

Testimony
October 5, 2009

By: Meile Rockefeller, representing Manhattan Community Board Five

Good Morning. My name is Meile Rockefeller, and I am a member of Manhattan Community Board Five.

Our Community Board has been fortunate to have reviewed elements of this ULURP on two occasions; and twice has recommended disapproval. In fact, by overwhelming votes the Community Board twice concluded that the proposed tower is just too tall for its midblock location.

In March 2008, the Landmarks Committee evaluated whether the proposed development rights transfer would meet the requirements of the law, namely that the new building would “relate harmoniously with the ...landmark buildings”, whether the transfer would “not unduly increase the bulk of the new [building] to the detriment...of the surrounding area” and if the disadvantages to the surrounding area from the proposed building would be more than offset by the preservation of the landmarks – St. Thomas Church and the University Club.¹

The Board concluded that, by any measure, the proposed building fails to meet these requirements. The two named landmarks, and the multiplicity of adjoining local landmarks will be overwhelmed by a towering 1,100 foot high structure; and a building built to an FAR of about 38, more than three times the underlying zoning, would create a public burden in the form of loss of light and air, increase of vehicular and pedestrian traffic and noise pollution.

Community Board Five understands that an air rights transfer is designed to preserve the public benefits of a low density landmark building at the expense of the public burden of a nearby high density building. To have any purpose, these buildings must not just “bear a reasonable relationship” but be in close enough proximity that the balance is evident. Placing the new tower so far it cannot be seen from the landmarks effectively puts the burdens on one group while allocating the benefits to another. CB5 concluded this development creates a public burden that far exceeds any public benefits.

Again in June of this year, Community Board Five looked at the Land Use and Zoning implications of the proposed air rights transfer. Again we concluded that “the proposed tower is simply too large for its site” and that the “transfer of development rights would unduly increase the bulk of the proposed building such that the benefits are outweighed by the burdens associated with such a tall new building on this midblock site”.²

I want to stress that the Community Board is supportive of MoMA’s expansion, and we would welcome it in a building closer to the original 25-story proposal or any building that is roughly the height of its neighbors on 53rd Street. However, we believe the building as

¹ Resolution of Manhattan Community Board Five, March 2008.

² Resolution of Manhattan Community Board Five, June 2009

proposed is completely inappropriate for its site and urge the Committee to deny the application.