

Next issue:  
May 18-19

# The Main Street WIRE

Roosevelt Island's Community Newspaper

in association with Website NYC10044



Twins Nick and Natalia Ortiz split the role of Leading Player in last weekend's Main Street Teen Theatre production of *Pippin*. They are among seven MST teen players graduating and going on to college – in their case, Wellesley. (More *Pippin* photos inside.)

## Challenged by Residents, RIOC Cuts “Spiderman” Tram Filming

Roosevelt Island ended last week with a transportation crisis brewing. As of late Friday night, RIOC staff members were set to sign over the Tramway to Columbia Pictures most of Tuesday through Saturday or Sunday.

By Monday night, as residents gathered for a Town Meeting hastily called by Residents Association (RIRA) President Matthew Katz, parents concerned over transportation of their children were ready to go on the attack with questions and criticisms of everything about the plan, which would have taken the cable car out of service from noon on each day.

Two representatives of RIOC President Robert Ryan appeared at the Town Meeting to take the heat and respond. Vice President Robert Antonek and Brad Harlan, who identified himself as responsible for most of the contacts with the moviemaker, took notes and promised to try to find solutions to the problems residents presented.

After hearing that RIOC had

been talking with the production company for some eight months, resident Robert Battles targeted the two with his frustration and ire:

“So yesterday the Island is alerted to this profound difficulty... Why was the answer ‘yes’ instead of ‘no’? *For money?* For some extra cash to offset the deficit for the Tram? See, that’s not a good enough answer.” (Antonek had said RIOC would realize “over \$100,000” for the use of the Tram.) Ridiculing an Antonek offer to try to add an additional red bus to transport schoolchildren from 59th Street and Second Avenue to the Island, Battles continued, “If we’re just doing it for the check, and will

try to put on another red bus, so that if my kids miss one bus, they’ll get home an hour and a half later... that’s just a crummy answer. If we’re doing this for a check, then it’s not worth doing... I don’t believe that a couple of days’ notice for a situation that throws the Island into turmoil for a check from Columbia Pictures is worth it. It makes no sense to me at all. If they need this Tram so badly to make this movie, which will net a few tens of millions of dollars, then there should be enough time to give us what we need, which is safe transportation in the afternoon and in the morning for our kids and for

See **Spiderman**, page 6

## Eastwood’s Rent Hearing Is Delayed

Fay Vass, who co-chairs the Eastwood Building Committee, offered a headline suggestion last week for the latest development in the State’s rent-setting proceeding: “Eastwood Is Really Amazed.”

Only a few days before the residents’ May 1 conference with the owners and the State Department of Housing and Community Renewal (DHCR), the agency abruptly canceled the hearing and gave Eastwood another month to come up with information on the Island’s Public Safety Department. Vass, who heard about the decision only indirectly, while making the rounds of the huge building, had to move quickly to cancel arrangements for a charter bus. The new conference will be June 1.

Vass said she expects the DHCR to approve a modest rent increase, based mainly on the rising cost of energy. But that’s not the committee’s main concern in the current round of rent negotiations. “Our argument at the hearing is that we’re paying so much for Public Safety, we want an account of what they’re doing.”

The Roosevelt Island Operating Corporation is charging Eastwood \$485,981 annually for Public Safety, a major share of the department’s budget of about \$2 million. The residents, who are pressing for more interior building patrols, want a detailed accounting of where the money goes, in the form of job descriptions of the officers and supervisors, and other information on police operations. The committee hired a lawyer, Jay Itkowitz, to deal specifically with the policing question at the rent conference, but Vass said Itkowitz has thus far been unable to extract the necessary information from RIOC, even after submitting a Freedom of Information (FOIL) request.

“We want a contract; all we have now is a statement of what we owe,” Vass said.

The committee is raising money to pay for its legal efforts, and wants other Islanders to get involved, not just residents of Eastwood. Vass said checks made out to EBC should be sent to another committee co-chair, Harry De Vine, at 546 Main St. She said Eastwood will need all the help it can get, especially if it has to take the issue to court in a so-called Article 78 proceeding.

## Appeals on Southtown Raise Basic Development Issues

by Robert Laux-Bachand

Lawyers on both sides of the dispute over the Southtown housing project have sharpened their arguments in briefs prepared for an appeal to be argued next month. The case will guide the course of Roosevelt Island development and has the potential to affect the way many appointed boards in New York State conduct their business.

The appeal is scheduled to be heard at 2:00 p.m. Tuesday, June 12, in the Appellate Division of the State Supreme Court at 25th Street and Madison Avenue.

The opponents of the housing plan, Roosevelt Islanders for Responsible Southtown Development (RIRSD), the Alternative Southtown Design Committee, and the Roosevelt Island Residents Association (RIRA), are appealing the July 2000 decision of Justice Harold Tompkins that dismissed their challenges to the Southtown plan.

RIRSD, aided pro bono by the law firm of LeBoeuf, Lamb, Greene & MacRae, is essentially trying to turn back the clock to Sept. 22, 1999, when Southtown advanced on a 4-0 vote of the Roosevelt Island Operating Corporation’s Board of Directors. RIRSD sued RIOC and its chosen developers, the Related Companies and the Hudson Companies. Alternative, in the person of Robert Chira, a lawyer who lives at Rivercross, sued only RIOC. RIRA is still seeking to intervene in the case as the representative of all Island residents.

Southtown’s defenders, RIOC and Related/Hudson, are trying to keep the 1,956-unit housing project on track. They portray their opponents as dilatory in their tactics, and as attempting to channel their dissatisfaction with the details of the

project into objections based on its supposed noncompliance with State environmental law and the terms of the Island’s General Development Plan (GDP), part of the lease between New York City, which owns the Island, and the State, which developed it as a planned community.

A feeling of exasperation, particularly, is evident in Related/Hudson’s 44-page brief, prepared by Sive, Paget & Riesel. The developers’ lawyers vigorously dispute nearly every factual and legal issue raised by the opponents, and portray their clients as champions of the design and community values embodied in the GDP. The two real estate companies and RIOC are also trying to block the Residents Association’s attempt to intervene

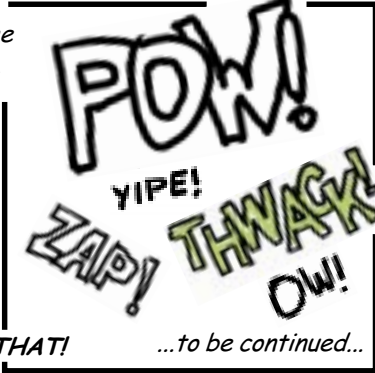
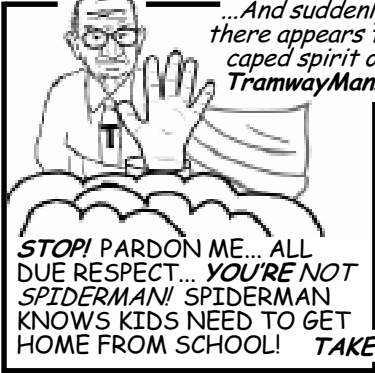
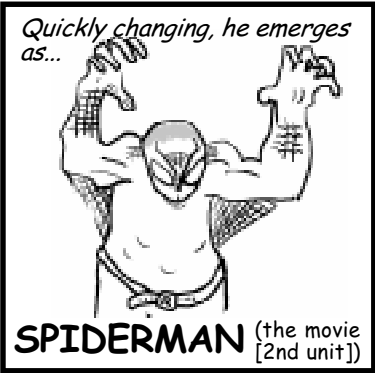
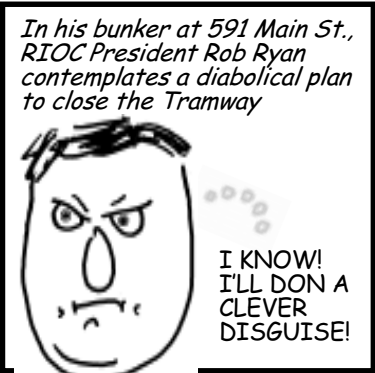
in the case, saying RIRA missed its filing deadlines and failed to raise any new issues that weren’t covered in the other legal challenges. In its conclusion, RIRA states: “Were this plan to be built, Northtown and Southtown would merge in a massive residential cluster that is antithetical to the enlightened planning that brought RIRA’s members to the Island to live, and would alter the income mix that has produced the exciting and edifying community that RIRA represents.”

Not so on both counts, say RIOC and Related/Hudson. The question of whether parkland will be lost is one of the central facts still in dispute even as this case moves up the judicial ladder, where questions of law normally move to the forefront.

See **Southtown**, page 10



**A Different Time, a Very Different Place** This view of Blackwell Island in the 1930’s is part of the Sunday evening presentation of *No Place Like Home*, based on the research and writing of the late Rev. Oliver Chapin. Scheduled for 7:30 p.m. in the Chapel of the Good Shepherd, the slide show ranges over a broad range of Island history and a surprising roster of famous and infamous personalities.



The Editorial Page`

## Guest Advertorial

### RENT THE ROOSEVELT ISLAND TRAMWAY FOR YOUR NEXT PARTY!

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Rent one cabin, get the second for half price. Rental fee based on our typical tram revenue for the time of rental, plus expenses, plus a little more. Minimum rental period, 48 hours (can be over several days). We charge double the rate for the hour from 3PM to 4PM on weekdays to compensate us for the hell we catch from actual tram users for shutting down during that time. Something about schoolkids. Reservations required. Please give us at least 15 minutes' notice.

Also...Get your Company on the Map! Ask about our Title Sponsorship of the Island program where you can name the Island for one year or more. Give it a name like BigBiz.com Island. We'll rename the tram, the bridge, the whole Island (small surcharge applies). You'll be on the map!

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Erect huge billboards for the entire east side of Manhattan to see. Or, invest just a few thousand dollars to build toll booths at Tram Road and you can collect tolls from all the vehicles passing by. (It's now a very active road – we've got folks driving an extra mile just to make a U-turn there!)

And for your advertising and promotion needs... The front doors and front lawns of the homes of all RIUC officers and directors are available for advertising, as well as our names and likenesses. (Wait, maybe we should check with everyone first.)

Call RIUC – Roosevelt Island U-can-buy-us Corporation  
Rob N. Ruin, President

Marc Diamond

## The WIRE

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#### To the Editor:

We would like to share the experiences we are having with our child at PS 217. Our son has both a speech and hearing impairment, is having difficulty processing two separate languages and cultures (American and Indonesian), and suffers from what we kindly refer to as “only-child syndrome.” One year ago we requested assistance from the Roosevelt Island School, and a team of professionals quickly formed to help us assess and evaluate the challenges that our son faces, and plan for ways for him to overcome these challenges.

One year later, our child has received Reading Recovery, English as a Second Language, and enormous assistance from his talented teacher Miss Carson, his English as a Second Language teacher Miss Schwartz, his reading specialist Miss Vilahrera, his speech specialist Miss Kirschner, his educational evaluator Miss Holden, the school social worker Miss Perinea, guidance counselor Miss Cohen, psychologist Dr. Myska, as well as the school nurse, all coordinated with endless energy and compassion by school principal Miss Sherry Gregory.

It amazes us how large, compe-

#### To the Editor:

When I first visited Roosevelt Island 20 years ago – Donna Shalala suggested it would be a splendid place to live when I came to work at Hunter College – two things particularly delighted me: the Tram and the freedom the handicapped had as they wheeled up and down Main Street.

Now I am handicapped myself, and I've discovered that if it ever was easy for the handicapped to live on the Island, it no longer is.

According to Neville, one of the red bus drivers, RIOC says he is not to make the bus ramp available to people using walkers. If that is true, all drivers except Neville understand the direction is profoundly stupid and, bless their hearts, ignore RIOC. If it is not the case, then Neville ought to be discharged or, at the very least, given reason to use a walker himself.

Secondly, it might be useful for the money-savers at RIOC to try wheelchair and walker on the west side of Main Street. Let them discover the dangers of unlit and/or broken sidewalks, badly-joined bricks, and pits at the base of trees.

While they're at it, RIOC and/or RIRA and/or RISA might invite Governor Pataki to the Island (has he ever been here?) and lend him a wheelchair.

Ruth Limmer

#### An additional letter appears on page 11

tent, and caring this team of professionals has been. Each of them has a higher degree, and each of them has focused enormous individual attention on our son. We have also received strong support from our pediatrician, Dr. Grimm, and our PTA and its able president, Erin Feely-Nahem. (In fact, we were so impressed with the PTA we joined and now volunteer.)

Is our child flawless now? No. But he has grown tremendously,

been supported endlessly, and continues to thrive on this tiny island. Last month he was awarded “Student of the Month” for his own efforts. And we believe it was because he has a family who loves him, Roosevelt Island neighbors that care about him, and a school and PTA that support him – and work for him. We cannot recommend our P.S. 217, nor its principal, more enthusiastically.

Jim Tendean-Luce & Family

#### Monterey, California, April 24, 2001

Cannery Row in Monterey in California is a poem, a stink, a grating noise, a quality of light, a tone, a habit, a nostalgia, a dream. Cannery Row is the gathered and the scattered, tin and iron and rust and splintered wood, chipped pavement and weedy lots and junk heaps...

Had John Steinbeck written one of the most famous opening passages of literature on the East Coast instead of the West, he might easily have been inspired by Welfare Island. Many of his words would have fit the situation and condition of our home Island when he wrote them, instead, about the home of Doc and Hazel and Mack and Henri the Painter and Frankie and Dora.

How can the poem and the stink and the grating noise – the quality of light, the tone, the habit and the dream – be set down alive?

One great author did find inspiration here. Almost a century before Steinbeck's words captured and created the Cannery Row that lives in our minds, Charles Dickens wrote of the retreat for the insane on Blackwell's Island:

...everything had a lounging, listless, mad-house air, which was very painful. The moping idiot, cowering down with long dishevelled hair; the gibbering maniac, with his hideous laugh and pointed finger; the vacant eye, the fierce wild face, the gloomy picking of the hands and lips, and munching of the nails: there they were all, without disguise, in naked ugliness and horror. In the dining room, a bare, dull, dreary place, with nothing for the eye to rest on but the empty walls, a woman was locked up alone. She



John Steinbeck

was bent, they told me, on committing suicide. If anything could have strengthened her in her resolution, it would certainly have been the insupportable monotony of such an existence.

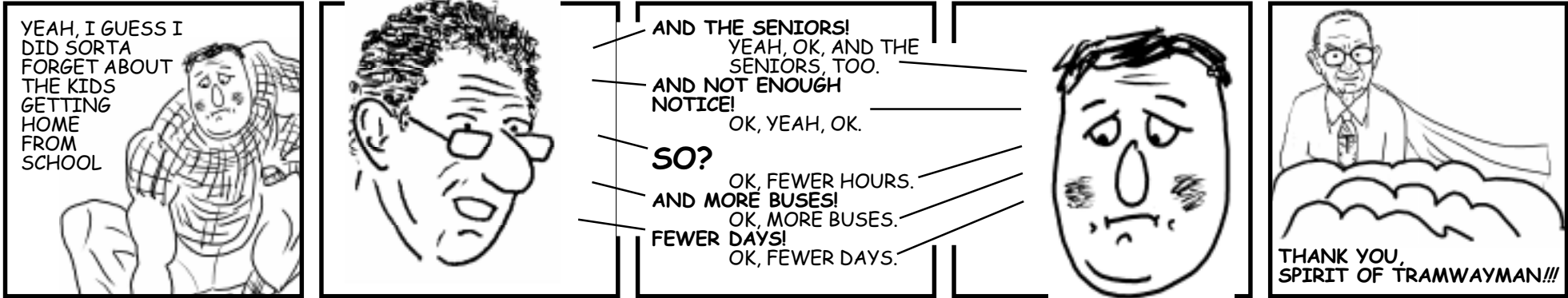
...it must be remembered that New York, as a great emporium of commerce, and as a place of general resort, not only from all parts of the States, but from most parts of the world, has always a large pauper population to provide for; and labours, therefore, under peculiar difficulties in this respect. Nor must it be forgotten that New York is a large town, and that in all large towns a vast amount of good and evil is intermixed and jumbled up together.

Thing is, Dickens would be disappointed in what's happened since. Had he been inspired on our coast instead of his, Steinbeck would be disappointed, too. For while London has commemorated the inspired mind that brought the world Oliver Twist and Nicholas Nickleby, and Monterey and California have provided proper homage to the mind that created The Grapes of Wrath and East of Eden, New York State and New York City and Roosevelt Island have paid no homage to Dickens or, for that matter, Steinbeck, who once worked in this City as a journalist.

That New York State has failed to acknowledge properly the history of Roosevelt Island is a stink, a grating noise that will not find future forgiveness until there has been some satisfaction of the promise of its past. On Main Street, landmark Blackwell House sits, still rotting, splintering, a shamble and a shame, standing history gone fallow and falling. To the North, the Octagon barely stands, embodying an era when this Island was much different and much set apart from the society of its time, yet New York State can find no way to commemorate its meaning and preserve its past except by desperate commercialization. To the South, opposite the United Nations, Southpoint has remained in rubble and ruin because New York State is so cavalier about its parkland that it has allowed it to be offered for commercial exploitation rather than seizing its proper potential and promise as a park.

Steinbeck would have been disappointed. Dickens would have been disappointed. We, on the other hand and in our other time, should be enraged.

DL



## COMING UP

Compiled by **WIRE** staff – Fax information to 755-2540  
e-mail [MainStreetWIRE@rcn.com](mailto:MainStreetWIRE@rcn.com)  
or click on the e-mail link at [www.nyc10044.com](http://www.nyc10044.com)

Continuing through May 13, *The Gardens of Frau Hess* by Island resident Milt Marcus, Duke Theatre, 229 West 42nd Street, 2nd floor. Performances 8:00 p.m. Saturday and Tuesday through Thursday, 2:00 p.m. Wednesday, Saturday, and Sunday, and 7:00 p.m. Sunday. Top ticket price is \$45; boxoffice open two hours before performance, or Telecharge, 239-6200.

Wednesdays, through June, 11:00 a.m., **Children's Picture Book Hour** for ages 2 and up, Library.

Sun., May 6, 7:30 p.m., **No Place Like Home**, historical script by the late Rev. Oliver Chapin, Chapel of the Good Shepherd. An oral and slide history of the Island. Admission \$8; seniors and students, \$5.

Thur., May 10, rescheduled to 5:30 p.m., **RIOC Board of Directors meeting**, Chapel of the Good Shepherd. (The meeting agenda calls for the meeting to begin at 5:30 with a closed executive session. The open public session is expected to begin at about 6:30, with a **Town Hall Meeting** to follow, after adjournment of the formal meeting, at about 7:30 p.m.)

Fri., May 11, all day, **Book Fair**, PS/IS 217.

Sat., May 12, 9:00-12:00, **PS/IS 217 Book Fair**, Farmer's Market, Motorgate.

Fri.-Mon., May 11-14, *Charlotte's Web*, Main Street Children's Theatre. Six performances Fri.-Mon. at 7:30 p.m. plus Sat.-Sun. at 2:00 p.m.

Wed., May 16, 6:00 p.m., **PTA Election** of officers and School Leadership Team, PS/IS 217.

Fri., May 18, 10:30 a.m., **Library Toddler Program** for children 24-36 months, Library (second of four sessions; also May 25, June 1).

Fri.-Sun, May 18-20, **Main Street Children's Theatre, Dancin' at the Movies**, a dance program; four performances: Fri.-Sun., 7:30 p.m., plus Sun., 2:00 p.m.

Sat., May 19, next issue of *The Main Street WIRE*. **Deadlines:** Advertising in the paper, Fri., May 11; decision on stuffers for *The Bag*, Mon., May 14; materials due Thur., May 17. **Future issues:** June 2, 30; Aug. 4, then every two weeks starting early in September. **Phone/fax** for news, 826-9055/755-2540; phone/fax for advertising inquiries, 751-8214/755-2540; to list your organization's Island events here (no charge), fax information to 755-2540, or e-mail [MainStreetWIRE@rcn.com](mailto:MainStreetWIRE@rcn.com).

Tue., May 22, 6:30 p.m., **Book Discussion Group, Corelli's Mandolin** by Louise de Bernieres, Library. Advance registration required; limit of 20 participants; copies available at Library.

Tue., May 22, 7:30 p.m., **RIMAC**, Youth Center, 506 Main Street. Second meeting of the Roosevelt Island Mac-Apple Community.

Fri., May 25, 10:30 a.m., **Library Toddler Program** for children 24-36 months, Library (third of four sessions; also June 1).



Chapin

There is no charge to list Island events here. E-mail information to [MainStreetWire@rcn.com](mailto:MainStreetWire@rcn.com), fax to 755-2540, or leave copy at desk at 531 Main Street, addressed to *The WIRE*.

## The RIRA Column

My theme for today is courtesy. Specifically, the difference between superficial courtesy and legitimate courtesy, and the courtesy that has been shown to me as this community's representative.

I'm writing this column on the Tuesday before you read it, and the crisis over the curtailing of Tram service has just resolved itself. As you know, we discovered last Saturday that the Tram would be closed for some 70 hours to accommodate a film company. Hourly bus service into Manhattan was to replace our quarter-hour Tram facility, and little thought was given to our kids returning home from school at 3:00 p.m., or the evening rush hour, or the difficulties of an elderly or wheelchair-bound resident waiting on a Manhattan street corner at midnight. While the negotiations with Columbia Pictures were ongoing into last weekend, they started eight months ago without a word to the community or even the resident members of the RIOC Board of Directors. I pulled together an emergency Town Meeting Monday night, and Rob Antonich and Brad Harlan of RIOC faced the ire of a community that felt it had been blind-sided. By Tuesday afternoon, RIOC and the film people had agreed to halve the hours the Tram would be closed and double the bus coverage. The short-term issues are solved but, as I said in a letter to some of the participants in the incident, "As to the long-term problem, that of creating and maintaining avenues of communication that will anticipate and prevent these crises, only time will tell. I hope those who are the decision-makers and final arbiters of policy will use the lessons learned from this Tram incident to anticipate community impact and response in the future."

In the last issue of *The WIRE* I mentioned my pending meeting with DHCR Deputy Commissioner and RIOC Board Chair Mary Beth Labate, and RIOC President Robert Ryan. This meeting took place at DHCR headquarters on April 26. That was two days before the notices of filming on the Tram were posted. Did Rob Ryan give me the courtesy of a "heads up" on the loss of service or the plans for alternative bus service? Nope. I thought the days of secrecy and sneak attacks ended with Dr. Blue.

Regarding what was discussed at this meeting, I must report my disappointment to you. The meeting was superficially most cordial, but the concerns I brought, mentioned in my last column, were left unresolved.

I requested that RIOC Board meetings include the opportunity for a dialogue with the community before the day's (or evening's) agenda items are voted on. Ms. Labate was quite clear that items were not brought to a vote unless the outcomes were foreordained. She said that action items were thoroughly discussed by the Board prior to meeting, and therefore, community input was unlikely to influence their votes. Therefore, a series of bi-monthly evening meetings in which Roosevelt Islanders could discuss topics of general interest (with those Board members

willing to remain after the Board meeting was adjourned) was sufficient to our needs, and far more than a public benefit corporation was required to provide a community. Does this sound to you like a nice way of saying that we shouldn't expect to have any influence over Board votes? Me too. Ms. Labate was unenthusiastic about my request for meaningful exchanges with the RIOC Board, but said she would consider the idea.

My other concern was to include a community representative on the RIOC Public Safety Advisory Committee, chaired by Board member Dr. Joan Dawson. By community representative, I mean someone elected by the community to represent the community such as RIRA First Vice President Byron Gaspard. The Island residents currently on this committee were chosen to represent the RIOC Board or housing, not the community. We know from past experience that RIOC advisory committees have no power to influence Board voting, but it is simple courtesy to include a RIRA rep in any discussion of community safety. Or, to put it another way, it is an affront to this community not to include someone who participates solely by virtue of representing all of us. Again, Ms. Labate said she would discuss additions to the committee with Dr. Dawson.

Finally, Ms. Labate noted that she and Mr. Ryan were always accessible to community members who have complaints or need information. I reminded her that Rob is not a voting member of the Board and that



Matthew Katz  
Residents Association President

she is only one of nine voting members. I asked for the e-mail addresses and/or phone numbers of all the Board members, but she demurred, reminding me that these volunteers had real lives to lead. It occurred to me that when these folks come to Roosevelt Island on Board business, they come as public servants, and should be as available to us as is the RIOC Chair and President.

The struggle to be noticed, to be informed, to be included, is ongoing and requires determination and perseverance from all of us. The RIOC Board is scheduled to meet the evening of May 10, followed by a dialogue with us Islanders at approximately 7:30. This is a chance to share your concerns with RIOC and its Board of Directors. RIOC is a carpetbagger corporation, nominally controlled by a carpetbagger Board. I know there are people of good will there, including Rob Ryan and Mary Beth Labate. But the system is intrinsically flawed. We have been denied local government and all the good will in the world from people who don't live here is insufficient and unacceptable. It's hard to sustain the levels of courtesy I expect from public officials when they don't require our elective endorsement to stay in power.

## Senior Center

**Monday**  
12:45, **Arts & Crafts** (RIDA)

**Tuesday**  
10:00, **Jazzercise**

1:00, **Games** (RISA)

**Wednesday**  
9:15, **Stay Well** (stretch)

10:00, **English as 2nd Lang.**

7:00, **Glee Club** Choral Group

**Thursday**  
10:30, **Creative Arts**

12:30, **Movie**

7:00, **Dance Class**

**Friday**  
9:00, **Citizenship**

10:00, **English as 2nd Language**

7:30, **Lotto** (RISA)

### Special Events

**Fri., May 11**, 10:00 a.m., video, *The Personals* and dating discussion

**Mon., May 14**, 11:00-12:30, **Metrocard Bus**

**Home-delivered meals available:**  
744-5022, ext. 1203

## Letters Policy

**Letters deadline for May 19 issue: May 13.** (Later letters will be considered on a space-available basis. *The WIRE* welcomes letters to the Editor, to the community, and to/from officials. Publication on a *Name Withheld* basis will be considered, but the writer's name, address, and phone number must be provided for our records. **Preferred methods of submission:** PC-standard 3.5-inch floppy disk left at 531 Main Street for *The WIRE*, or by e-mail to [MainStreetWIRE@rcn.com](mailto:MainStreetWIRE@rcn.com) (ASCII text preferred or use any wordprocessing software, but no MSWord files with macros). **Alternatives:** Typed, double-spaced copy left at 531 Main Street or faxed to (212) 755-2540. Clearly handwritten letters will be considered if brief, but we cannot take telephone dictation of letters. **All letters are subject to acceptance and to editing for length and clarity.**

## Milt Marcus's *The Gardens of Frau Hess*

### Review by Maurice Bleifeld

Although I first saw this play at the Caldwell Theater in Boca Raton, Florida, in 1998, I was drawn to see it again in its off-Broadway production last week. Why did I pay it a return visit? Quite frankly, because I had enjoyed its provocative drama between Frau Ilse Hess, the haughty wife of Rudolph Hess, Hitler's second in command, and the hapless inmate, Isaac Baum, who had been plucked out of a concentration camp to serve as the gardener of her prized gardens.

From the moment he stumbles into her luxurious living room, where she is dreamily listening to

the strains of Wagner's music, Isaac is subjected to her blinding racism, disdainful arrogance and unthinking mental cruelty. He responds at first with a willing compliance that grows into questioning rejoinders and a growing sense of self-confidence. As they get to know each other better, she begins to view him more as a fellow human being than as a humble servant. She gives him Rudolph Hess's clothes and joins him in admiring his improved appearance. She tries to teach him to dance the tango, and a subtle chemistry between the pair develops with a natural ease and sensitivity. She even offers him one of her rationed ciga-

rettes as they share a bottle of wine.

It is now 1944, and Allied bombs are falling nearby. Then he learns the answer to the question he had asked her to try to find the answer to – the whereabouts of his 21-year-old daughter, also in a concentration camp, who had been trained by him as a horticulturist, and who had been conscripted as an earlier gardener at the same gardens.

As I wrote in my review of the play in *The WIRE* of April 4, 1998, "this adds up to strong stuff." The capacity audience last week sat entranced as the two characters spoke their lines flawlessly and brought them to life with vivacity and understanding.

# Mount Tom Day Camp

For Boys & Girls 3-13

Just minutes away to a safe and wonderful experience!  
*We've been serving Manhattan children with excellence for*  
**43 years**

*For discerning parents ... visit and compare*

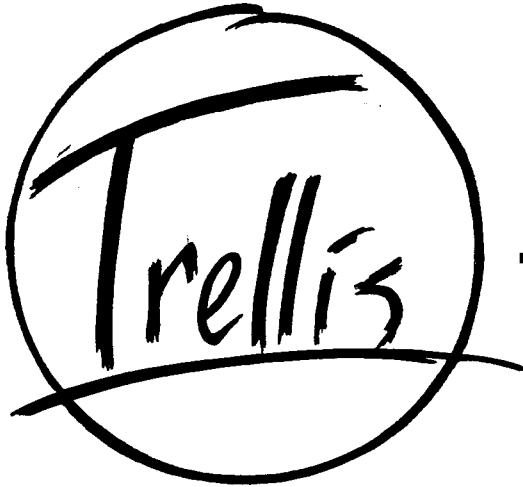
We are only 20-25 minutes from Roosevelt Island.  
Direct and free transportation from Roosevelt Island to our  
magnificent school/estate premises.

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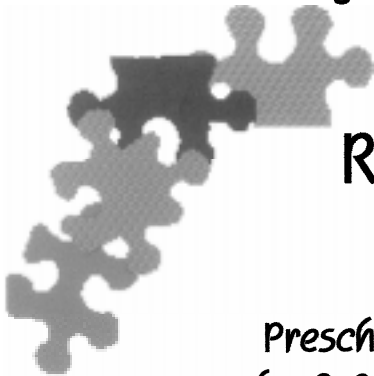
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More Photos from *Pippin*



The players tell the audience that they have *Magic to Do*. Clockwise from left front: Natalia Ortiz, Ellie Marcus, David Cohen, Susan Ahn, Amanda Kross, Taryn Levine, Emily Mure, JD Zamfirescu, Caitlin Donovan, Christina Kirkman, Nick Ortiz. Center: Jed Resnick



*Pippin* (Jed Resnick) luxuriates in the pleasures of the fairer sex. Left to right: Emily Mure, Caitlin Donovan, Christina Kirkman, Amanda Kross, Susan Ahn and Taryn Levine



Celebrating the glories of war, the cast marches. Background: Nick and Natalia Ortiz. Second row: Christina Kirkman, Taryn Levine, Ellie Marcus, Emily Mure. Front: Amanda Kross, Caitlin Donovan, JD Zamfirescu

**Spiderman** from page 1

anybody else who needs the Tram.” Antonek attempted to explain: “Up until Friday at noon the plan was for the Tram to be shut down from 6:30 in the evening to 6:30 in the morning, which would provide all the schoolchildren with transportation... Then, at noon, they presented us with a problem.” The film people, he said, had been planning to rig one stationary Tram cabin for shooting while the other cabin shuttled passengers back and forth. “They didn’t realize it’s a clothesline,” Antonek said.

Battles shot back, to lusty applause: “Then

at noon, the answer is no. Why is Columbia Pictures my problem? Columbia Pictures is in the business of making movies. We’re in the business of getting our kids to and from school. My problem is not making their movie. That’s their problem. They need to deal with what we need... we’re not going to have to work around them... for a check? It’s ridiculous. I just think that you’ve got to go back to Columbia and say, ‘This is the way it’s going to be. The community says...’ It’s just ridiculous that Columbia’s production problem becomes my problem with a couple of days to prepare for it.” Again, there was

**What do Mae West, Billie Holiday, Emma Goldman, Nellie Bly, Jerome Kern, Oscar Hammerstein, Boss Tweed, various madams, swindlers and other notable and notorious people... have to do with Roosevelt Island?**

**Come and find out, and see the history of our Island come alive, at the Church of the Good Shepherd, main chapel, Sunday May 6, at 7:30 PM sharp. One night only! (Admission \$8, seniors/students \$5)**

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**From Vicar Chapin’s trove of material we have put together a fascinating and fun slide show.**

**The show will begin at 7:30 pm sharp. Don’t miss a single bit - come early!**

**Note the new date – this Sunday, May 6, 7:30 PM**

applause.

Other parents voiced similar concerns about nine- and ten-year-old offspring accustomed to the independence of Tramway rides for school transportation, but not yet ready to ride the subway alone or, for that matter, to wait the planned one-hour interval between the red bus service RIOC was arranging as an alternative.

Indeed, another parent, Susheel Kurien, told Harlan and Antonek, “You’ve insulted this community by having no consideration, or even any thought, after being the organization that issues Tram passes to our children. So you know that there are x number of children on this Island who are regular Tram commuters. You know that. After knowing that, you insulted us by making a whole bunch of working families here learn on Sunday night that they have to change the arrangements for their children overnight.”

While others raised questions about seniors possibly having to stand for an hour or more to wait for a red bus, former RIRA Common Council member Debra Mount Cornet countered Antonek’s assertion that use of the Tram in the movie would have public relations value: “You have apparently put the concerns of Columbia Pictures ahead of the concerns of these children... You want to talk about public relations? I’d like to suggest a public relations nightmare: A children’s movie – about a superhero – that endangers the lives of children.” She continued with a specific request: “Can you go back and say you want that Tram operating from 3:00 to 5:00 or 6:00 so that these children are safely brought to and from school?”

Antonek said he believed “that would not be possible,” but promised to speak with the production staff to see what might be done.

Joan Christianson, former RIRA Vice President and a current member of the RIRA Common Council, told Antonek and Harlan that a notice posted on Island kiosks was “an insult.” She pointed out that some residents don’t even pass kiosks until they leave their apartments to use the Tram for a trip to Manhattan for medical treatment, not having allowed the extra time necessary for the bus ride to Manhattan. Christianson said a door-

drop notice should have been arranged. She added, “We can organize a protest tomorrow morning and make you people look like fools. I don’t think you want that, either. ... I don’t think anybody in that [RIOC] office understands that this Island is a family, and we look out for each other, and you just have total disregard for that, and I find that an insult.”

By Tuesday noon, RIOC had addressed the problems outlined by residents by cutting the hours of Tram unavailability so that movie use would start at 4:00 p.m. rather than noon. The number of days was also cut from five or six to three (Tuesday through Thursday), and extra bus service was arranged in an attempt to increase service frequency to every half-hour. But some residents expressed frustration with the bus scheduling, citing delays and a lack of reliable information on length of delays.

At a Wednesday night meeting of the RIRA Common Council, building representatives expressed their continuing anger over RIOC’s conduct, despite the changes in arrangements. Deirdre Breslin told her fellow Common Council members that she was not satisfied with any of the changed arrangements for transportation, calling the attitudes of Antonek and Harlan at the Town Meeting “disgraceful.” Shouting, she added, “We should be up in arms.”

Throughout the week, two themes sounded repeatedly by residents were poor communication by RIOC, and the corporation’s failure to consult residents. Indeed, RIOC Board member David Kraut responded to an exchange of e-mails about the situation by telling residents that not even RIOC Board members knew anything about the *Spiderman* plan until well after RIOC was fully committed to the project. Kraut also told residents that RIOC Board Chair Mary Beth Labate had worked on the problem by telephone from Albany virtually all day Monday. Katz, on the other hand, criticized Labate and RIOC President Ryan for not giving him a “heads-up” in a face-to-face meeting just days before the matter started assuming a crisis status (see *The RIRA Column*, page 3).

# ***HAVE YOU HAD ENOUGH OF RIOC YET?***

## **JUST LOOK AT THIS:**

- They disrupted your Tram schedule with no notice to you
- They're costing you money because they won't accept Gifford Miller's plan to give us the MetroCard for the Tram
- They're letting your Tram deteriorate to the point that it's an embarrassment instead of a New York City highlight
- They're ramming development down your throat and using your money to fund it
- They're putting you at risk of injury by not repairing the sidewalks and the Church Plaza
- They're risking your personal safety because they're incapable of getting the street lights to stay on
- They're telling you the Island is bankrupt when their own numbers show it isn't
- They're jeopardizing your well-being by not holding Public Safety accountable for keeping the streets and buildings safe
- They're holding your landmarks together with cardboard and duct tape – if you don't believe it, look at the east side of Blackwell House
- They haven't spent one dime on your landmark Chapel of the Good Shepherd even though your politicians have given them money to fix it
- They gave you a President who came here over two years ago pleading "Just give me a chance." You've given him that chance – look what you got in return.

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IF, LIKE MANY OF US, YOU THINK RIOC MUST GO,***

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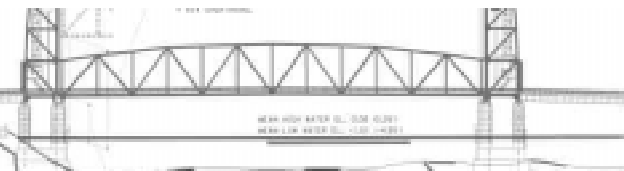
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# City Transportation Department to Present Bridge Plans

by Larry Parnes

Residents will hear about plans for the Roosevelt Island Bridge in a presentation Tuesday, May 15, at 7:00 p.m. in the Chapel of the Good Shepherd. Representatives of the City’s Department of Transportation (DOT) will present DOT’s proposal for rehabilitation of the structure, the



In one plan for a fixed Roosevelt Island Bridge, its lifting towers would remain in place, preserving the present appearance. In two other plans (at right) being considered by the City Department of Transportation, the lifting towers would be removed. All the plans call for at least some work on the roadway leading off the bridge on the Queens side.

Island’s only vehicular link to the rest of the City. The meeting, open to all Island residents, will be held under the auspices of the Planning and Development Committee of the Roosevelt Island Residents Association (RIRA).

At the April 18 meeting of Community Board 8 (CB8), held on the Island, DOT indicated that the bridge is in a deteriorated condition and requires either replacement or repair. Having received permission from the Coast Guard to turn the bridge into a fixed structure incapable of being raised, the agency considered alternatives involving rehabilitation or construction of a new span. A new bridge has been rejected because of its high cost and the necessity to provide ferry service during the construction process. As reported in the April 21 issue of *The WIRE*, DOT presented rehabilitation alternatives to the CB8 that would maintain traffic flow on and off the Island with certain restrictions to one lane, alternating directions. The alternatives would either keep or demolish the existing bridge’s lift towers which would no longer be required for a fixed bridge. DOT’s time to present and respond to questions at the CB8 meeting was limited as the item was one of many on the agenda. In addition, few Island residents were aware that this issue was going to be discussed. The meeting on May 15 will allow ample time for DOT to make its presentation and to respond to questions.

## Mac Club Formed by 17

Seventeen Islanders met to form the Roosevelt Island Mac-Apple Community (RIMAC) on Monday night, creating a loose association that is expected to evolve into a mutual support organization that will also welcome computer-users working in the PC/Windows environment.

Jean-Philippe Guizol, the organization’s tech-support volunteer, responded to technical questions at the meeting, and plans to be at future general meetings of the group. Guizol also made appointments with several members with immediate “emergency” need for assistance.

The members formed some working groups, including: An interim steering committee to develop overall ideas for the group’s growth, a bylaws working group, a group to investigate the possibility of seeking nonprofit status, and a website planning group.

The group’s next general meeting is scheduled for Tuesday, May 22, at 7:30 p.m. at the Youth Center, 506 Main Street.

## A New Youth Center Tradition: An Adult Concert Series at PS 217

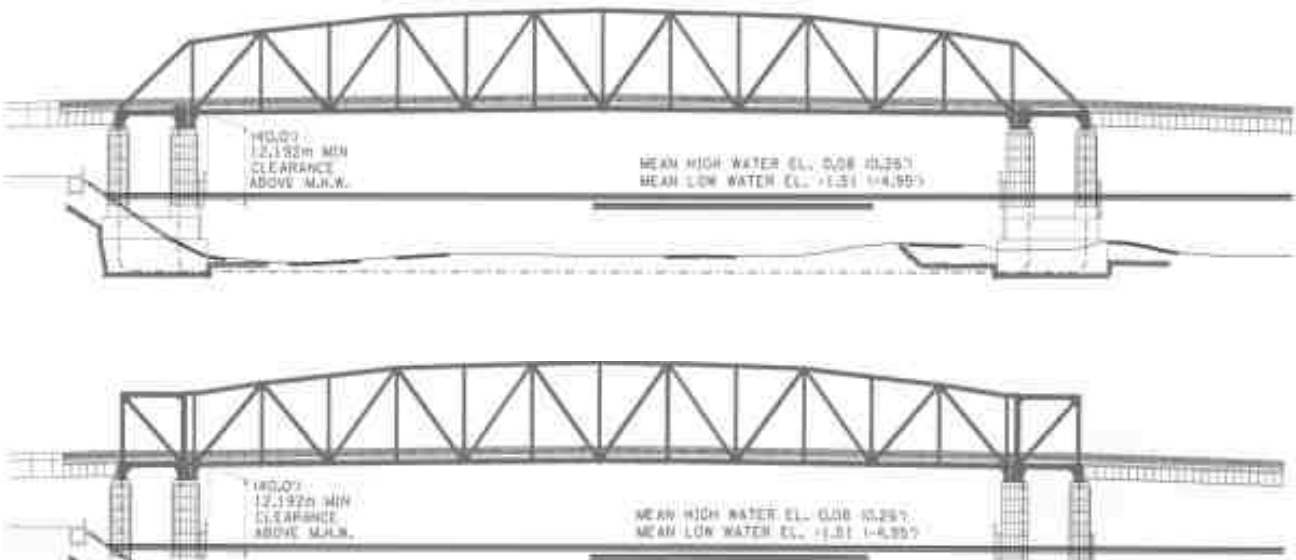
The third in a series of free concerts for adult listening tastes took place on Friday, March 30, 2001. The brainchild of Youth Program Executive Director Charlie DeFino, the series was a collaborative effort between the Youth Program and Island resident Claudia Koal, president of K2 Productions, with technical support by Charles Royster.

A January 26 debut concert featured the TJ Tomlin Big Band, a 17-piece group that plays the original charts from the books of the Count Basie, Duke Ellington, Tommy Dorsey, Artie Shaw and Benny Goodman orchestras, among others, with musicians from those groups.

Lead musicians from the Peter Duchin Orchestra, featuring guitarist and vocalist, Roberta Fabiano, provided a musical retrospective from the 1920s to the present for the second performance that took place on March 2.

The Latin sounds of Mike Favata’s Latina Americana filled the air for the final show, featuring Claudette Sierra, star of Broadway’s “Capeman,” who has also performed with Mark Anthony, music icon Tito Puente, Latin legend Celia Cruz and film and stage star Ruben Blades. A special appearance by guest artist and Island resident, Kristin Kulba, was greeted with cheers.

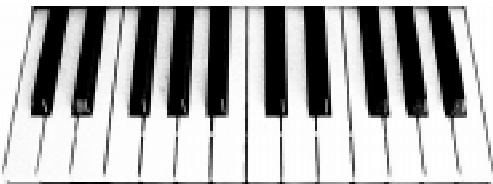
Koal booked talent for the shows and served as host. She has served as assistant producer for recordings by major artists including Frank Sinatra, Gloria Estefan, Billy Joel, Barry Manilow and others. Her K2 Productions produces concerts and award shows for broadcast and webcast on behalf of good causes.



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-New York Times

# Many Island Artists Joining in Island’s Contribution to Queens ArtFrenzy May 18-20

by Sandra Zwerling

ArtFrenzy, the Queens-wide gala event which will take place on the weekend of May 18-20, is shaping up to be a grand celebration of Roosevelt Island’s impressive art colony.

Many Islanders have already signed up to participate, and the list is growing.

Visitors to the ArtFrenzy affair will be able to board special buses on Roosevelt Island, leaving and returning to them at multiple event-locations in Queens.

Among the Islander exhibits are a visual-cum-audio presentation by J.J. di Salvo called *La Vie Plastique*, a view of human history as seen through the eyes of Aliens.

There will be a video art presentation by Gavin Grace.

The Island’s professional artists will exhibit collages, sculpture, large and small paintings and drawings, ceramic art and photography.

In addition there will be a special gallery for emerging artists.

All the art will be on exhibit at PS/IS 217 on Saturday and Sunday, May 19 and 20. An architect will have transformed the school into a performance and exhibition space.

There will also be ongoing presentations by musicians, actors, dancers and other performance artists. Pianist Roy Eaton is giving a recital (mainly Chopin and Joplin). Irene Clark will perform a movement piece in the schoolyard, interpreting the large sculpture there. She will also do dance interpretations of the paintings, guiding viewers through the exhibits.

Those interested in exhibiting should call **613-0006** and leave a message. Additional information about the event may be found on the website at [www.artfrenzy.net](http://www.artfrenzy.net).

Island artists signed up to participate so far include:

Vaughn Angleszy, Joseph Castine, Melanie Castine, Irene Clark, Antoinette Davis, J.J. di Salvo, DRED 66 (Tyree Davis), Chris Enock, Gavin Grace, Toshiko K. Groner, Doris Harris, Mumtaz Hussein, Lisa Knox, Ghila Krajzman, Saundra Lamb, Francine Lange, Maureen Leong, Regia Marinho, Yelena Mesic/Gak , Shirley Miller, Anthony Moran, Wayne Olson, Esther Piaskowski, Akira A. Ruiz, Harry Small, Jeanette Somocurcio, Trudy Spielberg, Edel Stuehmke, Eliza Sudol, Tad Sudol, Anne Lise Vernier, Ian Williams, Sandra S. Zwerling.



## Warm-Weather Treat

With sunshine favoring Roosevelt Island, The Otterness sculptures are a delightful stop on the west shore, just north of Manhattan Park.

Douglas Cleary photos



## Tree City USA – Year 8

For the eighth year, Roosevelt Island has been named a Tree City USA by the National Arbor Day Foundation.

Responding, Tree Board Chair Maurice Bleifeld said, “The Tree Board is once again proud to receive this recognition of its efforts on behalf of the trees on the Island.” Bleifeld said that two Tree City banners will be updated with additional leaf stickers early next month.

The Tree City program is sponsored by the National Arbor Day Foundation in cooperation with the National Association of State Foresters and the USDA Forest Service.

## PTA to Elect

The PTA of PS/IS 217 will hold elections on Wednesday, May 16 at 6:00 p.m. for PTA officers and for parent members of the School Leadership Team for the 2001-02 school year. The School Leadership Team includes parents, teachers and school administrators who together develop educational policies and priorities for the school. All parents or guardians of students at 217 are eligible to hold PTA office and to vote in PTA elections.

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- For downtown F service **from** these stations, take the E to 7th Ave. and transfer to a downtown D. Then take the D to 47th-50th Sts. station, where downtown F service is available.
- For Queens-bound service **to** the Fifth Ave., Lexington Ave.-53rd St., 23rd St.-Ely Ave., and Queens Plaza stations, take the F to West 4th St. and transfer to the Queens-bound E. Or, take the F to 47th-50th Sts. and transfer to an uptown D to 7th Ave. where you can transfer to the E.
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# Nights

## Southtown from page 1

And the question of income mix arose from “early financial models Related/Hudson used to determine the economic prospects of the first phase of the Southtown project,” according to RIOC’s lawyers, Carter, Ledyard & Milburn.

“The economic success of the first phase will increase Related/Hudson’s ability to develop subsequent phases, including the necessary affordable units, in the future,” RIOC’s lawyers say. “The R/H site plan will follow the GDP’s flexible guidelines in providing for a mixture of affordable and market-rate housing.”

Aside from such factual disputes, the appeals raise several technical issues: whether the RIOC Board’s approval of the project in 1999 was valid; whether RIOC complied with the requirements of the State Environmental Quality Review Act (SEQRA) in deciding not to conduct a new or supplemental environmental impact study of the project, and whether the trial court applied the proper standard in reviewing RIOC’s interpretation of the General Development Plan.

If the GDP is a contract, as LeBoeuf asserts in the RIRSD brief, then RIOC, as a party to the lease, cannot unilaterally change it, but must win the consent of its landlord, the City. On the other hand, if the GDP “is neither a statute nor a contract, but a planning document,” as Carter, Ledyard maintains in representing RIOC, then the judge, it could be argued, properly allowed some leeway in RIOC’s decision – making the GDP question merely one aspect of the decision on a new environmental review. LeBoeuf insists that the GDP and environmental claims are separate issues.

Finally, RIRSD seeks to retain one arrow in its quiver should all its others miss the mark. That is the contention that Southtown requires approval by the City Planning Commission under New York City’s zoning laws. This element of RIRSD’s case was not dealt with in Tompkins’ ruling last year, and the group is asking the appeals court to remand this question to the trial court should it decide that RIRSD will win a reversal only on the one point to which all the rival camps agree: That Tompkins, evidently confusing RIRSD with RIRA, incorrectly dismissed RIRSD’s original appeal for missing a filing deadline. (RIOC’s lawyers call it an inconsequential “acronymical error.”)

RIRSD and RIRA are asking the appellate judges to reverse Tompkins and nullify RIOC’s approval of Southtown. But if RIRSD is granted a retrial only on the question of Tompkins’ obvious error, it wants to compel the lower court to consider whether Southtown should be subject to a City Planning Commission assessment of, for example, the “existing capacity of public schools or other public facilities serving the area.”

If RIRSD were to succeed in having the case remanded for a zoning review, or in getting important elements of Tompkins’ decision reversed, the timetable for construction of Southtown would be lengthened considerably, a consequence that the developers have tried to contrast with their own desire to “add 2,000 units of badly-needed affordable and market-rate housing within New York City.”

Related/Hudson thus accuses its opponents of stalling, saying that RIRSD, after its initial notice of appeal, “waited over seven months... and Alternative over eight months, to perfect [their] appeal[s] in [their] separate action[s] against RIOC.” During this period, the developers point out, the design and construction of the first phase of Southtown had already begun.

“By the end of June, infrastructure work for this phase will be 40% complete and work on the individual buildings will begin,” the developers said. “The petitioners’ failure to safeguard their interests by timely prosecuting their appeal and/or seeking an injunction pending appeal is further reason for denying the relief petitioners demand at this late date.”

RIOC and the companies argue that the Southtown opponents cannot raise issues on appeal that were not presented to the trial court. Whether the urgency of erecting the buildings falls into this category, too, will be a matter for the Appellate Division to decide. In any event, the legal matters to be argued when the appeal is heard on June 12 can be summarized under three main headings: Blackwell Park; the environmental review, and RIOC’s 1999 vote.

### Blackwell Park

Chira, the Residents Association and RIRSD all say that the Southtown plan violates the legally-binding GDP by reducing the size of Blackwell Park, which contains the landmark house of the Island’s 18th-century farmers. The GDP, they argue, requires that “approximately six acres” separate Southtown from Northtown, and RIOC cannot change this requirement. Only 3.86 acres will remain if Southtown is built as planned, the opponents contend, and the buffer of space between the two residential communities will be eliminated.

The court’s mediation of this argument may well depend on its notion of “approximately,” because the land in question may be little more than a half acre.

RIOC says that the positioning of Eastwood reduced Blackwell Park from 6 to 3.86 acres, while also allowing for the creation of a different park – Capobianco Field – north of Eastwood. This shift in the configuration of the Island’s open spaces is documented in environmental impact statements and assessments dating to 1972, as cited in the RIOC brief. The “informal soccer field” at the north tip of the 19-acre Southtown site, now fenced off, was never part of Blackwell Park, RIOC says, and “exists solely because of the long delay in completing Southtown.” Thus, the plan does not, in itself, reduce Blackwell Park, which, being on the east side of the Island, never constituted a full buffer, anyway. The buffer, RIOC says, will be a combination of Blackwell Park and the Meditation Steps area on the west

side of Main Street and south of Rivercross.

Hudson and Related make the computation more specific: “Even assuming, *arguendo*, that the 1990 GDP requires RIOC to maintain ‘approximately six acres’ between Northtown and Southtown as petitioners contend, the revised Southtown complies with that condition by maintaining a 5.4 acre open space buffer between the Northtown and Southtown buildings. That buffer is consistent with the written description of ‘open space areas’ contained in the 1990 GDP.”

The companies’ brief even quotes a letter to *The WIRE* from David Kraut, a “soccer dad” and RIOC Board member, who said that the soccer field was a “temporary measure” and that the tendency to call it “Blackwell Field” was misleading.

In replying to the appeals, RIRSD says the linchpin of its opponents’ argument, a 1969 map attached to the original General Development Plan, is not legally binding because it is meant only to illustrate a “*general* development plan.” It questions the relevance of the information on Capobianco Field, says the other statements about Blackwell Park are hearsay or unpersuasive, and notes that the City Board of Estimate in 1990 specifically rejected RIOC’s proposal to amend the GDP to reduce the size of Blackwell Park. Most of the other amendments, meant to pave the way for Southtown, were approved.

The Carter, Ledyard brief states: “In 1990, RIOC sought to amend the GDP to formally recognize this de facto encroachment. The Board of Estimate declined to do so for unexplained reasons.” The Board’s action late on the evening of Aug. 17, 1990, was one of its last official acts before it went out of existence. Its powers have been assumed by the Mayor and, as the brief says, with regard to the GDP its “reasons (or lack thereof) will likely never be known.”

RIRSD’s reply brief says that the Board’s decision in 1990 “is a devastating fact for respondents since it indicates that the Board, which had both special knowledge of and interest in Roosevelt Island, rejected RIOC’s view that the 1969 map had fixed the boundaries of Blackwell Park.”

RIRA makes the same argument in its appeal: “The Board of Estimate’s decision cannot be altered without seeking an amendment to the GDP; any unilateral action by RIOC would amount to an unauthorized exercise of legislative power.”

Chira’s original petition was notable for its emphasis on the aesthetics of the new development. He contended that the original plan for Southtown in 1990, by maintaining a large buffer space, did not create a “significant visual impact” on the Blackwell farmhouse. “In contrast, the 1999 project provides for construction of a 16-story building practically on top of and next to Blackwell House, permanently impairing its visual character and creating day-long shadows on it.”

The 1990 plan Chira alludes to was designed by Raquel Ramati & Associates, for which RIOC commissioned a 600-page Environmental Impact Statement (EIS). The Ramati plan was never built, in part because of a real estate downturn, but also because it posed, as Related-Hudson says, “formidable structural, economic and design problems,” including a proposed 28-story tower over the subway line that bisects the Southtown site. Building over the tunnel proved to be unfeasible, and when Hudson and Related came on Board seven years later, they redesigned the project.

The 1990 study was prepared by an environmental consulting firm, Allee King Rosen & Fleming (AKRF). Related/Hudson, at the suggestion of RIOC, hired the same company to assess the new plan for Southtown. (A controversial decision, according to LeBoeuf, which asserts that the choice of the same firm shows that the “respondents are not interested in obtaining an unbiased assessment.”) One of the questions was whether the project would create “significant new shadow impacts” not envisioned in 1990. Here is RIOC’s statement on that point:

“Although some of the R/H Site Plan’s buildings are somewhat closer to Blackwell Park, they are also shorter. The two northernmost buildings in the Ramati Site Plan were 21- and 26-story towers, as opposed to the more modest 9- to 16-story northernmost building in the R/H Site Plan. Therefore, though the R/H Site Plan’s northernmost building would be closer to Blackwell Park, by approximately 100 feet, it would also be 10 stories shorter and therefore would cast shorter, smaller shadows.”

### Environmental Studies

Justice Tompkins ruled that the RIOC Board complied with the proper standards and procedures in deciding not to perform a new or supplemental EIS on the Southtown plan. It is not up to the court to judge the merits of a project, he wrote. “Rather, the court’s role is to ensure that the agency identified the relevant areas of environmental concern, took a ‘hard look’ at them and presented a ‘reasoned elaboration’ for its determination.”

In dismissing the environmental challenges to Southtown, Tompkins said that Chira did not show that RIOC had failed to perform the required analysis, or had acted in an “arbitrary or capricious” manner – the standard of judicial review of an agency action.

RIRSD is contesting this ruling on several fronts. The LeBoeuf brief argues – in a highly technical reading of SEQRA regulations, amendments and case law – that the 1999 plan for Southtown should be considered a new “action” under State law. If the appeals judges were to accept this conclusion, it would follow that RIOC failed to adhere to a long list of procedural duties associated with a full-fledged environmental review, any one of which, the brief says, would be “fatal” to the 1999 RIOC resolution.

This part of the appeal appears to be a refighting of *Lazard Realty v. N.Y. State Urban Development Corp.*, a 1989 decision involving the State’s 42nd Street revitalization project. In that case, RIOC’s brief says, “The court reasoned that

SEQRA contemplates that projects, like the Southtown project, consist of a series of steps from planning to implementation. Therefore project modifications do not require an entirely new SEQRA review.”

More broadly, the Related/Hudson brief asserts that the petitioners cannot support “their novel contention that the revision of a site plan for construction of the same residential development project, with the same number of residential units, same maximum height and bulk and on the same parcel of land requires a needless and profligate duplication of the EIS process undertaken for the prior Southtown plan.”

RIRSD’s backup position is that RIOC should at least have undertaken a Supplemental EIS, because, “At a minimum, the 1999 plan posed potential adverse impacts on the environment that the 1990 Ramati plan did not pose.” The “ cursory findings” of the RIOC-Related/Hudson assessment in 1999 “do not constitute the sort of ‘reasoned elaboration’ which SEQRA requires,” the LeBoeuf brief argues.

Certain pitfalls seem to be built into this part of the appeal. RIRSD says it is mounting only a procedural challenge, “not a challenge to the wisdom of an agency’s policy choice.” And yet, in order to show that the current Southtown departs significantly from the 1990 proposal, the residents’ group posited a number of differences – such as changes in open space, air quality, and in the Island’s socioeconomic mix and “community character” – that by their very nature must be conjectural, or are rather easily rebutted by the other side’s factual assertions or even by its declarations of what it plans to build in the future.

Thus, RIRSD’s complaint that Blackwell Park “has a soccer field and softball field” that will be lost to development may be difficult to sustain if the court accepts the fact that the field was never a part of the park. Seventy-seven percent of the site now is supposed to be open space, compared to 45 percent in the earlier plan, and Related/Hudson maintains that east-west vistas will actually be enhanced, not diminished. Likewise, “thanks to dramatic reductions in vehicle exhaust emissions and cleaner burning fuel, air quality as a whole has greatly improved since 1990, and will likely continue to improve,” RIOC’s brief states.

Related/Hudson says RIRSD’s appeal “lacks any substantiation of its claims from experts skilled in the assessment of socioeconomic impacts, visual impacts, shadows, traffic impacts, impacts on community character or other areas explored in the 1990 EIS and the 1999 Environmental Assessment.” And the 1999 assessment, RIOC argues, far from being a cursory finding, was based on an “extensive review of the potential environmental impacts” and therefore qualifies as the “hard look” that New York law requires when site plans are changed.

The Environmental Quality Act, Related/Hudson says, “is not a forum for a design competition. Nor does SEQRA require that every neighbor be satisfied before a project may move forward.”

But Related/Hudson said it did respond to “a significant number of public comments” when it formulated Southtown, and in that sense it is not entirely immune from the same contradictions associated with RIRSD’s environmental appeal.

This is from the Sive, Paget & Riesel brief: “Related/Hudson provided drop-off parking at every building to minimize congestion on Main Street, which was a concern for many residents. In addition, the plan revised the height and setback of the proposed building closest to the Tram in order to minimize any impact on the visual experience of arriving on the Island. The revised plan also provided a sizable parcel of open space in the southeast corner of Southtown for a vastly improved, properly graded soccer/softball field, which was a priority for many residents.”

In other words, Related/Hudson argues that the new Southtown is not only economically feasible, it’s also, for the purposes of satisfying Island residents, quite different from earlier proposals, and better. But in terms of the State’s environmental law, its significance is the same as a plan offered more than 10 years ago.

### RIOC’S 1999 Vote

Looking for riddles? There are two in this part of the appeal. RIRSD poses the first one with this question to the appeals judges:

“Was the September 22, 1999, RIOC Resolution approving the 1999 Plan invalid because it was passed at a RIOC meeting without a quorum, in violation of the General Construction Laws?”

RIRSD says that Justice Tompkins did not address the question, even though his ruling stated: “The contention that RIOC’s resolution lacked validity based upon a purported inadequate number of Board members is conclusively rebutted by the affidavits of Kenneth Leitner, the Board’s secretary,” establishing that on Sept. 22, “there were six members of the Board, a majority of whom approved the resolution.”

That ruling would appear to be fairly straightforward, except for the fact that by law, RIOC is supposed to have nine Board members, and that number is the basis for determining a quorum, or the majority of a fully-constituted public body, RIRSD argues. By this standard, the RIOC Board was short-handed by one member when it approved Southtown, and its decision is void.

RIRSD’s argument hinges on the distinction between a voting requirement and a quorum requirement: “Under New York law, clear statutory language is needed to pre-empt the quorum requirements of the General Construction Laws. Had the Legislature intended to make the RIOC quorum vary with the number of RIOC vacancies, it could have easily done so by simply stating that ‘the majority of officers then in office shall constitute a quorum.’”

The rationale behind a quorum requirement is simple de-

continued on next page

From a strictly legal standpoint, one of the most interesting arguments here – and one with potential implications for other New York governing bodies – involves a 1996 case, *Wolkoff vs. Chassin*, which is cited by both sides in Southtown. The Wolkoff case involved a dispute before a medical disciplinary board, the Administrative Review Board (ARB) for Professional Medical Conduct, made up of three professionals and two laypeople. Only the physicians were in attendance when the board voted 3-0 to affirm a finding of misconduct in the Wolkoff case. The Appellate Division reversed the decision, agreeing with the plaintiff that the decision had to be made by the full board. But

RIRSD insists that the multiple appointments are illegal, and it also sent Leitner, the Board's secretary, on a 15-year paper chase to try and trace the reasons for the three vacancies. RIRSD did not accept Leitner's affidavits to the trial court as establishing that there were only six Board members at the time of the vote, saying he had not produced RIOC files or other evidence to show, for example, that previous Board members had really quit. On appeal, Leitner said his search turned up "no original document" or file that would serve as better evidence.

| Minors      | Majors          |
|-------------|-----------------|
| Green 3 - 1 | Navy 4 - 2      |
| Royal 2 - 2 | Royal 3 - 2 - 1 |
| Navy 2 - 2  | Red 3 - 3       |
| Red 1 - 3   | Green 1 - 4 - 1 |

In the **Minors**, the Green team continued in first place although they were beaten last Saturday by the Navy team 2-0 in a well-played game. In the other Minor League game from April 28, the Royal team defeated the Red team 6-1 for their second win in a row. The Royal team had their best offensive showing of the season led by Anass Dorani, who went 3 for 3, including a home run. Ben Duffy and Alfredo Figueroa each went 2 for 3, and Katie Fallone and Alexandra Fallone added hits to the attack.

In the **Majors**, the Navy team moved into first place by defeating the Royal team on April 28 for their fourth straight win. The Navy team's winning streak has been marked by outstanding starting pitching from Eric Miranda and Rahim Drame. In the other Major League game from April 28, the Red team defeated the Green team in extra innings by an 8-7 score in the most exciting game of the season to date. With the score tied 6-6 after six innings, the Green team took a 7-6 lead in the top of the seventh. However, with the bases loaded in the bottom of the seventh, Jonathan Singh hit a monstrous double to win the game for the Red team. The Red team received strong starting pitching from Jorvier Falcon, and timely hitting from Shirome Dixon and Adam Silverschotz. The Green team was led by the play of Lamar Burrows and Thomas Herlihy.

In **Senior League** action, the Roosevelt Island Youth Program team, playing in the East River Baseball Association, continued in first place with a 4-2 record. The Seniors defeated the Big Apple Sports Club team 7-6 on April 21, before dropping a game to the Yorkville 2 team on April 28. In their win over Big Apple, the Seniors trailed 6-2 going to the last inning; however, after 4 walks, Carlos Hiraldo doubled over the left fielder's head to make the score 6-5 and put runners on second and third, and Seth Kaufman followed with a sacrifice fly to deep left center field that scored the tying and winning runs when the center fielder fell down after making the catch. Brandon Stueber picked up the win in relief, allowing only one hit in three innings. Deshawn Pearson, the team's leadoff batter, had five walks in the two games to push his on-base percentage to .525.

## Letters

I am writing to express anger and frustration and to plead, once again, for your help. I am sure you are aware of RIOCI's latest fiasco – an attempt to shut down the Tramway for five days for *Spiderman*, with essentially no advance notice to residents. I understand the need for revenue from such ventures, but RIOCI's attempt to do this without any semblance of consideration for resident needs is inexcusable.

But this is just the latest in a series of RIOCI statements or actions that make it clear that resident needs and views don't count under the present administration at 591 Main Street:

- Steven Hicks, DHCR Deputy Commissioner and former Chair of the RIOCI Board: "We are not here to answer resident questions."
- John Mannix, Board member of RIOCI, a *Public Benefit Corporation*, "RIOCI is a real estate company."
- Mary Beth Labate, DHCR Deputy Commissioner and current RIOCI Board Chair, as told to Matthew Katz on Thursday, April 26 (paraphrased): There is no need for a public session at RIOCI meetings because all decisions are made (in Executive Session) before the meetings begin. *The WIRE* has been asking me for contact information of RIOCI Board members but I don't think it's a good idea. After all, they all have private lives. (Note: This meeting took place two days before public notice of the tram shutdown, yet neither Labate nor Rob Ryan mentioned it to Matt.)
- At Monday's Town Meeting, Matt Katz repeatedly asked the RIOCI Board members present (Patrick Stewart and David Kraut) if they would like to say something. Neither did. If the Board knew about the tram closing, why didn't *they* inform the public and why didn't they inform RIOCI of necessary alternate services as provided in the past? If the Board wasn't informed by RIOCI management in a timely manner, why didn't these resident Board members step up to the mike and complain about that?
- When a resident said that the resident Board members represent the community, David Kraut called out, "No I don't. I represent the State."

**Linda Heimer**

P.S.: I have just learned that RIOCC has made arrangements to accommodate some of the requests made by residents. Although somewhat gratifying, why did it happen *on the very day shooting is to commence* and why did it take numerous emergency phone calls, e-mails and a Town Meeting to do it? My concerns and requests to you stand, Pete.

CC: Representative Carolyn Maloney  
 Senator Olga Mendez (separate letter)  
 Councilmember Gifford Miller  
*The WIRE*

## Linda Heimer

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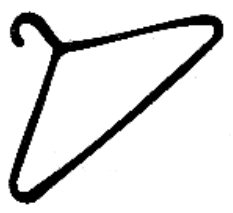
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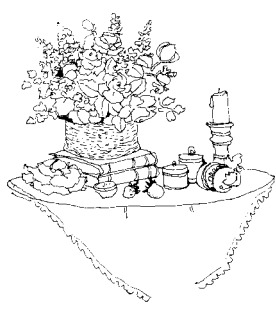
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