP process. The GPP overrides NYC Zoning, proposes absolutely massive commercial density, and removes NYC from having any control over its own land use for such an important city project. This is not right, sets a very bad precedent and is dangerous to the future of NYC. NY City elected officials, NY State elected officials, NY Community Boards and ESD's own CACWG have demanded that any Penn Station improvement or expansion plan follow ULERP. NYC government and its citizens' elected officials have a right to be included in the direct control of this massive project in the heart of our city. After detailed study of ESD's revised GPP; including its segmented, outdated and fatally flawed planning without any guarantee of income, any details on actual cost or even any completed transit or track planning; dictate the conclusion that the state is not able to plan for the best Penn Station improvement. NYC is far better equipped and the city's ULERP process is more fair, far more transparent, more inclusive and has badly needed checks and balances. NYC has a right to evaluate the risks and rewards of any funding and financing for Penn Station improvement including how it will affect the property taxes NYC receives. NYC has a right to control its own land use and ESD should not have the right to strip it away especially when the project area does not meet the requirements for them to claim the project area under their enabling legislation.

(13) The GPP does not address the land use issue of Madison Square Garden or the fact that it does not pay any taxes while it still handcuffs any truly significant Penn Station improvement. MSG's special permit was issued for just 10 years in 2013 and expires in 2023 because it became clear that moving MSG in order to really improve Penn Station was necessary. An above ground, world class through running Penn Station is what NYC deserves when you consider transit efficiency, quality, capacity and the future of our city's transit needs. Experts, Community Board 4, Community Board 5 and many of our elected officials all agree that another vital flaw in the proposal is that it does not include relocating Madison Square Garden as part of the project.

In the transcripts of the public scoping both CB4 and CB5 make it crystal clear that relocation of MSG must be included in any plan for Penn Station Expansion. Layla Law-Gisiko Chair of the Land Use Housing and Zoning Committee of Manhattan Community Board 5 stated: *“CB5 requests the Scope of Work be altered to include the relocation of Madison Square Garden. Madison Square Garden sits atop the train station and it will keep any future development and any future growth. There is consensus from all experts that a similar location is a condition to Penn Station's viability. The project is the perfect opportunity. Madison Square Garden must be moved.”* Jeffrey LeFrancois the First Vice Chair of Manhattan Community Board 4 stated: *“The relocation of Madison Square Garden and through running trains must be added to the build.”*

Community Board 5's Resolution from December 2<sup>nd</sup>, 2021 detailed how not moving Madison Square Garden is a fatal flaw for a truly improved Penn Station: Here is what they said:

*“MADISON SQUARE GARDEN*

*Madison Square Garden (MSG), is an arena located on block 781. It sits directly above Pennsylvania Station. In 1963, the original Pennsylvania Station, a four-square-block colonnaded colossus, designed by famed architects McKim, Mead and White, built in 1910, was demolished and its remains were disposed of in a marsh in Secaucus. Penn Station was replaced by a sports and entertainment complex bearing the name Madison Square Garden. In order to build the new arena, columns and girders were installed through the subterranean train station, around the tracks and into the platforms, to reach terra firma.*

*MSG was granted a fifty-year special permit by the NY City Council in 1963, to operate as an entertainment and sports venue with a capacity in excess of 2500 people. The Special Permit established a maximum capacity of 22,000 seats. In 2013, the NY City Planning Commission recommended and the NY City Council voted to extend MSG special permit for 10 years, with the express condition and recommendation that MSG be relocated as it impedes any meaningful, sustainable and significant renovation, reconstruction and expansion to Penn Station. The proposed project under consideration encompasses block 781, where MSG is located. The Neighborhood Condition Study notes: “The existing station consists of vestiges of the below-ground portions of the original station, punctuated at all levels by structural columns that support MSG and 2 Penn Plaza. These structural elements, together with the remnants of the original station's subterranean infrastructure and the low priority given to intuitive design resulted in the disjointed and confusing station layout observed today.”*

*The Neighborhood Condition Study further notes: “Because large swaths of MSG's building façade are windowless and ground floor retail is limited, there is an inhospitable pedestrian environment along significant portions of the streets framing the north and south sides of the Penn Station block. Due to modern needs for the arena, the interior loading configuration of MSG is no longer viable for the building. Service and loading takes place on West 31st Street and West 33rd Street, as well as within the former Taxiway north and south of the pedestrian bridge and the area to the immediate west of the former Taxiway north of the pedestrian bridge (which is identified as a public plaza). These loading conditions adversely affect the quality of the public realm. Fewer pedestrians make use of these blocks: on a typical day, approximately 1,500 pedestrians were observed using the sidewalk on the south side of West 33rd Street during the morning one-hour peak period, while approximately 975 pedestrians were observed on the north side of West 31<sup>st</sup> Street.”*

*Given that MSG special permit will expire in 2023 (in 2 years from the certification of the GPP), and given the inadequacy of the arena, given the inhospitable streetscape it creates, given its poor functionality, and given its grave impediment in redeveloping Penn Station, the only conclusion is that MSG must be relocated.*

*Along with numerous civic organizations, Community Board Five has been advocating for the relocation of MSG since 2012, and even before. CB5 strongly urges ESD to use the opportunity created by the massive demolition plan proposed in this current Project to effectuate the relocation of MSG to a superblock bound by 6th and 7th Avenues, and by 32nd and 34th streets. While Penn Station renovation is not part of this proposal, it is clear that Penn Station structural limitations cannot be properly addressed without relocating MSG. To be viable, the proposed project must address this serious land use and infrastructure issue, in a comprehensive way.*

It is a well-known fact that the massive structural columns supporting MSG prevent any optimal track level or platform level design and improvement. It is also a fact that if MSG were moved Penn Station could have far superior and efficient improvement planning and implementation. No one can deny this.

At the December 8<sup>th</sup>, 2021 ESD Public hearing Assembly Member Richard Gottfried read a testimony on behalf of himself, US Representatives Jerrold Nadler and Carolyn Maloney, NY State Senators Brad Hoylman and Robert Jackson and Manhattan Borough President Gale Brewer. Here is what they all demanded concerning relocation of Madison Square Garden:

*“Madison Square Garden. The impact of MSG operations must be taken into account when planning for the surrounding streets and sidewalks, including customer flow and loading operations. Understanding the challenges of moving the Garden, moving MSG, is in the best long-term interests to provide for a grand above ground train hall, allow for track expansion without displacing residents, facilitate ease of public realm improvements and provide for the addition of through running.”*

It is clear that our elected officials understand MSG must be moved for optimal Penn Station Improvement. It is clear our elected officials understand that NY deserve a grand above ground train hall. It is clear they understand that this can be done without southern expansion and displacing residents or businesses if MSG is moved. Finally, it is clear they understand that the addition of through running in a Penn Station Improvement plan will increase transit efficiency, quality and capacity within the existing Penn Station. The real question is why doesn't ESD or the governor understand and how can they ignore the demands from our elected officials that MSG must be moved as part of a competent Penn improvement plan.

(14) The massive density allowed in ESD's revised GPP is still unacceptable and completely out of scale. The nine super tall sky towers are clustered in a very small area and the negatives effects will be overwhelming. Even ESD's DEIS reveals many of these negative impacts. ESD's revised GPP voids NYC zoning requirements, bypasses NYC's ULERP process and allows buildings so tall in a small area that they will darken the streets. The destructive impact on view corridors is still unacceptable in ESD's revised GPP. The deep shadows these nine super tall towers would cause on the streets and open spaces is unacceptable. Open space in the GPP is grossly inadequate, far below NYC's goal and would not support the resident, commuter and worker population. ESD is bypassing many NYC regulations and goals that would require evaluation and provide far better protection against these negative effects. Bypassing these checks and balances is certainly not in the best interest of the public. This once again clearly supports the conclusion that the state is unable or unwilling to plan for land use in NYC as well as the City does. NYC must be allowed to have direct control and planning for such an expensive and massive project that should benefit it citizens.

(15) ESD's revised GPP is fatally flawed because it proposes to clear cut several city blocks and destroy over 40 classic NYC buildings including at least 13 National Register-eligible and two National Register-listed historic buildings. These include the Pennsylvania Hotel, Penn Station Service Building, 7 Penn Plaza, St Johns the Baptist Church and Padre Pio Shrine, St John's Rectory, Gimble's Skybridge, Gimbels, Fairmont Building, the Stewart Hotel, and the Lithuanian Alliance of America Building just to name a few. ESD's GPP allows this unprecedented loss of NY historic and classic buildings just to allow ten skyscrapers that guarantee nothing except 18 million square feet of new Class A commercial



office space. ESD does this in violation of its own enabling legislation requirements under the UDC Act and in violation of the intent of the ADC Act.

The National Trust for Historic Preservation is strongly opposed to ESD 's revised GPP and voiced its concern about the proposed Penn Station Area complex in a letter, citing serious federal legal and procedural problems. In their letter to ESD the Trust described the plan to “largely demolish nine Manhattan tax blocks” of the project area as “hauntingly reminiscent of urban renewal strategies of the 1960’s”. The letter also decries the Project’s apparent flouting of environmental review processes. Their letter makes it clear that:

*“2. Demolition of Historic Resources in the Project Area Will Violate the Anticipatory Demolition Provisions of the NHPA, and Puts at Risk the State’s Ability to Receive Federal Funding and Approval in the Future.*

*Given the expectation that the Project will receive federal funding in the future, and will require federal approvals, we want to remind ESD and the involved federal agencies that demolishing historic properties prior to conducting Section 106 review may jeopardize the ESD’s ability to obtain federal permits and funding for the Project. Section 110(k) of the NHPA, which is known as the “anticipatory demolition” provision, states that:*

*Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant who, with intent to avoid the requirements of section [106] of [the NHPA], has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the agency, after consultation with the [Advisory Council on Historic Preservation], determines that the circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.*

*54 U.S.C. § 306113 (emphasis added); see also 36 C.F.R. § 800.9(c). The demolition of historic resources in the Project Area (for example, the National Register-listed Hotel Pennsylvania) prior to the initiation of Section 106 review will require the lead federal agency to comply with the “anticipatory demolition” requirements of Section 110(k) of the NHPA. Accordingly, we urge the ESD to refrain from any demolitions of historic structures until the completion of the federal review processes.”*

It is clear that ESD’s revised GPP not only fails to coordinate, phase or properly align transit improvements with real estate development with their segmented plan, it may also jeopardize ESD’s ability to obtain federal permits and funding. Because ESD’s GPP puts the cart before the horse which may allow historic buildings to be demolished before completing the required NHPA review the project plan adds additional irresponsible risk to NY taxpayers because of possible federal funding loss. This is unacceptable!

Another major flaw in ESD’s revised GPP is the unwillingness to consider, explore and carefully analyze how many of the classic and historic buildings could be saved and repurposed. There is no need to clear cut multiple city blocks to improve Penn Station and provide transit improvements at the track level. In fact, Penn Station does not need to expand beyond its current footprint if MSG is moved and properly planned Penn improvement with through running is implemented. The National Trust for Historic Preservation said in their letter to ESD:

*“While we agree that parts of the Project Area could benefit from revitalization (particularly the subterrains of Penn Station), we strongly oppose the Plan’s proposal to demolish several city blocks and build new, high-rise construction. The ESD’s approach is hauntingly reminiscent of the failed “urban renewal” strategy of the 1960s. In fact, the pre-pandemic plan to build new office towers seems painfully dated and irrelevant now. Many of the goals of the Project can be achieved through a more thoughtful plan that combines rehabilitation of historic structures, narrowly targeted and appropriate demolitions, and possibly areas of new construction that will not have the devastating adverse effects proposed by the Plan to at least thirteen National Register-eligible and two National Register-listed historic buildings, including the Penn Station Service Building, St. John the Baptist RC Church Complex, the Stewart Hotel, and the Former Equitable Life Assurance Company building.<sup>2</sup> The National Trust, therefore, strongly encourages the ESD to fundamentally rethink this Project before continuing and initiating demolition”.*

Adaptive Reuse of these historic building preserves our heritage and streetscapes. It is a concept that embraces the beauty of these buildings, the value of the structures, the reduction in carbon and benefit of history. NY’s historic buildings and neighborhoods are what draws visitors to our city not 10 glass skyscrapers that cast our streets in darkness. ESD should know better and not make the mistakes of the past by destroying our classic and historic buildings. Yet ESD’s revised GPP does not even attempt to save any of the city’s historic resources. We lost the original magnificent Penn Station – It is unbelievable and unforgivable that ESD would make this mistake again.

NYC needs an up to date and visionary Penn Station improvement plan for the busiest mass transit station in the United States. ESD’s GPP does not even begin to be that plan and is completely unacceptable on so many levels. NY must have an optimal, responsible Penn Station improvement project that truly benefits the public and puts their welfare above big real estate.

Instead ESD has proposed is a massive project that will cost 40 Billion dollars or more. Inflation is out of control so everyone knows that it will cost far more than even this estimate. God forbid what will happen with rentals of Class A office space if the US falls into a recession which many economists fear. Penn Station badly needs to be improved – no one disagrees with that but when everyone who will not directly profit from ESD’s GPP opposes the current plan there must be a good reason. There is a good reason – the current plan is very bad on every level as our Community Boards, the National Trust for Historic Preservation, multiple civic and historical organizations, community groups and honorable elected officials have all made very clear. ESD’s current plan serves the special interest of big real estate and is fatally flawed because the proposed pilots have almost no real possibility of paying for all or even a good portion of the cost. In the end NY Taxpayers will almost surely end up having to pay for this horrible project. NY deserves a much better Penn Station improvement plan that is not segmented, has a defined master plan, is fiscally responsible to taxpayers, protects residents and businesses, preserves historic buildings and puts real transit improvement with through running trains and an above ground Penn Station as its focus.

Respectfully,

Eugene Sinigalliano  
President - 251 West 30th Street Residential Tenants Association  
Beautification Director of the Midtown South Community Council  
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