

CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
tel: 212-736-4536 fax: 212-947-9512  
[www.nyc.gov/mcb4](http://www.nyc.gov/mcb4)

**BURT LAZARIN**  
Chair

**JESSE R. BODINE**  
District Manager

June 25, 2019

The Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

**Re: Opposition to Bill S06566/ A08351  
Pier 40 - Hudson River Park**

Dear Governor Cuomo:

Last week, the Legislature passed a bill sponsored by Assembly Member Deborah Glick and State Senators Brian Kavanagh and Brad Hoylman that amended the Hudson River Park Act (the "Act") to permit commercial office space at Pier 40 and detailed the scope of development to be permitted there.

Although Pier 40 is located outside our community district, Manhattan Community Board 4 (MCB4) is opposed to the bill as passed because the restrictions in the bill will prevent Pier 40 from contributing its fair share of revenue to fund the operation of the Hudson River Park (the "Park") and will place an undue burden on our neighborhoods. At its Executive Committee meeting on June 24, 2019, MCB4 unanimously voted to oppose Bill S06566/A08351. MCB4 has also written to our elected officials in opposition to this bill in the past (see attached). If you cannot work with the Legislature to fix the problems in the bill detailed below, we ask that you veto the bill so we can start over to develop legislation that accomplishes what this legislation should have done.

Under the structure of the Act, the designated commercial areas of the Park must generate revenue to help fund the operation of the Park. Most of these commercial areas are in our community district: the neighborhoods of Chelsea, Hudson Yards and Hell's Kitchen. In fact, 75% of the revenue for the operating and capital maintenance budget of the Hudson River Park Trust (the "Trust") is generated in our community district. Pier 40 is the only major commercial node NOT located in Community District 4. The income currently generated by the parking concession at Pier 40 provides approximately 25% of the Trust's budget, and this is what the Trust has projected as being necessary going forward. This amounts to approximately \$12 million annually, in 2019 dollars.

The Trust has projected, and we believe, that the restrictions in the bill, including those relating to the height of the building, the placement of mechanicals, the total square footage

of office space allowed and a requirement for a minimum amount of open space, are too limiting and make it likely that the Trust cannot achieve its revenue needs at Pier 40 without significant public subsidy. Two things will happen as a result of this poorly conceived legislation: the Trust will look to the State and the City to help fund its operations and Community District 4 will face even more commercial development to make up for this revenue shortfall.

While public funding should be increased for all of our parks, it is irresponsible to adopt legislation that will require such funding to achieve its goal. Moreover, legislation should address the entire park equitably, and not over burden one area of the Park simply because one community refuses to contribute its fair share.

Further, the legislation fails to address the one issue that was raised repeatedly by members of the community: the need for additional ballfield space on the West Side of Manhattan.

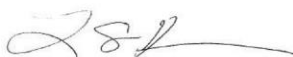
While we object to the manner that this bill was developed, we still urge you to meet with the Trust, the sponsors of the bill, and the legislators who represent other parts of the Park (Assembly Members Dick Gottfried and Linda Rosenthal) to lessen the restrictions that will prevent the Trust from achieving its revenue goals. Again, if this cannot be accomplished, we ask that you veto the bill, to allow all of the communities affected by this bill a chance to work together to craft appropriate legislation that will secure the financial future of the Park without putting an undue burden on any one community.

Anything that affects one part of the Park affects the well-being of the entire Park. What happens at Pier 40 will influence what happens in the unfinished areas of the Park, including in Community District 4. Our district already carries more than our share of the revenue generation when it comes to funding the Park. We ask that, if only as a matter of fairness, you work to allow development at Pier 40 that will meet the needs of the Trust, and not place an additional burden on our neighborhoods.

Sincerely,



Burt Lazarin  
Chair  
Manhattan Community Board 4



Lowell D. Kern  
Co-Chair  
Waterfront, Parks &  
Environment Committee



Maarten de Kadt  
Co-Chair  
Waterfront, Parks &  
Environment Committee

Enclosure

Cc: Hon. Brian P. Kavanagh, NYS Senate  
Hon. Brad M. Hoylman, NYS Senate  
Hon. Deborah J. Glick, NYS Assembly  
Hon. Richard N. Gottfried, NYS Assembly  
Hon. Linda B. Rosenthal, NYS Assembly  
Hon. Jerrold L. Nadler, United States House of Representatives  
Hon. Gale A. Brewer, Manhattan Borough President

Hon. Corey D. Johnson, Speaker, New York City Council  
Madelyn Wils, President, Hudson River Park Trust  
Connie Fishman, Executive Director, Hudson River Park Friends  
Anthony Notaro, Jr., Chair, Manhattan Community Board 1  
Carter Booth, Chair, Manhattan Community Board 2



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**BURT LAZARIN**  
Chair

**JESSE R. BODINE**  
District Manager

June 16, 2019

(All Via Email)

Hon. Brad M. Hoylman, New York State Senate  
Hon. Robert Jackson, New York State Senate  
Hon. Brian Kavanaugh, New York State Senate  
Hon. Deborah J. Glick, New York State Assembly  
Hon. Richard N. Gottfried, New York State Assembly  
Hon. Linda B. Rosenthal, New York State Assembly

Re: A8350/A8351, S06565/S06566

Dear West Side Elected Officials:

As we previously advised you, Manhattan Community Board 4 ("MCB4") is concerned that future development at Pier 40 in Hudson River Park (the "Park") must be able to generate sufficient revenue to cover 25% of the budget of the Hudson River Park Trust (the "Trust"). The other 75% of the Trust's budget is generated in the area represented by MCB4 and the portion of the Park in our community district cannot be burdened with more commercial development to make up for the lack of revenue from elsewhere. The needed revenue must come from Pier 40.

The proposed legislation that has been introduced by State Senator Kavanaugh and Assembly Member Glick will prevent the Trust from developing Pier 40 in a way that will generate sufficient revenue. We oppose the bills for this reason and others stated below and ask the bill sponsors to withdraw this legislation.

It is our understanding that the Trust offered significant compromises in negotiations with some of you, but some of the most important of these compromises are not reflected in the draft legislation. Specifically, the requirement of 65% open space while only allowing 700,000 square feet of office space will prevent the Trust from meeting its revenue target. Further, the limitations in the proposed legislation regarding mechanicals will further reduce the available square footage available for development. Additionally, the level of detail in the legislation is normally reserved for ULURP and undercuts the public's role in that process.

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<sup>1</sup><https://www1.nyc.gov/html/mancb4/downloads/pdf/april-2019/24-letter-to-electeds-re-pier-40.pdf>

Moreover, the proposed legislation will require significant public funding in order to meet the Trust's budget needs. While we fully support increased public funding for our parks, not only is it unpredictable, but please be aware that if such funding is provided for Pier 40, we will expect such funding to be made available for future Park developments in our Community District as well.

We appreciate that MCB4 has been included in the RFP process pursuant to the proposed legislation, but we nonetheless believe that a successful RFP cannot be issued with the current restrictions.

We also have significant concerns about the process that led to this legislation. We are well-aware that only certain elected officials were involved in developing this legislation. Without all of our elected officials being involved in the process, we feel like our concerns were not heard.

We believe the proposed legislation reflects only the viewpoints of certain factions of waterfront community. We participated in every public meeting and the public did not express concerns about height and bulk restrictions. The principal concern of those who testified were that any development at Pier 40 increase the amount of ballfield space, primarily at deck level. With the restrictions in the proposed legislation, this cannot be accomplished.

We urge you to reject the legislation as proposed and pass legislation that can meet the needs of the Trust and the entire waterfront community.

Sincerely,



Burt Lazarin  
Chair  
Manhattan Community Board 4



Lowell D. Kern  
Co-Chair  
Waterfront, Parks &  
Environment Committee



Maarten de Kadt  
Co-Chair  
Waterfront, Parks &  
Environment Committee

Cc: Andrea Stewart-Cousins, Temporary President and Majority Leader, NY State Senate  
Carl Heastie, Speaker, NY State Assembly  
Alphonso B. David, Esq., Counsel to Governor Andrew Cuomo  
Rep. Jerrold L. Nadler, United States House of Representatives  
Gale A. Brewer, Manhattan Borough President  
Corey D. Johnson, Speaker, New York City Council  
Madelyn Wils, President, Hudson River Park Trust  
Connie Fishman, Executive Director, Hudson River Park Friends  
Anthony Notaro, Jr., Chair, Manhattan Community Board 1  
Carter Booth, Chair, Manhattan Community Board 2



**Burt Lazarin**  
Chair

**Jesse R. Bodine**  
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April 5, 2019

Hon. Jerrold Nadler  
Congressman  
10th District of New York  
201 Varick Street, Suite 669  
New York, NY 10014

Hon. Deborah Glick  
New York State Assembly  
853 Broadway, Suite 2007  
New York, NY 10003

Hon. Brad Hoylman  
New York State Senate  
322 Eighth Avenue, Suite 1700  
New York, NY 10001

Hon. Richard Gottfried  
New York State Assembly  
214 W. 29th Street, Suite 1002  
New York, NY 10001

Hon. Robert Jackson  
New York State Senate  
5030 Broadway Suite 701  
New York, NY 10034

Hon. Margaret Chin  
New York City Council  
101 Lafayette Street, 9th Floor  
New York, NY 10013

Hon. Brian Kavanaugh  
New York State Senate  
250 Broadway Room 2011  
New York, NY 10007

Hon. Corey Johnson  
New York City Council Speaker  
224 W. 30th Street, Suite 1206  
New York, NY 10001

Hon. Linda B. Rosenthal  
New York State Assembly  
230 W. 72nd Street, Suite 2F  
New York, NY 10023

Hon. Gale A. Brewer  
Manhattan Borough President  
1 Centre Street, 19th Floor  
New York, NY 10007

**Re: Pier 40**

Dear Elected Officials,

Hudson River Park (the “Park”) is a treasured resource, shared by Manhattan Community Boards (“MCB”) 1, 2 and 4. Decisions made regarding the Park, including decisions to amend the Hudson River Park Act (the “Act”), affect all West Side residents. Any amendment to the Act

should be flexible enough to allow the Hudson River Park Trust (the “Trust”) to choose a development project for Pier 40 that will allow the Trust to continue to derive a significant portion of its annual budget from commercial uses at that pier. The Trust believes that it must generate 25% of its annual budget from Pier 40, and Manhattan Community Board 4, by a vote of 31 in favor, 0 opposed, 0 abstaining and 0 present but not eligible to vote at its April 3<sup>rd</sup> Full Board meeting, supports that position. If Pier 40 does not generate 25% of the Trust’s annual budget, too much of a burden will be placed on the other commercial locations in the Park, the vast majority of which are located in Community District (“CD”) 4.

MCB4 recognizes the unique treasure that is Pier 40, and its importance to the residents of our CD. The ballfields at Pier 40 are used not only by residents of CD2, but by adults and children citywide. The children who live in CD4 are major users of Pier 40. CD4 is within the catchment area for the Greenwich Village Little League and our CD is also a source of players in the Downtown United Soccer Club.

Pier 40 is also unique in that it is the only pier located outside of Community District 4 that provides significant revenue to the Trust. As set forth in the November 2017 report of the Future of Pier 40 Working Group, and based on information received from the Trust, seventy-five (75%) per cent of the revenue for Park operations comes from commercial uses of the piers in CD4. Our residents are major users of the Park and our neighborhoods provide the primary financial support for Park operations.

While it would be ideal if the City and State could provide all, or even most, of the funding for the operation of the Park, this is not something we realistically expect. After 20 years, the Park still isn’t completed (with most of the unfinished areas in CD4) and it took a major intervention by Governor Cuomo to secure funding simply to complete the Park. And while Hudson River Park Friends has done a wonderful job of increasing funding for development of the Park and related programming, they are nowhere near able to provide a significant portion of the Park’s annual budget. Thus, the Trust must generate revenue from the commercial nodes within the Park to meet its financial needs.

Although MCB2 must have input into the RFP process to decide what will ultimately be built at Pier 40, any changes to the Act must give the Trust flexibility to choose a project that will continue to generate 25% of the Trust’s annual budget.


Sincerely,



Burt Lazarin  
Chair  
Manhattan Community Board 4



Lowell Kern  
Co-Chair  
Waterfront, Parks &  
Environment Committee



Maarten de Kadt  
Co-Chair  
Waterfront, Parks &  
Environment Committee

Cc: Carter Booth, Chair, Manhattan Community Board 2

Tobi Bergman, Chair, Future of Pier 40 Working Group (MCB2)  
Madelyn Wils, President & CEO, Hudson River Park Trust  
Connie Fishman, Executive Director, Hudson River Park Friends