

## BRAMHALL'S WORLD



# Kill Penn Station's zombie general project plan

In 2019, Andrew Cuomo and Vornado's Steve Roth — fallen titans of New York infrastructure — hatched an unsavory idea to pay for the new Penn Station: a General Project Plan (GPP) that would override the city's zoning laws and, dispensing with any review by the City Planning Commission or City Council, allow Vornado to build five office towers surrounding the station, four of them more than 900 feet tall. With supreme confidence and no data to back it up, Cuomo assured the public that the plan would generate enough revenue to repay the bonds that the state would need to issue before it could get started with construction.

On June 26, Gov. Hochul gutted the plan.

The GPP had never made sense. The state had no idea how much rebuilding Penn Station would cost, no idea how much of it the Roth towers could pay for, and no idea when they'd pay for it. Recent events have fully eviscerated the plan's rationale. COVID, the new paradigm of work from home, and ballooning interest rates have wounded the Midtown office market and pushed Roth to the brink of bankruptcy.

Hochul says not to worry; she'll just use the money for another project. But

## BE OUR GUEST

BY RICHARD EMERY  
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GPPs aren't fungible. The state isn't allowed to enact a plan for one purpose and then use it for another. If the GPP is no longer going to fund Penn Station — its stated purpose from the beginning — then it has to be annulled.

Hochul and Roth have something else up their sleeves: Hochul knows that Roth, one of her biggest contributors, needs the higher valuation to stave off his creditors, who are increasingly impatient.

He also wants to preserve his right to build towers down the road — taller than the ones the city laws would allow, and insulated from the city's public review process. This isn't just illegal; it feels a little corrupt — a present to Roth with no benefit for the city.

All that's left is a zombie GPP: no money for Penn Station, just a dormant license for Vornado to overdevelop its sites and also, before then, a license to enlist the state in eminent domain proceedings to evict long-time residents and small businesses.

We are lawyers for some of those

residents and businesses. Last year we challenged the GPP in court, and the governor's recent announcement has in no way diminished our opposition to the project. The governor's plan to "decouple" the Vornado real estate deal and Penn Station will continue to harm our clients and the city as a whole.

First, the zombie GPP preserves the zoning override, sparing Vornado the planning review process that the city put into place to protect the public. Sooner or later, Roth will come up with another plan for the sites and, presto, Hochul will let him proceed without any evaluation by the city or the local community. There would be the usual opposition, and some *sturm und drang*, but Hochul would push the plan through if it were funded.

Second, the GPP is based on an Environmental Impact Statement (EIS) for a specific plan to develop 10 towers. That plan is now off the table, and the current EIS would be as relevant to a new project as it would be to plans for a truss bridge over the St. Lawrence River. Whatever future development Hochul supports will require an entirely new environmental analysis, based on a new GPP.

Third, even if, regrettably, the mayor would surrender the city's planning authority — its statutory and constitutional

right to plan its own future—he does not have the right to do so. The residents and property owners in this community have stood up to both the state and the city, trying to preserve and sensibly develop their neighborhood. The state's characterization of it as "blighted" is an affront to urban planning and design. It is, in fact, a thriving center for small businesses, an affordable space for artists and working people, anchored by beautiful pre-war buildings. The only blighted structure in the neighborhood is Penn Station itself.

When the demand for office space returns, the increase in supply should come organically — from a beautiful new Penn Station and the vital transportation network it will create, not from the suspect intervention of the governor and her beneficiaries.

What will not work — and is plainly illegal — is a GPP untethered to a public purpose, undead for the immediate future, but lying in wait for future exploitation.

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