



**Greenwich
Village
Society for
Historic
Preservation**

252 East 11th Street
New York, New York 10005

(212) 475-9585
fax: (212) 475-9582
www.gvshp.org

Executive Director
Andrew Berman

President of the Board
Arthur Levin

Vice-Presidents
Leslie Mason
Kate Bostock Shefferman

Secretary / Treasurer
Allan G. Sperling

Trustees
Mary Ann Arisman
Penelope Bateau
Tom Birchard
Elizabeth Ely
Cassie Glover
Justine Leguizamo
Ruth McCoy
Andrew S. Paul
Cynthia Penney
Robert Rogers
Katherine Schoonover
Marilyn Sobel
Judith Stonehill
Fred Wistow
Linda Yowell
F. Anthony Zunino III

Advisors
Kent Barwick
Joan K. Davidson
Christopher Forbes
Margaret Halsey Gardiner
Elizabeth Gilmore
Carol Greitzer
Tony Hiss
Martin Hutner
James Stewart Polshek
Elinor Ratner
Henry Hope Reed
Martica Sawin Fitch
Anne-Marie Sumner
Calvin Trillin
Jean-Claude van Itallie
George Vellonakis
Vicki Weiner
Anthony C. Wood

October 28, 2013

Hon. Amanda Burden
Chair, New York City Planning Commission
22 Reade Street
New York, NY 10007

**Re: Potential Transfer and Use of Air Rights As Authorized by Hudson River
Park Act**

Dear Chair Burden:

As you know, the Hudson River Park Act, A.8031 (Gottfried, Glick)/S.5824 recently passed by the New York State Legislature allows the transfer of air rights from piers within the park for use for development one block inland, between 59th Street and Chambers Street. As you also no doubt know, the Greenwich Village Society for Historic Preservation, among many other community groups in the impacted area, is extremely concerned and troubled by the possible effects of the transfer and use of these air rights. We are working with our fellow community groups to try to understand all potential implications of this legislation, and what, if any, acceptable means might exist for the transfer and use of those development rights in the allowable area.

Looking at Greenwich Village, there appear to be three distinct categories ways in which the air rights could be used – two are clearly possible, while a third possibility is unclear:

- 1) **On sites which were granted contextual zoning and height and bulk limits in the 2005 Far West Village rezoning.** GVSHP and many in the community fought long and hard for zoning protections for these sites. Use of the air rights here would only be possible if the zoning protections for these sites and the height and bulk limits they include were undone by a subsequent rezoning or State action to allow the transfer of air rights. We would find such an outcome extremely disturbing. This option is clearly possible.
- 2) **Sites which lack contextual zoning.** Those sites one block inland from the park within Community Board #2 which currently lack contextual zoning protections all currently allow a very large scale of development already – typically 5 to 6 FAR, in some cases on very large plots of land which would allow for the construction of very large and tall buildings. Allowing the transfer of air rights here would result in even larger buildings than the current zoning allows, which is also an extremely troubling prospect. This option is also clearly possible.
- 3) **Allowing the air rights to be applied to uses beyond those which the existing zoning allows, but not necessarily at a scale greater than the existing zoning**

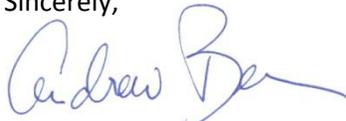
permits. For example, where the existing zoning allows 5 FAR for commercial or manufacturing development only (such as hotels and office buildings), the air rights from the Hudson River Park could be used to allow residential development. If this were the case, such development could be limited to no more than the 5 FAR which the current zoning already allows. Thus the air rights transfer would not increase the allowable size and bulk of new development, but only expand the allowable range of uses.

While we know that the first two options are entirely possible, it is not clear whether this third option would be legally feasible.

I ask you to opine upon this question, to help resolve whether or not such a use and application of air rights is possible – making development of certain uses on a site possible only through the purchase of air rights.

The air rights transfer provision of the Hudson River Park Act has the potential to unleash an enormous volume of new development along our waterfront -- in flood zones, and in sensitive areas where it will cast shadows and visually impact not only our neighborhoods but the very Hudson River Park it is supposed to help fund. Should the Governor sign this legislation into law, it is critical that we understand all of the possible ways in which these air rights could be used, including the best and worst case scenarios. I look forward to your response to help answer these questions.

Sincerely,



Andrew Berman
Executive Director

Cc: Hudson River Park Trust
State Senator Brad Hoylman
State Senator Daniel Squadron
Assemblymember Richard Gottfried
Assemblymember Deborah Glick
City Councilmember Gale Brewer
City Councilmember Margaret Chin
City Councilmember-elect Corey Johnson
Community Board #2, Manhattan
community groups