

# The Park West Tenant

Vol 41 No 3 Newsletter of the Park West Tenants' Association www.PWVTA.org info@pwvta.org Summer 2017

## We're on Our Way To The Court of Appeals



On May 2, 2017 the Appellate Division, First Department issued an order giving the twelve petitioners in our environmental case and the parents and children attending PS 163 permission to appeal to the New York Court of Appeals, the state's highest court. This is a development both surprising and positive. Surprising because less than 10% of cases find their way to the Court of Appeals. And positive because it means that the environmental case is still alive.

For those of you who need a quick review of the history of the environmental case, Supreme Court Justice Lobis, in a decision reported in the press as a victory for us and the students at PS163, directed the State Department of Health (DOH) to require further proceedings involving noise reduction and the mitigation of the release of toxic substances from disturbance of the parking lot soil. When the DOH appealed that decision to the Appellate Division, it was set aside. The majority of the Appel-

late Court contended that Judge Lobis had overstepped her authority by overruling a "reasonable" determination by the DOH. However, one of the Appellate Court Justices wrote a very powerful dissenting opinion that supported Justice Lobis' decision and our position as well. It is possible that this Justice may have convinced the other members of the panel to grant us permission to appeal to the Court of Appeals to resolve the issue of the extent to which a court must defer to a determination of an administrative agency. This is the case in which the City intervened on behalf of the real estate developers and the Attorney General was given permission to intervene on behalf of the DOH after failing to file a timely notice of appeal.

There is also an appeal pending in a zoning case that was brought by 14 stakeholders who reside in the neighborhood. The stakeholders claimed, in a letter to the Department of Buildings, that there was not sufficient "open space" (as that term is defined in the Zoning Resolution) on the multi-building zoning lot between 97th Street and 100th Street to permit the construction of the building proposed by JHL on the 784 Columbus Avenue parking lot. The Department of Buildings found that there was sufficient open space, but the stakeholders challenged this ruling in the State Supreme Court. **(cont. on page 2)**

## JHL At The Crossroads

Beginning this year, The PWVTA Newsletter began a series on why the JHL proposal to relocate its nursing home from W. 106th Street to W. 97th street is an ill-considered and dangerous project. The January article focused on lead and toxins in the parking lot. The February article focused on traffic congestion and safety. We have put up on our website, pwvta.org an Open Letter to the JHL Board of Trustees that reviews the genesis of the project, explains how it will be detrimental to the nursing home residents, and explores why it makes so much more sense, for the City, the Community and JHL itself, to rebuild its home on 106th street in accordance with its original plan.

This important and compelling letter, written by our neighbor, Cathy Unsino, who is a nursing home advocate and expert, makes clear that corporate greed and profit-taking have become more important to this mega-organization than the best care for its residents, displaying in microcosm an unfortunate trend which has been developing in national policy since the 1980s.

We encourage our readers to go to pwvta.org, read the letter, and ask yourself whether you would send your aging mother or father or any loved one to the kind of nursing home envisioned by this project.

### **(cont. from Page 1)**

The case was assigned to Justice Lobis, the same judge who ruled in the environmental case, but she rejected our challenge. The stakeholders appealed that decision to the Appellate Division and that case is on the calendar for the Fall term.

These two very important cases will require significant funds to pay for legal fees and the preparation of the record for each appeal. The Working Group at Park West Village, a group of concerned residents of the Park West Village neighborhood, has established a fund to defray the cost of legal fees and related expenses: The Park West Justice Project. Please contribute generously to this fund so that our attorneys can continue the fight to bring an end to Jewish Home Lifecare's dangerous and ill-conceived plan to construct a twenty-story nursing home on the West 97th Street Park West Village parking lot.

Checks may be made payable to the Park West Justice Project and sent to Dean J.M. Heitner, Esq, 784 Columbus Avenue, 14E, New York 10025, Chair of the Working Group and Administrator of the Justice Fund.

## **Lease Renewals**

Park West Village Acquisition began, in November 2016, to mandate that tenants personally bring their signed lease renewals together with an ID to the management office. **THIS IS NOT LEGALLY REQUIRED AND CANNOT BE MANDATED AND/OR ENFORCED.** The Rent Stabilization Code (RSC), Section 2523.5 provides that a tenant's acceptance of a renewal lease offer "shall be entered on the designated part of the prescribed form, or facsimile thereof, and returned to the owner by mail or personal delivery." Thus, the owner cannot prescribe that the tenant renew in person or require ID. The RSC clearly sets out the way in which the tenant renews the lease and it requires neither. Many tenants have historically taken their signed leases to the office because it easy. Tenants have the option to:

- Make and retain a copy, which one should always do, of your signed lease and send it by certified, return, receipt mail.
- Return your lease in person as you have customarily done but refuse to produce ID. If the office refuses to accept the signed lease without the production of the ID, take the lease back and contact the PWVTA who will provide you with further assistance at [president@pwvta.org](mailto:president@pwvta.org) or [vicepresident@pwvta.org](mailto:vicepresident@pwvta.org).

PWVTA believes tenants should NEVER relinquish their tenant rights.

## **Package Room**

All tenants, both rent stabilized and market rate have expressed considerable annoyance, exasperation and at times anger with the new package room operation. Contrary to what was reported to PWVTA leadership that:

- Packages would be delivered directly to tenants' apartments, tenants have been told that there is NO delivery of packages.
- The hours of operation would be Monday-Friday, 8am – 12 midnight, Saturday & Sunday 8am-4pm the posted hours are Monday-Friday, 7am-9pm, Saturday 9am-5pm, Sunday 10am-2pm.

Tenants further report:

- Inadequate staff- there is only one person on duty.
- Having to look for their own packages.
- Not being notified a package has been delivered although tracking shows that it has.
- Not being notified a package has been delivered when the package is unexpected. **(cont. on page 3)**

## (cont. from page 2)

Management has advised us that the Package Room is a work-in-progress. While the Tenant's Association continues to monitor these issues with management tenants have the following options:

- Call the package room, 917-388-3463, to request delivery of packages as promised. Retain a record of the date, time and the name of the individual with whom you spoke and notify the Tenants' Association if you are told there is no delivery of packages. If told they do not deliver, call the ordering company and request a refund of the delivery charge as you pay for shipping and delivery which was not achieved.
- Complain to the ordering company.
- Contact the Tenants' Association for further advise.

Please share your package room experiences with us at [president@pwvta.org](mailto:president@pwvta.org) or [vicepresident@pwvta.org](mailto:vicepresident@pwvta.org).

## NO STRYKER PARK PLAZA

For those of our readers who are unfamiliar with the Stryker Park controversy which has gone on for several years, here is some informational background.

**Friends of Stryker Park**---The Friends of Stryker Park (Stryker) are a group of people who have been promoting and lobbying for a Plaza, including plants, benches and tables at the corner of 97th Street and Columbus Avenue and along the extended sidewalk of 97th Street from Columbus Avenue through Amsterdam Avenue. They have defined themselves and their program on their website as follows: "Friends of Stryker Park is a local Upper West Side grassroots organization. We're your neighbors. There are currently seven of us on the team and we all live in the neighborhood. We are all unpaid volunteers that want to make a great neighborhood even a better place to live. Friends of Stryker Park is committed to transforming the north side of 97th St. between Columbus and Amsterdam Avenues into a greener, safer and more enjoyable public amenity." They have described the north side of 97th street as "underutilized, desolate and a sea of concrete."

**The West 97th Street Community Improvement Group**---The West 97th Street Community Improvement Group is a coalition of residents and tenants representing The Park West Village Tenants' Association, The Westgate Tenants Association @ Stonehenge Village and The Westview Neighbors Tenants Association. These associations represent the housing developments located on 97th Street between Columbus and Amsterdam Avenues. The group seeks to identify and ameliorate problems and enhance the appearance of the West 97th Street community. The Improvement Group totally disagrees with the Stryker characterization of the existing north side of W. 97th Street between Columbus and Amsterdam Avenues and strongly opposes Stryker's proposal.

Stryker must be accepted by the community, endorsed by Community Board 7 (CB7) and approved by the Department of Transportation (DOT) for the plaza to become a reality.

The West 97th Street Community Improvement Group opposes Stryker Park because:

- Contrary to information contained on their website, the members of Stryker Park are not our neighbors. **None** of the members reside on 97th Street, yet they believe they should be able to impose their goals and values on what is needed for **OUR BLOCK**. Members reside in Montclair, NJ, on 94th Street & West End Ave, 99th Street & West End Ave, 100th Street & West End Ave, 96th St. & Columbus, 97th St. & Broadway and 102nd St. & Riverside Drive. One member resides in Park West Village with a Central Park West address.
- The possible benefit for Stryker would be to obtain a grant from the DOT or some other foundation to impose their will on thousands of residents residing on W. 97th Street. This is something that none of us want as it is dangerous to our community.
- Stryker has been dishonest in its solicitation and enlistment of support. Stryker has collected signatures from people who do not reside in the immediate area and/or who would not be directly impacted by Stryker's plaza proposal on W. 97th Street. As such, these individuals would not have a real understanding of the consequences the proposal would generate. Stryker has stated that neighborhood residents and

**(Continued from page 3)**

our public officials have endorsed them when in fact they have not. The Park West Village Tenants Association voted unanimously to oppose Stryker Park's proposal. Community Board 7, whose support is required before any plaza could be built, has also opposed Stryker plan. Local support for the concept of a plaza does not exist. Stryker has implied on its website that only they can correct existing problems when, in fact, they cannot.

- A plaza would make our street more crowded, dangerous and unhealthy.
- Stryker's proposal ignores the proposed construction of the 20 story JHL nursing home and the problems it would exacerbate.
- There are three schools located on 97th Street. Children attending PS 163 and other neighborhood children utilize the wide sidewalk for play, fire drills, etc. Sidewalks cluttered with tables, chairs and umbrellas would impede the safe evacuation of the children from the school in the event of an emergency.
- A plaza on this block would encourage strangers to loiter around the schools creating a potential hazard for the children.
- W. 97th Street has become a dumping ground for high piled garbage, deposited from 808 Columbus Avenue for pick-up, further contributing to and exacerbating rat infestation. The proposed plaza would be a few feet away from this garbage.
- W. 97th Street already experiences ongoing traffic congestion because 97th Street serves as the west-bound transverse corridor as traffic travels through Central Park to the West Side Highway.
- There have been several accidents. Oftentimes emergency vehicles can't get through W. 97th Street during peak hours. School buses are stationed daily to pick up school children. Ambulances, ambulettes and taxis transport patients to the Ryan Health Center located on W. 97th St. This is neither a safe nor an appropriate place for a pedestrian plaza.
- There are 7 active driveways in this block: Whole Foods loading dock, 808 Columbus Avenue pool emergency exit and a Whole Foods employee exit all of which would spill out onto the proposed plaza. Four driveways are within a few feet and/or are adjacent to the proposed plaza. These driveways are constantly busy and the tenants in Park West Village are very concerned about noise and odors as well as health and safety issues.
- The plaza would create cluttered space for the spacious Farmer's Greenmarket that is hosted weekly on W. 97th St throughout the year.

The West 97th Street Community Improvement Group has indicated that they will continue to examine ways to enhance and beautify the community/block. The group is partnering and collaborating with Community Board 7, and working with the community and various City agencies to resolve issues that have been identified as well as concerns arising in the future, to improve the health safety and environment on W. 97th St.

**REMIT THIS 2017 MEMBERSHIP COUPON TO YOUR PWVTA BUILDING REP [who: info@PWVTA.org] OR mail to Park West Village Tenants' Association, P.O. Box 20339, Park West Finance Station, New York, NY 10025-0339**

**PLEASE PRINT CLEARLY!**

Name \_\_\_\_\_ Building \_\_\_\_\_ Apt \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Check for 2017 membership dues enclosed payable to PWVTA  \$75  Other\* \$ \_\_\_\_\_

Condo Owner: Check for 2017 associate membership dues enclosed, payable to PWVTA  \$35

Check includes additional contribution to the PWVTA Legal Fund Amount \$ \_\_\_\_\_

Your status:  rent-stabilized tenant  market-rate tenant  condo owner

\* If you cannot make the full \$75 payment of your annual dues, please just pay what you can.

I want to be more involved. Here are my special interests: \_\_\_\_\_