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LOWER MANHATTAN DEVELOPMENT CORPORATION

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In the Matter of

A Public Hearing Held Pursuant to Sections 6 and 16  
of the New York State Urban Development Corporation  
Act and Section 201-204 of the Eminent Domain  
Procedure Law in Connection with the World Trade  
Center Memorial and Cultural Program, Phase 2  
Street Transactions

-----X

Lower Manhattan Headquarters  
150 Broadway, 20th Floor  
New York, New York

June 19, 2019  
5:50 p.m.

B E F O R E:

EDWARD KRAMER, ESQ.  
Hearing Officer

2 A P P E A R A N C E S:

3 For Lower Manhattan Development Corporation:

4 Daniel Ciniello, Acting President

5 Goldie Weixel, Senior Counsel

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10 ALSO PRESENT:

11 The Press

12 The Public

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Nicole Ellis, Stenographer

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2 P R O C E E D I N G S

3 THE HEARING OFFICER: Good

4 evening, everyone, welcome. My name is Edward  
5 Kramer, I'm an attorney practicing law in New  
6 York City and I've been asked by the Lower  
7 Manhattan Development Corporation, known as  
8 LMDC, to serve as the independent hearing  
9 officer for this evening's public hearing  
10 which is being held pursuant to Sections 201  
11 through 204 of the New York State Eminent  
12 Domain Procedure Law and Sections 6 and 16 of  
13 the New York State Urban Development  
14 Corporation Act.

15 The time is now, I believe, ten to  
16 six and today's public hearing is being held  
17 on June 19th, 2019 at the LMHQ, Lower  
18 Manhattan Headquarters, 150 Broadway, 20th  
19 floor, New York, New York.

20 Notice of this public hearing was  
21 published in the Daily News and the New York  
22 City Record from Monday, May 20th, 2019  
23 through Friday, May 24th, 2019.

24 The topic of this public hearing  
25 is twofold: The proposed acquisition by LMDC

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2                   by condemnation of certain property owned by  
3                   the City of New York;

4                                 And the proposed disposition by  
5                   LMDC of certain property, including the  
6                   property proposed to be acquired by  
7                   condemnation, to either the Port Authority of  
8                   New York and New Jersey or the City.

9                                 All of the property subject to  
10                  this hearing is located in the Borough of  
11                  Manhattan and would be transferred without the  
12                  payment of any consideration in furtherance of  
13                  LMDC's General Project Plan for the World  
14                  Trade Center Memorial and Cultural Program.

15                                The purposes of this hearing are  
16                  to:

17                                    One, inform the public about the  
18                  proposed property acquisitions and  
19                  dispositions;

20                                   Two, give all interested parties  
21                  an opportunity to be heard with respect to the  
22                  topic of this hearing;

23                                   And three, pursuant to Article 2  
24                  of the Eminent Domain Procedure Law, review  
25                  the public uses to be served by the proposed

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2 property acquisitions and dispositions; the  
3 location of the parcels; and the impact of the  
4 proposed property acquisitions and  
5 dispositions on the environment and residents  
6 of the locality where the project will be  
7 undertaken.

8 This is not a question and answer  
9 session. It is, instead, an opportunity for  
10 you to present your views so the Lower  
11 Manhattan Development Corporation can consider  
12 them in making a final determination on the  
13 actions which are the subject of this hearing.  
14 The hearing will be conducted in a fair and  
15 impartial manner to make sure that everyone  
16 who wishes to speak has an adequate  
17 opportunity to do so.

18 Maps of the parcels proposed to be  
19 acquired and disposed of are displayed around  
20 this hearing room. These include survey maps  
21 showing all of the parcels that will be  
22 transferred, as well as acquisition maps shown  
23 in the subset of those parcels that are  
24 proposed to be acquired by condemnation.

25 At the documents table you will

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find copies of the General Project Plan for the World Trade Center Memorial and Cultural Program and the Executive Summary of the World Trade Center Memorial and Redevelopment Plan Final Generic Environmental Impact Statement.

These maps and documents are all available on LMDC's website [www.renewnyc.com](http://www.renewnyc.com). Survey maps of the properties are available with the notice of public hearing on the main page. The General Project Plan is available in "The Plan For Lower Manhattan" section; and LMDC's environmental review documents, including the Final Generic Environmental Impact Statement and the Record of Decision and Findings Statement, are available in the "Planning Documents" section.

Hardcopies may be reviewed by appointment at LMDC's offices located at 22 Cortlandt Street, 11th floor, New York, New York 10007. If you want a copy of any map displayed this evening or the General Project Plan or other project-related documents, LMDC will make them available to you at cost. You can request copies by contacting Daniel

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2 Ciniello at the Lower Manhattan Development  
3 Corporation. I will read his contact  
4 information shortly and his contact cards are  
5 available at the documents table.

6 As mentioned in the legal notice,  
7 tonight's session is scheduled to last until  
8 7:30 p.m.; however, the public hearing will  
9 remain open and written comments relating to  
10 the subject of this public hearing are  
11 requested and will be considered by the Lower  
12 Manhattan Development Corporation if received  
13 by 5:00 p.m. on July 19th, 2019.

14 Written comments may be submitted  
15 this evening or may be mailed to Daniel  
16 Ciniello at the Lower Manhattan Development  
17 Corporation or e-mailed to  
18 publiccomment@renewnyc.com. As I mentioned,  
19 Mr. Ciniello contact cards containing LMDC's  
20 address are also available at the documents  
21 table. The address is 22 Cortlandt Street,  
22 11th floor, New York, New York 10007. The  
23 phone number is (212) 962-2300, and the e-mail  
24 address is publiccomment@renewnyc.com.

25 All comments presented at this

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2 hearing and those submitted in writing and  
3 received by 5:00 p.m. on July 19th, 2019 will  
4 be reviewed by the Lower Manhattan Development  
5 Corporation in its consideration of the  
6 actions which are the subject of this hearing.

7 For your information, a  
8 stenographic transcript of tonight's hearing,  
9 including the oral comments received during  
10 the course of this session, is being made.  
11 Starting on July 22nd, 2019, the transcript of  
12 this hearing and a copy of any submitted  
13 written statements will be available on  
14 request for inspection by the public by  
15 appointment between the hours of 9:30 a.m. and  
16 5:00 p.m. at LMDC's office during the comment  
17 period.

18 Upon written request and payment  
19 of reproduction costs, a copy of the record of  
20 today's hearing and any written submissions  
21 will be provided to any person making such  
22 requests.

23 The following representatives of  
24 LMDC are present to hear your comments and  
25 will receive copies of today's transcript and

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2 any written comments that are received by  
3 5:00 p.m. on July 19th, 2019:

4 Daniel Ciniello, Acting President  
5 of LMDC;

6 And Goldie Weixel, Senior Counsel  
7 for LMDC.

8 Tonight's session will be  
9 organized into two parts. First, a  
10 representative of LMDC will give a brief  
11 description of the public uses to be served by  
12 the proposed property acquisitions and  
13 dispositions; the parcels and their location;  
14 and the impact of the proposed acquisitions  
15 and dispositions on the environment and  
16 residents of the locality where the project  
17 will be undertaken;

18 And second, following an  
19 explanation of some procedures, members of the  
20 public will be invited to provide their  
21 comments.

22 Attendees should sign in on the  
23 attendance sheet. Please clearly print your  
24 name, address, and affiliation. If you wish  
25 to speak tonight, you must also fill out a

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2 speaker request card which are available at  
3 the sign-in table.

4                   I would now like to introduce  
5 Goldie Weixel of the Lower Manhattan  
6 Development Corporation.

7                   MS. WEIXEL: Thank you very much.

8                   Good evening, everyone. My name  
9 is Goldie Weixel and I'm here tonight  
10 representing the Lower Manhattan Development  
11 Corporation, LMDC. Thank you for coming out  
12 on this rainy night to hear about the next  
13 steps that LMDC is going to be taking to  
14 implement the General Project Plan for the  
15 World Trade Center Memorial and Cultural  
16 Program.

17                   Tonight's hearing is about LMDC's  
18 proposed acquisition by condemnation and  
19 disposition of certain parcels at the World  
20 Trade Center area that are needed to further  
21 implement the General Project Plan.

22                   These parcels include:

23                   Parcels that were part of city  
24 streets prior to September 11th but which are  
25 now part of the redesigned World Trade Center

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2 site;

3 Other parcels that had been part  
4 of the World Trade Center site prior to  
5 September 11th but which are now built as city  
6 streets;

7 And there are also two easements  
8 related to the Oculus and the Performing Arts  
9 Center.

10 To be clear, in all cases except  
11 for the easement related to the Performing  
12 Arts Center -- which has been designed but not  
13 yet built -- and the Albany Street parcel,  
14 these transfers will simply conform ownership  
15 of the parcels with their current as-built  
16 uses. All of the parcels that are proposed to  
17 be acquired by LMDC through condemnation are  
18 parcels owned by the City that were part of  
19 city streets but which are now part of the  
20 rebuilt World Trade Center site. None of the  
21 parcels at issue in today's hearing are  
22 privately owned.

23 I'm going to start by very briefly  
24 describing the General Project Plan.

25 This is the map from LMDC's

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2 General Project Plan that was approved as  
3 amended on February 14th, 2007 pursuant to the  
4 New York State Urban Development Corporation  
5 Act, of course, after a complete environmental  
6 review and a series of public hearings. The  
7 General Project Plan describes the details of  
8 what we call the World Trade Center Memorial  
9 and Redevelopment Plan.

10 As mentioned earlier, copies of  
11 the General Project Plan are available at the  
12 documents table.

13 The General Project Plan provides  
14 for the creation of a permanent memorial  
15 remembering and honoring the thousands of  
16 innocent men, women, and children lost on  
17 September 11th and February 26th, 1993; and  
18 for the redevelopment of the World Trade  
19 Center as a mixed-use center of commerce,  
20 public space, and culture with the memorial at  
21 its heart.

22 The General Project Plan covers  
23 two parts of the World Trade Center that are  
24 relevant to the proposed acquisitions and  
25 dispositions that are the subject of today's

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2 hearing.

3 The first part is the original  
4 World Trade Center site located between Vesey  
5 Street and Liberty Street, the northern part  
6 of this plan. Thus far, the General Project  
7 Plan has facilitated the creation of the 9/11  
8 Memorial Museum, the Oculus, retail space, and  
9 three office towers in this portion of the  
10 site. Construction of the Performing Arts  
11 Center is underway.

12 The second area is what we call  
13 the southern site, which is this area, and  
14 that area is located between Liberty Street  
15 and Albany Street, which is the site of  
16 Liberty Park, public open space, the relocated  
17 Greek Orthodox Church currently under  
18 construction, and the World Trade Center  
19 vehicular security center.

20 The plan calls for two additional  
21 towers, one on the main site and one on the  
22 southern site.

23 This information is provided as  
24 background information. The General Project  
25 Plan and the future development sites are not

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2 the subject of today's hearing. The subject  
3 of today's hearing is the proposed acquisition  
4 by condemnation and disposition of property by  
5 LMDC all for no consideration.

6 As I mentioned, implementation of  
7 the plan has created new development sites,  
8 open spaces, and streets within the World  
9 Trade Center site and the intervening streets  
10 have been realigned or closed. Because the  
11 alignment of streets is different in the World  
12 Trade Center Memorial and Redevelopment Plan  
13 from what existed prior to September 11th,  
14 2001, certain property transfers are required  
15 to conform ownership consistent with the new  
16 street grid, transportation, and security  
17 infrastructure and the sites of the public  
18 open space and Performing Arts Center as  
19 described in the General Project Plan.

20 The Port Authority owned the  
21 original World Trade Center site and the  
22 General Project Plan provides for the Port  
23 Authority to own the redeveloped World Trade  
24 Center site with the exception of the surface  
25 streets. The streets from just below surface

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2 level and above are or will be owned by the  
3 City, while the property below the streets is  
4 or will be owned by the Port Authority.

5 AUDIENCE MEMBER: Could you go  
6 back to the last slide? I can't read the  
7 square in the southern portion.

8 MS. WEIXEL: We have printed  
9 hardcopies.

10 AUDIENCE MEMBER: Thank you.

11 MS. WEIXEL: This one as well, I  
12 know it's very small, but we have it blown up  
13 on, I think, the first board over there if you  
14 want to look at that later.

15 So as shown on the slide, the  
16 proposed transactions include nine parcels for  
17 which fee title will be acquired and  
18 transferred, and two easements, all of which  
19 are located in Lower Manhattan, New York, New  
20 York. Four fee parcels will be acquired by  
21 condemnation from the City of New York and  
22 then transferred to the Port Authority to  
23 match ownership of the land with the current  
24 as-built location of Liberty Park and the  
25 vehicle security center and entrance into the

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2 below grade areas of the World Trade Center  
3 complex.

4                   These parcels include parcels,  
5 what we call, S1, S2, S6, and S7. So again  
6 you can see where these are located on that  
7 board later so you can see where they are  
8 relative to the rest of the site.

9                   But S1 is a fee interest in that  
10 parcel of land along the southerly line of  
11 Liberty Street between West Street and  
12 Washington Street. It is 2,229 square feet or  
13 .051 acres.

14                   The fee interest -- S2 is the fee  
15 interest in an irregularly shaped parcel of  
16 land on Washington Street between Liberty  
17 Street and Cedar Street, and along the  
18 southerly line of Liberty Street between  
19 Washington Street and Greenwich Street. And  
20 S2 is 6,457 square feet or .148 acres.

21                   S6 is the subsurface rights from  
22 1.35 feet below the top of the curb in a  
23 parcel of land in the bed of Liberty Street  
24 between West Street and Greenwich Street, and  
25 that is 14,809 square feet or .34 acres.

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2 S7 is the subsurface rights from  
3 1.35 feet below top of curb in a parcel of  
4 land in the bed of Cedar Street between West  
5 Street and Washington Street. That parcel is  
6 9,025 square feet or .207 acres.

7 Again, those are the parcels that  
8 are going to be acquired by LMDC by  
9 condemnation from the City and then  
10 transferred to the Port Authority.

11 There is one parcel, Parcel 8,  
12 this is the parcel that's currently owned by  
13 the Port Authority and will be transferred to  
14 the City for street and sidewalk purposes.  
15 This one includes surface rights above  
16 1.35 feet below top of curb in a parcel along  
17 the northerly line of Cedar Street between  
18 West Street and Washington Street, which is a  
19 portion of 155 Cedar Street. That parcel is  
20 70 square feet or .0016 acres. That one is  
21 owned by the Port and will be transferred to  
22 the City for street and sidewalk purposes.

23 Then there's four parcels that are  
24 currently owned by LMDC that will be  
25 transferred to the City for street and

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2                   sidewalk purposes. These are S4, which is  
3                   surface rights above 1.35 feet below top of  
4                   curb in a parcel of land along the northerly  
5                   line of Cedar Street between West Street and  
6                   Washington Street, west of 155 Cedar Street.  
7                   That parcel is 205 square feet or .005 acres.

8                   S4A is surface rights above  
9                   1.35 feet below top of curb in a parcel of  
10                  land along the northerly line of Cedar Street  
11                  between West Street and Washington Street,  
12                  east of 155 Cedar. That parcel is 182 square  
13                  feet or .004 acres.

14                 S5 is the surface rights above  
15                 1.35 feet below top of curb in a parcel of  
16                 land along the southerly line of Liberty  
17                 Street and the westerly line of Greenwich  
18                 Street located at the intersection of Liberty  
19                 Street and Greenwich Street. That parcel is  
20                 1,358 square feet or .031 acres.

21                 And last there is S9, which is the  
22                 fee interest in a parcel of land along the  
23                 northerly line of Albany Street between  
24                 Washington Street and Greenwich Street, and  
25                 that's a portion of 130 Liberty Street. It's

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2 140 square feet or .0032 acres.

3 So again, these are the ones that  
4 are owned by LMDC now and transferred -- will  
5 be transferred to the City because they are  
6 either already built as streets and sidewalks  
7 in all cases except for S9 which has not  
8 actually been built, but everything else,  
9 again, this is just conforming with the  
10 as-built uses here.

11 There are then -- then we come to  
12 the two easements. There are two easement  
13 interests that will be acquired by  
14 condemnation by the City and transferred to  
15 the Port Authority.

16 These are the Oculus easements.  
17 This is an easement interest in a volume of  
18 space in two locations on either side of the  
19 Oculus to accommodate the location of portions  
20 of the PATH Oculus; i.e., the wings, above  
21 Fulton Street and Greenwich Street. The first  
22 portion of this in-air easement is  
23 16,071 square feet or .369 acres and the  
24 second portion is 1,767 square feet or  
25 .040 acres.

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And there's also an easement related to the Performing Arts Center, which again has not been built, but it's been designed. This is an easement interest in a volume of space in two parts, one above the other, to accommodate the encroachment of a small portion of the Performing Arts Center building onto Vesey Street. And that easement is 4.358 square feet.

The proposed acquisitions and dispositions as part of the overall World Trade Center Memorial and Redevelopment Plan will align property ownership at the site consistent with the work that had been authorized as part of the World Trade Center Memorial and Redevelopment Plan, first approved in 2004 and last amended in 2007.

The plan has furthered, and will continue to further, the redevelopment of the World Trade Center site as a mixed-use center of commerce, public spaces, and culture with the memorial at its heart and advances the goals of the Urban Development Corporation Act; the objectives developed by LMDC; and the

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2 goals articulated by the governor of the State  
3 of New York and the mayor of the City of New  
4 York to remember and honor the victims of the  
5 terrorist attacks while revitalizing Lower  
6 Manhattan.

7 As described in the LMDC's  
8 environmental review documents, the World  
9 Trade Center Memorial and Redevelopment Plan  
10 was designed and is expected to achieve these  
11 goals while minimizing the potential for  
12 adverse environmental impacts.

13 Nevertheless, as discussed in  
14 LMDC's environmental review documents,  
15 construction of the plan involves significant  
16 traffic, noise, and short-term air quality  
17 impacts. While LMDC has committed to a broad  
18 program of measures to mitigate or avoid these  
19 impacts, some adverse impacts are inevitable  
20 if the significant benefits of the plan are to  
21 be realized.

22 As described above, much of this  
23 construction has been completed and the  
24 transactions at issue at today's hearing do  
25 not authorize any further building on the site

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2                   and do not result in any adverse environmental  
3                   impacts.

4                   This hearing provides an  
5                   opportunity for all interested persons to  
6                   present oral or written statements and to  
7                   submit other documents concerning the proposed  
8                   acquisitions and dispositions of property  
9                   needed to accomplish the objectives as  
10                  described.

11                  We look forward to receiving your  
12                  comments. On behalf of LMDC, I thank you very  
13                  much for being here and attending this  
14                  hearing.

15                  THE HEARING OFFICER: Thank you.

16                  This is now the opportunity for  
17                  you, the members of the public, to provide  
18                  your input on the transfers of property that  
19                  Ms. Weixel has described. Comments that are  
20                  provided tonight or that are submitted before  
21                  the end of the comment period on July 19th,  
22                  2019 will be used by LMDC to evaluate the  
23                  transfers, as appropriate.

24                  I have a few procedural items to  
25                  introduce for the record. I'm providing to

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2           the stenographer certain documents to be  
3           deemed marked as exhibits of the record.

4                   The first is a copy of the public  
5           hearing notice for tonight's hearing;

6                   Second are copies of affidavits of  
7           mailing and delivery showing that the public  
8           hearing notice was sent to interested parties;

9                   Next are copies of affidavits  
10          confirming that the public hearing notice was  
11          published in five successive issues of the  
12          Daily News and the New York City Record from  
13          Monday, May 20th, 2019 through Friday,  
14          May 24th, 2019;

15                  Finally, although not required,  
16          notice of this hearing was posted at five  
17          conspicuous locations within the project area.  
18          Proof of the posting is also being given to  
19          the stenographer to be made an exhibit to the  
20          record of today's hearing.

21                  Those exhibits have been placed on  
22          the table in front of the stenographer and are  
23          deemed admitted.

24                  (Document documents were entered into  
25          evidence.)

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2 THE HEARING OFFICER: Written  
3 comments submitted after tonight must be  
4 received before the close of business at  
5 5:00 p.m. on July 19th, 2019. The address for  
6 comments is 22 Cortlandt Street, 11th floor,  
7 New York, New York 10007. Please send to the  
8 attention of Daniel Ciniello. Comments can  
9 also be submitted via e-mail to  
10 publiccomment@renewnyc.com. As I mentioned,  
11 Mr. Ciniello's contact cards containing LMDC's  
12 addresses are also available at the document  
13 table.

14 I will now quickly go over the  
15 procedures we will use tonight to receive oral  
16 comments. It's my job to ensure that comments  
17 you make on the project are received in an  
18 orderly fashion so that the record will be an  
19 accurate reflection of what is said. Again,  
20 there is a stenographer documenting tonight's  
21 proceedings.

22 If you wish to speak tonight and  
23 you haven't filled out a speaker request card,  
24 please do so now. They are available at the  
25 sign-in table. I want to reiterate that this

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2 is not a Town Hall or Q and A session, it's an  
3 official public hearing to receive comments on  
4 the record relating to the proposed property  
5 acquisitions and dispositions.

6 I will call on speakers in the  
7 following order: Elected officials, their  
8 representatives, representatives of the local  
9 community board, members of the public in the  
10 order in which they signed up to speak.

11 Each person who wishes to speak  
12 should have filled out a speaker request card  
13 or you may do so now. I will take people in  
14 the order that they signed up. When I call  
15 your name, please come up to the microphone  
16 right in the front. If you are not ready to  
17 speak when it is your turn, your card will be  
18 placed at the end of the pack and you'll be  
19 recalled at that time.

20 I ask that you be courteous to  
21 your fellow participants and not interrupt  
22 while someone else is speaking. Everyone who  
23 wishes to speak will be given the opportunity  
24 to do so. All comments will be taken into  
25 consideration and written comments will

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2                   receive equal consideration with the oral  
3                   comments received tonight.

4                   I ask that each of you limit your  
5                   verbal comments to no more than four minutes.  
6                   I will signal when you have 30 seconds left in  
7                   your time slot. When you come to the  
8                   microphone, please state your name and help  
9                   the stenographer out by spelling it if it's a  
10                  name that is not too difficult or may be  
11                  difficult. If you are speaking on behalf of  
12                  someone else or as a group, please identify  
13                  who they are. Please speak clearly so that an  
14                  accurate record of your comments can be made.

15                  Finally, I want to remind you  
16                  again that the purpose of this hearing is to  
17                  afford you an opportunity to make statements  
18                  and comments about the proposed property  
19                  acquisitions and dispositions. This is not a  
20                  question and answer session; it is, instead,  
21                  an opportunity for you to present your views  
22                  so that the Lower Manhattan Development  
23                  Corporation can consider them in making any  
24                  final determination and findings under the New  
25                  York Eminent Domain Procedure Law and

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2                   informing the LMDC pursuant to Section 6 and  
3                   Section 16 of the New York State Urban  
4                   Development Corporation Act.

5                   At this time, I'd like to call up  
6                   the speakers in the following orders.

7                   Do we have cards for speakers?

8                   MS. WEIXEL: We thought we were  
9                   going to use cards but we did a sign-in sheet,  
10                  so right now we have four people who have  
11                  signed up to speak.

12                  THE HEARING OFFICER: In that case  
13                  the first speaker will be Todd Fine.

14                  MR. FINE: My name is Todd Fine;  
15                  T-O-D-D, F-I-N-E. I'm the president of the  
16                  Washington Street Advocacy Group.

17                  So 18 years after this process  
18                  began, we are having an eminent domain hearing  
19                  to seize land for a park that already exists  
20                  and Oculus wings that already exist.

21                  So we know that the World Trade  
22                  Center is a unique case, but I think we can  
23                  all agree that this is still a complete  
24                  failure of our public processes because there  
25                  is no comment that we could make that would

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2 change decisions that have already been made,  
3 let's be honest.

4 Therefore, the issue is not the  
5 transfers, it's the failure of the LMDC's  
6 transparency and the Port Authority's  
7 transparency processes and meeting their legal  
8 obligations in a reasonable manner.

9 And, therefore, because of this  
10 process that's completely broken down, my  
11 position is that the Washington Street land in  
12 particular should not be seized by the LMDC  
13 and the Port Authority. The World Trade  
14 Center site has never shown any respect for  
15 the street grid, the historic street grid, of  
16 New York that goes back to the early republic  
17 of the United States. The World Trade Center  
18 itself destroyed many blocks of Washington  
19 Street, including hundreds of historic  
20 properties.

21 And this park may not last  
22 forever, and I think it would be better for  
23 the City and LMDC to reach an agreement on how  
24 that street could maintain in the City's  
25 responsibility. There is actually, in this

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2 hearing, been no reason given why the LMDC  
3 actually needs to have and why the Port  
4 Authority need to have ownership of the site.  
5 Apparently they have been operating completely  
6 fine for years without actually owning  
7 Washington Street.

8 Second, the City should receive  
9 more funding for both this Washington Street  
10 and the easements. This is apparently a  
11 negotiated deal that was made. So it seems to  
12 me that the most valuable property by far is  
13 the Washington Street site and the Oculus  
14 wings easements, I don't think these little  
15 slivers of streets -- which should have  
16 sidewalks anyway, should be under City  
17 jurisdiction anyway -- constitutes a fair  
18 transfer.

19 And, again, tonight there was no  
20 justification made about why this was a fair  
21 transfer. I think it's important for us to  
22 hear from the City's perspective of what is a  
23 fair transfer in this case. Without the City  
24 telling us why they made this agreement, it's  
25 very hard for us to comment on this being a

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2 good use of public ownership of public land  
3 that should be for the public benefit.

4 Third, I think that that money  
5 should go to historic preservation in  
6 particular. We have been concerned that the  
7 original principal of the -- supported by LMDC  
8 when the principal for the General Project  
9 Plan was first developed in April 2002 said  
10 that historic preservation would be a  
11 priority, yet the Washington Street Advocacy  
12 Group has just released a study that among the  
13 properties that the Lower Manhattan Emergency  
14 Preservation Fund said were important in this  
15 area south of the World Trade Center site,  
16 26 percent of historic properties have already  
17 been demolished.

18 And we anticipate that all  
19 low-rises will be demolished given the  
20 prioritization of this plan in building luxury  
21 housing and demolition of historic low-rise  
22 buildings, which apparently will continue to  
23 take place with the 5 World Trade Center plan,  
24 which, again, like this hearing, will probably  
25 be done -- will have received public comments

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2 long after the critical decisions are made  
3 given the status quo.

4 Finally, the City -- I think that  
5 the City needs to provide -- the City should  
6 also oppose this transfer until the MOU of  
7 understanding between the Port Authority and  
8 the LMDC regarding 5 World Trade Center are  
9 made public. It is outrageous for the City to  
10 transfer this property and to be involved in  
11 this World Trade Center site at all if this  
12 decision to build a luxury tower at the last  
13 World Trade Center site cannot receive public  
14 comment. And that needs to have an extensive  
15 public comment period.

16 And I hope you'll commit tonight  
17 to make an extensive public comment process  
18 for 5 World Trade Center site as well. Thank  
19 you.

20 THE HEARING OFFICER: Thank you,  
21 Mr. Fine.

22 The next speaker will be Kathleen  
23 Moore.

24 MS. MOORE: I pass.

25 THE HEARING OFFICER: The next

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2 speaker then will be Lynn Ellsworth.

3 MS. ELLSWORTH: Lynn Ellsworth,  
4 I'm chair of the Tribeca Trust, the only  
5 neighborhood civic organization.

6 We strongly object to any transfer  
7 of city street assets to the Port Authority or  
8 to the LMDC. We feel that it would result in  
9 an abridgement of our constitutional rights to  
10 freedom of speech and assembly, as I  
11 experiences this morning at a public/private  
12 plaza across the street. We had a press  
13 conference and we were shepherded into the  
14 only part of the street scape where we were  
15 allowed to exercise our constitutional rights,  
16 and we were shepherded off the pods.

17 And I'm afraid that the way LMDC  
18 and the Port Authority manage the street scape  
19 is that it's more like a private space than a  
20 public one. So we object, we think that the  
21 consequences would be severe.

22 Last, I think that it's kind of  
23 peculiar to bend over backwards to give any  
24 more assets to the Performing Arts Center,  
25 which we in Tribeca feel it's one of the

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2           biggest boondoggle projects and a waste of  
3           philanthropic dollars we've seen in a long  
4           time. We have a lot of other places in the  
5           performing arts where philanthropic money  
6           would be better spent.

7                   And last, I think the World Trade  
8           Center 5 site should be more widely discussed.  
9           It's our position that it should be kept in a  
10          land trust for 100 percent affordable housing.  
11          Thank you.

12                   THE HEARING OFFICER: Thank you,  
13          Ms. Ellsworth. The next speaker --

14                   AUDIENCE MEMBER: Can I take  
15          Kathleen's spot?

16                   THE HEARING OFFICER: We will give  
17          you an opportunity.

18                   The next speaker is Esther  
19          Regelson.

20                   MS. REGELSON: Hi. I just want to  
21          reiterate what Lynn and Todd spoke about.

22                   But I also am very concerned that  
23          you don't really do public hearings, because  
24          you let us know in the Daily News. Did you  
25          let the Downtown Express or the Battery Park

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2 City Broad Chief or other downtown papers be  
3 aware to let the public be aware of this  
4 hearing? I don't think so. In fact, a lot of  
5 community board members had no idea that this  
6 was going on. And so nobody knew, so this is  
7 not really a public hearing, this is just for  
8 show.

9 And we need more discussion about  
10 Trade Center -- about Tower 5 because it's  
11 really just going to be more corporate  
12 interests involved. And we're a neighborhood,  
13 I've lived here for over 40 years. I live on  
14 Washington Street a few blocks away, and you  
15 made the site so impersonal, it's just  
16 ridiculous.

17 This street, Washington and Cedar,  
18 is a dead end, it's a dead zone. Nobody wants  
19 to go there, there's no sidewalk on Washington  
20 -- north on Washington and Cedar heading  
21 towards West Street that you can walk on, you  
22 have to cross two streets to be on a sidewalk.  
23 And it's just impersonal, it's a dead zone,  
24 it's ridiculous.

25 You have to reopen Cedar Street

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2 the whole way. It's just not giving anyone  
3 who lives or works here fulfillment in the  
4 neighborhood, there's just nothing. It's  
5 dead.

6 So I hope you'll have more  
7 hearings and give us more notice and proper  
8 notice. Thank you.

9 THE HEARING OFFICER: Thank you,  
10 Ms. Regelson.

11 Is there anyone else who would  
12 like to make a comment?

13 Please come up and state your  
14 name, address, and affiliation, if any.

15 MS. PERILLO: My name is Mary  
16 Perillo, 125 Cedar Street, resident for  
17 36 years, and I once was a founder of the  
18 World Trade Center Neighborhood Alliance which  
19 is now dormant.

20 But I'm here because I'm curious  
21 as a former member, a public member, of the  
22 early LMDC public hearing situation where  
23 there was an advisory board -- a number of us  
24 here were on that advisory board -- and when  
25 the LMDC kind of closed down what they were

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2 doing as things were built, we were completely  
3 shut out of every little bit of any kind of  
4 process that's going on.

5 And as we get closer to building  
6 whatever that is in site 5 World Trade, we  
7 would very much like to know early on in  
8 advance how that will impact us. I have ten  
9 windows that overlook that site, it's going to  
10 be another skyscraper in my face. And I think  
11 that the LMDC really needs to go back to  
12 having a community advisory board for the  
13 people who are affected by what they are doing  
14 down here.

15 And from what I understand, and I  
16 could be wrong, please correct me if I am,  
17 that it's mostly what you're talking about now  
18 is taking Port Authority streets and turning  
19 them back to the City; is that right? No  
20 one's going to answer that, it's in the  
21 paperwork, I'll read it. But since this is my  
22 first look at the paperwork, I don't know  
23 these things.

24 If that's the case, an important  
25 thing to remember for the community, and I'm

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2 saying this so it goes back to everyone  
3 including the City, is that we have a  
4 firehouse right on that corner closest to the  
5 World Trade Center. Currently when they have  
6 eastern fires what they do is they come down  
7 Greenwich and go up one way, the wrong way, on  
8 Cedar Street which is unbelievably dangerous  
9 every day. Every day.

10 So I think something that needs to  
11 happen early is that the firehouse has to have  
12 proper egress and be able to respond quickly  
13 to fires. That's it for me, thank you.

14 THE HEARING OFFICER: Thank you,  
15 Ms. Perillo.

16 And there was another person who  
17 wanted to speak, please come up.

18 MR. LUBOW: My name is Allen  
19 Lubow; A-L-L-E-N, L-U-B-O-W. I live at 125  
20 Cedar Street.

21 We have the unfortunate situation  
22 of a firehouse on the corner that exits onto  
23 the site and then must make a hard left turn  
24 and exit onto Cedar Street because of the  
25 permanent barrier and temporary construction

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2 that's going on Liberty Street now.

3 So it frightens me to think that  
4 the City is relinquishing control of the  
5 streets that might be used by the firehouse to  
6 someone who has no relationship whatsoever  
7 with the New York City Fire Department. And I  
8 think serious consideration should be given  
9 because there is upcoming construction on  
10 Cedar Street and the No. 5 site. So that  
11 should be seriously thought out.

12 Right now it's a disaster, every  
13 time a fire truck leaves they are in  
14 anticipation of running into cars going in the  
15 wrong direction, blasting their horns and  
16 waking up everybody any time, day or night, on  
17 Cedar Street. So we're living in a hellish  
18 situation right now. Thank you.

19 THE HEARING OFFICER: Thank you,  
20 Mr. Lubow.

21 Is there anyone else who would  
22 like to make a comment?

23 (No response.)

24 THE HEARING OFFICER: Let the  
25 record reflect that no one has answered in the

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2 affirmative to that question.

3 And the time is now 6:31, we will  
4 go off the record and remain here until 7:30  
5 if someone else comes who wishes to make a  
6 statement. Thank you.

7 (Pause in the proceedings.)

8 THE HEARING OFFICER: Is there  
9 anyone else who would like to make a  
10 statement?

11 (No response.)

12 THE HEARING OFFICER: Let the  
13 record reflect that no one has answered that  
14 question.

15 The time is now 7:30 and the  
16 hearing is adjourned.

17 (Time noted: 7:30 p.m.)

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## I N D E X

EXHIBIT	DESCRIPTION	PAGE
1	Public hearing notice	24
2	Affidavits of mailing and delivery	24
3	Affidavits confirming public hearing notice published in five issues of the Daily News and the New York City Record from May 20th, 2019 through May 24th, 2019	24
4	Notice of hearing posted at five conspicuous locations within the project area, proof of the posting	24

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C E R T I F I C A T E

STATE OF NEW YORK            )  
  :  SS.:  
COUNTY OF QUEENS            )

I, NICOLE ELLIS, a Notary Public for and within the State of New York, do hereby certify:

I reported the proceedings in the within-entitled matter, and that the within transcript is a true record of such proceedings.

I further certify that I am not related to any of the parties to this action by blood or by marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of June 2019.

*Nicole Ellis*

\_\_\_\_\_  
NICOLE ELLIS

<p><b>A</b></p> <p><b>able (1)</b> 38:12</p> <p><b>above (8)</b> 16:2;18:15;19:3,8, 14;20:20;21:6;22:22</p> <p><b>abridgement (1)</b> 33:9</p> <p><b>accommodate (2)</b> 20:19;21:7</p> <p><b>accomplish (1)</b> 23:9</p> <p><b>accurate (2)</b> 25:19;27:14</p> <p><b>achieve (1)</b> 22:10</p> <p><b>acquired (8)</b> 5:6;6:19,24;12:17; 16:17,20;18:8;20:13</p> <p><b>acquisition (4)</b> 4:25;6:22;11:18; 15:3</p> <p><b>acquisitions (10)</b> 5:18;6:2,4;10:12, 14;13:24;21:11;23:8; 26:5;27:19</p> <p><b>acres (11)</b> 17:13,20,25;18:6, 20;19:7,13,20;20:2, 23,25</p> <p><b>across (1)</b> 33:12</p> <p><b>Act (4)</b> 4:14;13:5;21:25; 28:4</p> <p><b>Acting (1)</b> 10:4</p> <p><b>actions (2)</b> 6:13;9:6</p> <p><b>actually (4)</b> 20:8;29:25;30:3,6</p> <p><b>additional (1)</b> 14:20</p> <p><b>address (6)</b> 8:20,21,24;10:24; 25:5;36:14</p> <p><b>addresses (1)</b> 25:12</p> <p><b>adequate (1)</b> 6:16</p> <p><b>adjourned (1)</b> 40:16</p> <p><b>admitted (1)</b> 24:23</p> <p><b>advance (1)</b> 37:8</p> <p><b>advances (1)</b> 21:23</p> <p><b>adverse (3)</b> 22:12,19;23:2</p> <p><b>advisory (3)</b></p>	<p>36:23,24;37:12</p> <p><b>Advocacy (2)</b> 28:16;31:11</p> <p><b>affected (1)</b> 37:13</p> <p><b>affidavits (4)</b> 24:6,9;41:6,8</p> <p><b>affiliation (2)</b> 10:24;36:14</p> <p><b>affirmative (1)</b> 40:2</p> <p><b>afford (1)</b> 27:17</p> <p><b>affordable (1)</b> 34:10</p> <p><b>afraid (1)</b> 33:17</p> <p><b>again (9)</b> 17:5;18:7;20:3,9; 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