

November 6, 2003

Margaret Forgione
Manhattan Borough Commissioner
Department of Transportation
40 Worth Street
New York, NY 10007

Re: DoT Setback Requirement for Development Over Amtrak Cut

Dear Commissioner Forgione,

We write to request a meeting concerning an issue that has come to our attention while reviewing a recent Land Use Review Application, but that has implications for many other development properties in Community District No. 4.

West 47th St. Associates, LLC, an affiliate of Pitcairn Properties, proposes to construct two new residential buildings on the through block between West 47th and 48th Streets over the Amtrak right-of-way approximately 125 feet west of 10th Avenue. The applicant has advised our Clinton/Hell's Kitchen Land Use Committee that DoT is requiring that each building be set back 5 feet from the property line along its entire street frontage, in order to provide DoT access to the underside of the adjoining street. This requirement conflicts with this Board's long-standing preference for uninterrupted streetwalls, especially in the Special Clinton District, in order to maintain architectural continuity and to eliminate the public safety hazards that can lurk in recessed areas.

The Amtrak right-of-way runs through our district from 59th Street to the rail yards at 33rd Street. On some blocks it has been built over with no setback, such as the blocks between 49th and 51st Streets. Until 2001, there had been no development activity over the right-of-way for at least thirty years, and the right-of-way remained as an unhealed scar through our neighborhood. Now, increased development pressure has brought new interest in building over the right-of-way. Private developers, such as Pitcairn, are proposing projects that are within existing zoning. The Department of Housing Preservation and Development is negotiating with the Dermot Company for construction of a significant new mixed-use project over the right-of-way between 51st and 53rd Streets. And the City's Hudson Yards proposal contemplates the redevelopment of properties over the right-of-way from 43rd to 33rd Streets.

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We recognize that DoT has a legitimate need for access to the underside of streets that pass over the right-of-way for maintenance and repair of the streets. But we question the need for access to be provided in the broad manner that has been asserted in connection with the Pitcairn application. Across 47th Street from the southern frontage of the Pitcairn site, a new building is now under construction that will provide access to the underside of 47th Street. We therefore question the need for additional access from the north side of the street. Across 48th Street from the northern frontage of the Pitcairn site the right-of-way remains open to the sky, so it could be that no access from the south is necessary. We also question the need, implicit in the position DoT has apparently taken with Pitcairn, that there must be access from each block.

These questions of access should be considered in conjunction with broader urban design and planning issues, and a policy developed that will make sense in the broader context of the remaining undeveloped portions of the right-of-way.

We therefore request a meeting with appropriate members of your staff and representatives from the Department of City Planning and Amtrak to discuss the issue in general terms, with a view toward developing such a policy.

We also specifically request that no setback be required for the Pitcairn project, because ample access is already otherwise available.

Many thanks for your consideration.

Sincerely,



Walter Mankoff
Chair
Manhattan Community Board No. 4



Simone Sindin
Co-Chair
Clinton/Hell's Kitchen Land Use Committee



Anna Hayes Levin
Co-Chair
Clinton/Hell's Kitchen Land Use Committee

This letter was approved at Manhattan Community Board No. 4's November 5, 2003 full board meeting.

Cc: Hon. Michael Bloomberg, Mayor
Hon. C. Virginia Fields, Manhattan Borough President
Local elected officials
DCP
Amtrak
West 47th Street. Associates, LLC, c/o Pitcairn Properties
Howard Goldman, Esq.

